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N A B REPORTS

Vol. 4

The National Association of Broadcasters

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JAMES W. BALDWIN, Managing Director

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NEW UTAH STATION RECOMMENDED

The Eastern Utah Broadcasting Company applied to the Federal Communications Commission for a construction permit for the erection of a new station to be located at Price, Utah, to use 1420 kilocycles, 100 watts power and unlimited time on the air.

Examiner P. W. Seward in Report No. I-172 recommended that the application be granted. The Examiner found that a need for additional "service in the area does not exist," and "that the site at which it is proposed to construct and operate the station will be in conformity with the recommendations of the Engineering Department."

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

Capps Gold Mine, Ltd., Toronto, Canada (2-1807, Form A-1)
Oklahoma-Texas Trust, Tulsa, Okla. (2-1808, Form A-1)
Marine Airlines, Inc., New York City (2-1809, Form A-1)
Tip Top Gold Mines, Inc., Denver, Colo. (2-1810, Form A-1)
American Fidelity Corp., Ltd., San Diego, Cal. (2-1811, Form G-1)
Samuel Mundheim, et al., New York City (2-1812, Form F-1)
Distillation Engineering Corp., Kansas City, Mo. (2-1813, Form A-1)
Scottish-Plan Associates, Greenwich, Conn. (2-1814, Form A-1)
Florida Towing Corp., Jacksonville, Florida (2-1816, Form C-1)
Bank & Insurance Shares, Inc., Philadelphia, Pa. (2-1817, Form C-1)
Columbia Crude Corporation, Salt Lake City, Utah (2-1818, Form A-1)
Comsec Corporation, Jersey City, N. J. (2-1896, Form A-1)

CHANGES RECOMMENDED FOR KG CX

Broadcasting station KG CX, Wolf Point, Mont., applied to the Federal Communications Commission to change its frequency from 1310 to 1450 kilocycles and to increase its power from 100 watts and 250 watts local sunset to 1,000 watts and from specified hours of operation to unlimited time.

Examiner John P. Bramhall, in Report No. I-164, has recommended that the application be granted. He found that there is need for additional service in the area proposed to be served; and that it "will serve public interest, convenience and necessity."

NOTES TO SALES STAFF

Broadcast advertising reached nearly the \$79,000,000 mark for the first eleven months of 1935, and promises at least an \$86,000,000 total for the year as compared to slightly less than \$73,000,000 in 1934. (See Table I, page 1136.)

Salesmen of regional networks will be pleased to see that regional volume has continued at 50.0% ahead of the corresponding months of 1934. (See Table I, page 1136.)

The continued strength of live talent business in the national non-network field and the recent important increases in the use of transcriptions by local broadcast advertisers should be of interest. (See Non-network Advertising by Type of Rendition, page 1137.)

The increased use of regional networks and national non-network advertising by confectionery manufacturers should be of interest, as should be the sevenfold rise in national non-network automotive advertising. (See Sponsor Trends in October and Comparison with 1934, page 1138.)

WEDC LICENSE RENEWAL RECOMMENDED

Broadcasting Station WEDC, Chicago, Ill., applied to the Federal Communications Commission for license renewal. The application was designated for hearing by the Commission. It operates on 1210 kilocycles, 100 watts power and specified hours.

Examiner R. H. Hyde, in Report No. I-169, recommended that the station's license be renewed. The Examiner stated that "the programs sponsored by Dr. Schyman and "Dr. Michael" did not serve the public interest but were in fact inimical to the interests of the public. The applicant's evidence affords substantial assurance that hereafter sufficient attention will be given to the selection of program matter to prevent the repetition of such broadcasts."

PENDING RADIO LEGISLATION

The second session of the Seventy-Fourth Congress will convene on January 3. Inasmuch as this is not a new Congress but simply another session the radio bills and other bills of interest to the broadcasters are pending legislation and go ahead from their status at the last session.

In addition to bills dealing specifically with radio there is the copyright bill and the pure food and drug bill, together with several others which affect broadcasters. Following is a list of these bills showing the committee to which they were referred and any action which has been taken.

Senate

S. 4—Copeland, Vandenberg, Murphy bill "to prevent the promotion of fraud through interstate communication"—Committee on Commerce. No hearings held and no action.

S. 5—Copeland pure food and drug bill. Passed the Senate at the last session and now pending before the House Committee on Interstate and Foreign Commerce.

S. 541—Capper bill "to prohibit the transportation in interstate commerce of advertisements of intoxicating liquors"—Committee on Interstate Commerce. No hearings and no action.

S. 820—Neely bill "relating to costs in radio proceedings before the Federal Communications Commission"—Committee on Interstate Commerce. No hearings and no action.

S. 1336—Wheeler bill "to amend paragraph (f) of section 4 of the Communications Act of 1934"—Committee on Interstate Com-

merce. Passed by the Senate and favorably reported by the House Committee but no action by the House.

S. 2243—Wheeler bill "relating to the allocation of radio facilities"—Committee on Interstate Commerce. No hearings and no action.

S. 3047—Copyright bill. Passed Senate at last session and now pending in House Committee on Patents.

S. 3261—Walsh bill to have foreign government programs approved by State Department—Committee on Interstate Commerce. No hearings and no action.

House

H. R. 55—Rudd bill "to amend the Radio Act of 1927"—Committee on Interstate and Foreign Commerce. No hearings and no action.

H. R. 197—Buckbee bill "to prohibit untrue, deceptive, or misleading advertising through the use of the mails or in interstate or foreign commerce"—Committee on Interstate and Foreign Commerce. No hearings and no action.

H. R. 3252—Sauthoff bill "to prohibit the use of the mails, certain periodicals, and broadcasting stations, having a range covering more than one State, to the advertising of loans for which interest in excess of 15 per cent per annum is charged"—Committee on Post Offices and Post Roads. Hearings held March 8. No report.

H. R. 8404—Culkin bill "to prohibit advertising of alcoholic beverages in interstate commerce"—Committee on Interstate and Foreign Commerce. No hearings; no action.

H. R. 8475—Monaghan bill "to amend the Communications Act of 1934 by establishing a Radio Commission"—Committee on Interstate and Foreign Commerce. No hearings and no action.

H. R. 8852—McKeough bill to have foreign radio programs approved by the State Department—Committee on Interstate and Foreign Commerce. No hearings and no action.

H. R. 9229—Scott bill "to amend section 326 of the Communications Act of 1934," dealing with censorship—Committee on Interstate and Foreign Commerce. No hearings and no action.

H. R. 9230—Scott bill "to amend section 315 of the Communications Act of 1934" laying aside time for political and other uncensored broadcasts—Committee on Interstate and Foreign Commerce. No hearings and no action.

H. R. 9231—Scott bill "to add section 315 (a) to the Communications Act of 1934" making it obligatory for stations to keep certain records—Committee on Interstate and Foreign Commerce. No hearings and no action.

H. J. Res. 220—Sirovich resolution "providing for the establishment of an executive department to be known as the 'Department of Science, Art, and Literature'"—Committee on Patents. Extensive hearings but no report.

H. Res. 52—Dies censorship bill—House Committee on Rules. No hearings and no action.

H. Res. 370—Scott resolution providing for the establishment of a "Broadcasting Research Commission"—Committee on Interstate and Foreign Commerce. No hearings and no action.

NEW TEXAS GRANT RECOMMENDED

The Bell Broadcasting Company applied to the Federal Communications Commission for a construction permit to erect a broadcasting station at Temple, Texas, to use 1200 kilocycles, 100 watts and daytime operation.

Examiner Melvin H. Dalberg, in Report No. I-162 recommended that the application be granted "provided that the proposed transmitter and the erection of the antenna be in accordance with the rules and regulations of the Commission." The Examiner found that the applicant is qualified to own and operate the proposed station—no question of quota is involved and "there is no possibility of interference whatsoever either from existing stations or by reason of pending applications."

RECOMMENDS APPROVAL ON CONDITIONS

Paul R. Heitmeyer has applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Salt Lake City, Utah, to use 1210 kilocycles, 100 watts and unlimited time.

Examiner P. W. Seward, in Report No. I-163, has recommended that "if the application in Docket No. 2715 be finally approved by the Commission that this application be denied, as it has not been shown that a need exists for two 100 watt stations in Salt Lake City; in the event said application in Docket No. 2715 be denied by the Commission, then it is recommended that this application be granted."

CHANGE RECOMMENDED FOR KMED

Broadcasting Station KMED, Medford, Ore., applied to the Federal Communications Commission to change its frequency from 1310 to 1410 kilocycles and power from 100 watts, 250 watts local sunset to 250 watts, and hours of operation from unlimited time to unlimited day and specified nighttime hours.

Chief Examiner Davis G. Arnold, in Report No. I-167, recommended that the application be granted. He found that "a substantial need for additional radio service in the area proposed to be served does exist," and that "the use of the applicant of the frequency 1410 kilocycles, specified hours, will be in the public interest."

RECOMMENDS NO CHANGE FOR KFRO

Broadcasting Station KFRO, Longview, Texas, has applied to the Federal Communications Commission for the facilities of Station KWEA, Shreveport, La., and the Oil Capital Broadcasting Association has also asked for the same facilities and a permit to construct a new station at Kilgore, Texas. KWEA operates on 1210 kilocycles with 100 watts power and unlimited time. Station KFRO now operates on 1370 kilocycles, 100 watts power daytime. KWEA asked license renewal.

Examiner George H. Hill, in Report No. I-161, has recommended that the application of Station KFRO be denied; that the application of the Oil Capital Broadcasting Association for a construction permit be granted to use the facilities of KWEA and that the application of KWEA "for renewal of license be denied, provided the application of the Oil Capital Broadcasting Association for a construction permit be granted. Otherwise the application for renewal of license of Station KWEA should be granted."

NEW OHIO STATION RECOMMENDED

Herbert Lee Blye filed an application with the Federal Communications Commission asking for a construction permit for a new station to be located at Lima, Ohio, to use 1210 kilocycles, 100 watts power and daytime operation.

Examiner Melvin H. Dalberg, in Report No. I-171, has recommended that the application be granted. The Examiner found that "there is considerable need in the area sought to be served for local broadcasting service and the program material which is proposed seems to be of a satisfactory nature for a station of the power requested. It does not appear that any interference with the fair and efficient service of other stations would be involved, nor that any serious interference would result by reason of pending applications."

RECOMMENDS DENYING PUERTO RICAN STATION

Ralph Perez Perry applied to the Federal Communications Commission for permission to erect a new broadcasting station at Santurce, Puerto Rico, to use 1340 kilocycles, 250 watts power and unlimited time on the air.

Examiner Ralph E. Walker, in Report No. I-170, has recommended that the application be denied. He found that "the record fails to disclose a need for the allocation of additional broadcast facilities in the San Juan area, especially in view of the fact that the existing facilities are not fully used." It was further found by the Examiner that "it does not appear that the qualifications of the applicant are such that a station operated by him could reasonably be expected to provide an improved program service in the area."

TENNESSEE GRANT RECOMMENDED

W. A. Patterson, filed an application with the Federal Communications Commission asking for a construction permit for the erection of a new broadcasting station at Chattanooga, Tenn., to use 1420 kilocycles, 100 watts power and daytime operation.

Examiner George H. Hill, in Report No. I-168, recommended that the application be granted. He found that a need exists in the proposed area for additional radio service, and he states that "the granting of this application will serve public interest, convenience and necessity, provided the application of Dudley J. Connolly and Company is denied."

RECOMMENDS COMMISSION AFFIRM FORMER ORDER

WJJD, Inc., Chicago, Ill., seeking authority to move the transmitter of Station WJJD from Mooseheart to Des Plaines, Ill., was

granted by the Commission. Thereafter it was reconsidered and designated for hearing on protest filed by the Chicago Federation of Labor's station WCFL.

Examiner Ralph L. Walker, in Report No. I-166, states that "the matter was called for hearing on December 16, 1935, at which time it was stated on behalf of the protestant that a continuance had been requested and denied, that counsel for the protestant was unable to be present and that the protest would be withdrawn. It is accordingly recommended that the protest be dismissed and that the Commission affirm its original action granting the application."

WYOMING STATION RECOMMENDATIONS

Paul R. Heitmeyer applied to the Federal Communications Commission for a construction permit for the erection of a new station at Cheyenne, Wyo., to use 1210 kilocycles, 100 watts power, 250 watts LS and unlimited time on the air. Also the Wyoming Radio Educational Association applied to the Commission for a construction permit for a new station at Cheyenne to use 630 kilocycles, 500 watts power, 1,000 watts LS and unlimited time.

Examiner P. W. Seward, in Report No. I-173, recommended that the application of Mr. Heitmeyer be granted but that the application of the Educational Association be denied.

The Examiner states that "from the evidence adduced concerning the application of the Wyoming Educational Association it is impossible to draw a definite conclusion concerning technical, financial, and other qualifications of this applicant." He found, however, that "a need for the service proposed to be rendered in the area does exist." He also found that granting of the Educational Association application would result in "serious and objectionable interference with the operation of existing licensed stations."

RECOMMENDS DENYING NEW TAMPA STATION

The Florida West Coast Broadcasting Company, Inc., applied to the Federal Communications Commission for a construction permit for the erection of a new station at Tampa, Florida, to use 1370 kilocycles, 100 watts power and unlimited time on the air.

Examiner John P. Bramhall, in Report No. I-165, recommended that the application be denied. He found that "the area proposed to be served by applicant is already receiving ample radio service and the evidence fails to show that the applicant would render a service or a type of service that is not now being received in this same area." The Examiner found also that the interests of Station WMBR would be adversely affected by the grant.

RECOMMENDS DENYING NEW STATION

The Valley Broadcasting Company filed an application with the Federal Communications Commission asking for a construction permit for a new station to be erected at Pomona, Cal., to use 1160 kilocycles, 250 watts power and daytime operation.

Examiner R. H. Hyde, in Report I-174, recommends that the application be denied. It was found by the Examiner that "the operation of the proposed new station would cause objectionable interference to existing stations and the service area of the new station would be restricted to a substantial degree by interference with other stations."

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following companies. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be used against them.

No. 2653. Unfair competition in the sale of men's suits is alleged in a complaint issued against **Harry Kapust, of Chicago**, trading as **Roselite Manufacturing Co.** and as **Roselite Clothing Manufacturing Co.**

Kapust, according to the complaint, represented through salesmen that the men's suits sold by the respondent were tailored to purchasers' individual measurements, when in fact not all suits sold by the respondent were made to individual measurement and many of the orders for suits were filled from stock and the clothes altered when necessary to conform to customers' measurements.

No. 2657. Alleging unfair competition in the sale in interstate commerce of steel wool cleaning pads, a complaint has been issued against **Maurice Levine, of New York City**, trading as **E-Z Kleener Manufacturing Co.**, **Red-I Pad Co.**, **Red-Y Pad Co.**, and as **R-P Manufacturer and Distributor.**

Designating cartons in which his products were packed by phrases such as "E-Z Kleener," and "Mfd. by Red-I Pad Co., New York," the respondent represented himself to be the manufacturer of the products he sold, when, according to the complaint, he did not own or operate a factory wherein these preparations were made, but purchased them from the manufacturers.

These representations, according to the complaint, were false and misleading, and tended to deceive buyers into believing that in purchasing from the respondent they were dealing with the manufacturer, thereby gaining an advantage by saving the middleman's profits.

No. 2658. A complaint has been issued against **Meyer Brodie and Morris White, of 15 West 20th Street, New York City**, trading as **M & M Bag and Suit Case Company**, charging unfair competition in the sale of their products.

The complaint alleges that the respondents designated as "Warranted, Top Grain Cowhide, Leather" certain articles made of split leather, which is of inferior quality and durability as compared with top grain leather. The complaint alleges that certain pieces of luggage manufactured and sold by the respondents were made from top grain leather, while other pieces were made from split leather.

No. 2659. Advertising dry goods as "tub fast," when in fact they were not dyed with tub fast dye, is alleged as an unfair method of competition in a complaint issued against **H. T. Poindexter & Sons Merchandise Co., of Kansas City, Mo.**

The company is alleged to have represented certain cotton print goods as being tub fast or as containing qualities making them proof against fading when washed in the normal course of use. The complaint alleges they were not tub fast as the term is generally understood in the cotton print goods trade, and that use of this term to describe such goods tended to divert business from competitors.

No. 2660. Eleven companies manufacturing and selling more than 90 per cent of the total volume of zinc and copper plates used for engraving purposes and sold in interstate commerce in the United States, and their trade association, the **Photo Engravers Copper & Zinc Grinders Association**, have been served with a complaint alleging that they entered into an agreement, combination or conspiracy to restrict and suppress competition in the sale and distribution of zinc and copper plates to newspapers and other photo engraving customers.

The respondent companies are: **Edes Manufacturing Co., Plymouth, Mass.**; **American Steel & Copper Plate Co., Jersey City, N. J.**; **New York Steel & Copper Plate Co., Brooklyn**; **Rolled Plate Metal Co., Brooklyn**; **National Steel & Copper Plate Co., Chicago**; **Harold M. Pitman Co., Cicero, Ill.**; **Pacific Steel & Copper Plate Co., San Francisco**; **American Zinc Products Co., Greencastle, Ind.**; **American Nickeloid Co., Peru, Ill.**; **C. G. Hussey & Co., Pittsburgh**; and **Bridgeport Engravers Supply Co., Bridgeport, Conn.**

Headquarters of the **Photo Engravers Copper & Zinc Grinders Association** are at **Jersey City, N. J.**

The respondents are alleged to have entered into an understanding, agreement, combination or conspiracy to restrict competition in the sale of their products by agreeing to fix and maintain uniform prices, terms and discounts at which zinc and copper plates are to be sold, and to cooperate in enforcing and maintaining these prices, terms and discounts by exchanging information through the association. The association is alleged to have acted as a clearing house for such exchange of information, including reports of sales of zinc and copper plates, together with the prices, terms and discounts.

No. 2661. In a complaint issued against the **Chattanooga Automotive Jobbers Association, of Chattanooga, Tenn.**, and the **Tennessee Automotive Jobbers Association, of Knoxville, Tenn.**, and their officers and members, are alleged to have entered into agreements, combinations, understandings and conspiracies to fix and maintain uniform prices to be exacted by them from purchasers of automobile parts and accessories. The members of the respondent associations are charged with attempting to restrict sales of such parts and accessories by manufacturers to and through jobbers.

No. 2662. Sales methods involving a game of chance in the sale of candy, are alleged in a complaint issued against **Brecht Candy Co., of Denver.** The push card and punch board were among the devices used, according to the complaint. The respondent's practices are alleged to constitute unfair methods of competition and to be contrary to public policy.

No. 2663. Alleging unfair competition in the sale of incandescent lamps and glass lamp globes, a complaint has been issued

against **Day-Lite Illuminating Corporation**, of 100 West Chicago Avenue, Chicago.

Representations of the respondents are alleged to have had a tendency to deceive the public into believing that the respondents' lamps of equal or less watt measurement and of equal volt measurement, would give an average efficient light performance equal to that of competing lamps, and at the same time furnish more light at less cost for current than competitors' lamps.

Nos. 2664-2665-2666. Complaints have been issued charging two companies with misrepresenting medicinal products sold in interstate commerce, and a smoking pipe manufacturer with representations suggesting that certain of its products have been endorsed by the medical profession, when this is not the fact.

McCambridge & McCambridge Co., Inc., of 12 L Street, S. E., Washington, D. C., trading as **Everfresh Products Co.**, is alleged to have advertised its "Everfresh Aspirin" so as to disparage competitors' products and tend to deceive buyers into the belief that "Everfresh Aspirin" is better and gives quicker relief than ordinary aspirin; that it relieves tired spells, and cures nerve ailments and other troubles; and other similar representations. The complaint charges that the respondent's product does not continue to remain fresh longer than any other aspirin but will decompose within the usual time in which ordinary aspirin will decompose.

J. H. Casey, of Portland, Ore., trading as **J. H. Casey Co.**, and advertising "Casey's Compound" as a cure, remedy and treatment for rheumatism, arthritis and other related ailments, is alleged to have untruthfully represented that marvelous results accrue to persons afflicted with these ailments, who use the respondent's compound. The complaint alleges that the product has little if any curative value in treating these diseases.

Engaged in manufacturing smoking pipes, **S. M. Frank & Co., Inc.**, of New York City, is alleged to have branded and advertised certain of its products as "Medico." The complaint charges that this practice tended to deceive buyers into believing that the pipes had been endorsed by the medical profession and were so constructed or treated as to eliminate or greatly reduce the harmful effects of ordinary pipe smoking. In fact, according to the complaint, these pipes had not been so endorsed, and were no less harmful or more healthful to the smoker than many pipes made and sold by other manufacturers.

No. 2667. Unfair competition through representation of cigars not made of Cuban tobacco, as "Garcia's Havana Smoker," is alleged in a complaint issued against **Havana Florida Cigar Co.**, of 501 North Madison St., Quincy, Fla.

The complaint charges that the respondent's cigar does not contain Havana tobacco nor tobacco grown on the island of Cuba, in any appreciable amount. The respondent's representation, according to the complaint, tends to deceive buyers into believing that the respondent's product is composed in whole or in large part of Havana tobacco.

No. 2668. Alleging unfair competition in the sale of incandescent lamps, a complaint has been issued against **Fannie Chanowitz**, of 68 Charlton St., Newark, N. J., trading as **Atlas Products Co.**

The complaint charges that the respondent's lamps were demonstrated and sold in a manner tending to deceive prospective purchasers into believing that they were of the same watt measurement and produced more light than competitors' lamps being used by such purchasers. According to the complaint, this was accomplished by marking the respondent's wattage lower than actually was the case but corresponding to the truthfully marked wattage of competitors' lamps, then comparing the amount of light given by the two, to the consequent disadvantage of competitors.

No. 2669. **General Tire & Rubber Co.**, of Akron, Ohio, is charged with unfair competitive methods in a complaint.

According to the complaint, this company advertised in newspapers and over the radio that its "New General Dual Balloon Tire" was "Blowout-Proof," when in fact this was not true. This practice is said to have had a tendency to deceive the tire-purchasing public, and to promote the purchase of these tires in preference to products of similar types and quality offered by other manufacturers, retail dealers and distributors, who did not misleadingly advertise their articles to be blowout-proof.

Stipulations

The Commission has announced the following cease and desist orders:

Nos. 0992-0998. **Western Broadcast Co.**, operator of radio station **KNX**, Hollywood, Calif., has entered into stipulations to abide by action taken in five cases before the Commission involving companies which advertised their products over station **KNX**.

The five companies had previously entered into stipulations with the Commission to cease and desist from certain unfair advertising practices. These companies are: **Nourishine Manufacturing Co.**, Los Angeles; **Germania Tea Co.**, Minneapolis; **Old Mission Tablet Co.**, Pasadena, Calif.; **King's Better Vision Institute**, Los Angeles; and **Tablet Sixty-Six Co.**, Los Angeles.

In its stipulations with the Commission, the radio station admits broadcasting advertisements of these companies, and agrees to observe and abide by stipulations previously signed by the advertisers and accepted and approved by the Commission.

Truth Publishing Co., Inc., operator of radio station **WTRC**, Elkhart, Ind., admits broadcasting advertisements for **Deuel's**, of Centerville, Mich., distributor of an ointment, and agrees to abide by a stipulation previously entered into by the advertiser with the Commission.

In this group of stipulations is one between the Commission and the **Conley Co., Inc.**, of Rochester, Minn., selling a mechanical device called "The Hemp Bodi-Massager." The company agrees to cease representing in published advertisements that use of its device alone will cause a reduction in fat or weight; that no other reducing or beauty building method is as effective or as safe as the method recommended by this company, and that by the use of this device, hips can be rolled away in twenty minutes a day, and other representations.

Nos. 0999-01000-01002-01003. Three broadcasting stations have entered into stipulations to abide by action taken in a case involving advertising matter issued by **K. A. Hughes Co.**, of Boston, dealer in "Salicon," a cold remedy. The broadcasting companies are: **Shepard Broadcasting Service**, operating station **WNAC**, Boston; **Congress Square Hotel Co.**, Station **WCSH**, Portland, Me.; and the **WGAR Broadcasting Co.**, Station **WGAR**, Cleveland.

In their stipulations with the Commission, the radio stations admit broadcasting advertisements of this company, and agree to observe and abide by a stipulation previously signed by the advertiser and accepted and approved by the Commission.

The Eucathol Co., Inc., of Shawnee, Okla., dealer in a medicinal preparation, has entered into a stipulation with the Commission to cease representing its product, "Eucathol," as a competent remedy for treating skin disorders, asthma, hay fever and other diseases, and that it will check a cold by application to chest, throat and head. The respondent also agrees to discontinue assertions that "Eucathol" will stop a child from coughing in one minute; will break a cold in one night, or that it quickly relieves prickly heat, poison ivy or most skin humors or diseases, and other similar allegations.

No. 1548. **Arista Silk Mills, Inc.**, of 499 Seventh Avenue, New York City, engaged as a jobber dealing in silks, rayons and cottons, according to the stipulation, displayed its corporate name, "Arista Silk Mills, Inc.," so including the word "Mills" on its business stationery, when in fact the company did not own, control or operate a mill wherein its products were made, but purchased these articles from others. The respondent agrees to discontinue this use of the word "Mills."

No. 1549. **Morris Gottsegen and David Jacoby**, of 901 Broadway, New York City, co-partners, trading as **Mills Sales Co. and Honor Research Laboratories**, engaged as jobbers in selling pharmaceutical preparations, used the trade name containing the words "Research Laboratories," in selling a mineral oil, when, according to the agreement, they did not own a laboratory or place devoted to experimental study in any branch of natural science. In their stipulation, they agree to stop employing the words "Research Laboratories," as part of their trade name.

No. 1550. **R. & K. Leather Goods Co., Inc.**, of 38 West 32nd St., New York City, and **Perth Amboy, N. J.**, manufacturers and distributors of ladies' pocketbooks, sold their products labelled, billed and represented as "Genuine Cowhide," "Genuine D. B. Cowhide," and "Genuine Seal" (the letters "D. B." meaning, in the language of the trade, "Deep Buff"), or the first cut beneath the top grain after the leather has been split off, according to the agreement. The stipulation sets out that in fact these products consisted of split leather, and not of leather made from the entire hide of a cow or a seal, or of leather made from the top or grain cut or outer layer of the hide, so as to be properly designated as "leather," but were composed of a cut or layer other than such top or grain cut. The respondents agree to discontinue advertising such products as being manufactured from genuine leather.

No. 1551. **Forest City Manufacturing Co.**, of 1627 Washington Ave., St. Louis, manufacturing cotton dresses, furnished its retail customers with mats which were used by them in advertising the respondents' products, according to the agreement. The stipulation says that in some of the mats, certain products were represented as made of "Lionel," when in fact they were not

made of the fiber of the flax plant. The respondent company agrees to discontinue use of the word "Linon" in any way which may tend to deceive buyers into believing that the articles described are made of the fiber of the flax plant, when this is not true.

No. 1552. Manhattan Import Co., Inc., of 861 Broadway, New York City, importers of various novelties, is said to have distributed supplies of toothpicks in interstate commerce, advertising them as "Sliverless, Sanitary, Polished, Automatically packed." They were packed in pasteboard containers which bore the words "Perfect Toothpicks, Sliverless, Sanitary, Polished, Automatically Packed," when, according to the agreement, they were not packed by machinery, or automatically packed, and certain of the products were not properly and correctly represented as "Sanitary." The respondent agrees to cease and desist from advertising toothpicks as sanitary, and packed by machinery or automatically packed, when these are not the facts, and to discontinue advertising toothpicks of foreign manufacture without indicating clearly the country of their origin.

No. 1553. F. J. Kirk, of 116 Market St., Philadelphia, trading as Franklin Sales Company and Franklin Laboratories, and selling "Lucky Tiger Hair Tonic," agrees to stop employing the word "laboratories" as part of the trade name under which he operates his business, and from using this word in any way which may tend to confuse buyers into believing that he owns and operates a laboratory in which his product is made or compounded, when this is not true.

No. 1554. United States Plywood Co., Inc., of 603 West 36th St., New York City, selling and distributing plywoods or wood veneers, agrees to stop using the word "walnut," either independently or in connection with the word "Oriental," or with other words so as to imply or have a tendency to deceive buyers into believing the product to be made of wood derived from trees of the walnut family, when the same is not true.

No. 1555. Linder Bros., Inc., of Scranton, Pa., and New York City, manufacturers of knitted topcoats, agrees to abandon use of the word "loomed" to describe products not woven on a loom, and to discontinue use of this word in any way which may tend to deceive buyers into the belief that the products so described are woven on a loom, when this is not true.

No. 1556. Western Coaching Bureau, Inc., with headquarters in San Francisco and branches in Oakland and Los Angeles and Chicago, is reported in the stipulation to have displayed on its letterheads and in its various offices the words "Western Coaching Bureau" in connection with the words "Civil Service," and to have distributed an advertising catalogue entitled: "Golden Opportunities in Government Service." On the front and back covers of this, and on many inside pages, appeared the words "Civil Service," enclosed in a circular device having in the center the monogram "W.C.B.," which device, according to the stipulation, resembled the official seal of the United States Civil Service Commission. The respondent agrees to stop using the words "Civil Service" in its advertising, either independently or in connection with other words, especially in connection with a seal simulating that of the Civil Service Commission, in any way which may tend to cause the public to believe that the company represents or has an official connection with the United States Civil Service Commission, or is an agency of the Federal Government. Other similar representations will be discontinued.

No. 1557. Koppers Products Company, with headquarters in Pittsburgh, and having branches in various states, manufactures, among other things, coal-tar products and other materials used in making built-up roofing composed of alternate layers of rag felt and coal-tar pitch. In its stipulation, Koppers Company agrees that in selling its pitch-and-felt roofs in interstate commerce, it will cease using in advertisements allegations to the effect that the so-called "smooth top" roofings sold by competitors "fail in a few years," or that such roofings "are usually failures," or "fail by permanent cracking," or "become cheesy," when, according to the agreement, such representations are not warranted in fact.

The corporation further agrees to cease and desist from using in its advertising matter or otherwise, any misleading or exaggerated representations concerning the efficiency, durability, quality or effectiveness of the products of competitors.

No. 1558. The Williamson Company, of Baltimore, engaged in manufacturing wood veneers, will discontinue use of the words "African Walnut" in its printed matter or as a trade designation for its products so as to imply that its products are made of wood derived from trees of African origin and of the botanical walnut family, when this is not true.

No. 1559. Five Star Products, Inc., of 235 West 69th St., New York City, manufacturing a syrup product called "May-Pell," will abandon the use on its brands or labels of the coined word

"May-Pell," or any other phonetic spelling of the word maple, so as to imply or have a tendency to deceive purchasers into believing the product to be composed of maple syrup. Provision is made that when the preparation is made in substantial part of maple syrup, the coined word "May-Pell," if used to describe the maple content, shall be immediately accompanied by other words in equally conspicuous type to clearly indicate that the product is not made wholly of maple syrup.

No. 1560. Lester A. Stern, of 229 West Jackson Boulevard, Chicago, trading as Progressive Medical Co., and Peter S. Banff, of 1261 Argyle Street, Chicago, formerly trading as American Pantosept Co. (1561), in the sale and distribution of antiseptic tablets for women's use, agree to stop advertising their products as contraceptives. Banff also agrees to cease using the word "Manufacturers," in advertising matter, when in fact he does not own or control a laboratory or factory, and to discontinue misrepresenting the purposes or results of tests of feminine hygiene products made by Prof. Dr. Baker at Oxford University.

No. 1562. Frank W. Winne & Son, Inc., of 44 North Front Street, Philadelphia, a wholesaler of twine, cordage and yarns, with branch offices in Maryland, Ohio and Michigan, agrees to cease and desist from using the words "Farm Bureau" on labels attached to its products, so as to imply that they are sold by one or more farm bureaus such as the Ohio Farm Bureau Service Co., of Columbus, O., the Indiana Farm Bureau Cooperative Association, Inc., of Indianapolis, or Farm Bureau Services, Inc., of Lansing, Mich., all of which are engaged in purchasing and distributing farm supplies, including binder twine, and are members of the Farm Bureau Milling Co., of Columbus, Ohio, which was organized primarily to facilitate contract negotiations for seed and other farm supplies on behalf of the individual farm bureaus.

No. 1563. Lima Business College, and the Civil Service Institute, Inc., both of Lima, Ohio, agree to cease and desist from use of the words "Civil Service," as part of or in connection with a corporate or trade name under which to transact their business, either independently or in connection with the word "Institute," tending to confuse purchasers into the belief that the Civil Service Institute, Inc., is a branch of or has some official connection with the United States Government or the Civil Service Commission. The respondents agree to stop making exaggerated representations regarding the number of persons given employment annually under the Civil Service, of the salaries paid, or inaccurately representing the ages at which men and women are eligible for Civil Service appointment, and alleging that Civil Service employees have no lay-offs.

The stipulations also list as respondents Hugh W. Henry, president, and Iva B. Henry, secretary, of Lima Business College, a defacto corporation, and Harry J. Strasburg, president, and Hugh W. Henry as secretary and treasurer of The Civil Service Institute, Inc.

No. 1564. Moses and Jack Kranish, of 219 West 38th Street, New York City, trading as Clinton Silk Mills, and engaged in the business of purchasing grieg silk goods which they convert into finished products, agree to stop using the word "Mills" in connection with their trade name, or in any way which may tend to deceive buyers into believing that they own, control and operate a mill, when this is not true.

No. 1565. Rainbow Trading Co., Inc., 327 East 5th Street, New York City, engaged in the importation of merchandise and in the sale and distribution of both imported and domestic goods, agrees to cease selling in interstate commerce toothpicks packed in boxes or other packages the appearance of which is contrived or formed in size, color and type resembling boxes or other packages in which similar merchandise is sold by a competitor. This company is said to have sold imported toothpicks in containers simulating containers in which similar products were sold by the Estate of Charles Forster, of Strong, Maine, manufacturer of wood toothpicks. The Rainbow Trading Co. also agrees to stop use on labels or cartons or in advertisements of the word "Sanitary," to describe products not made under hygienic or sanitary conditions.

No. 1566. Nathan Bernstein, of 31 West 26th Street, New York City, trading as Excel Luggage Company, selling and distributing luggage, agrees to cease branding or labeling his products as "cowhide," and "leather," implying that they are composed of leather made from the top or grain cut of the hide; unless, when they are composed of leather made from the inner or flesh cut, the word "leather," or "cowhide," shall be accompanied by the word "split," or other suitable word in conspicuous type, to indicate clearly that the articles are not composed of leather made from the top or grain cut of the hide.

No. 2253. The Linen Supply Association of the District of Columbia and its officers and members have been ordered to cease

and desist from combining or cooperating among themselves or with others to control the solicitation and allocation of customers, and to fix or maintain uniform prices, discounts, and terms of supplying and distributing their service in linen coats, aprons, towels and table linen.

The order also bans the exchange of information among members or with others regarding contemplated changes in prices or terms and conditions of supply and distribution of their service, and regarding agreement as to adoption or distribution among two or more members or others of lists containing schedules of uniform prices, discounts and conditions of supply and distribution.

No. 2296. Resale price maintenance is prohibited in an order issued against **Cape Cod Shirt Co., Inc., of Fall River, Mass.**

This respondent is ordered to cease and desist from entering into contracts, agreements and understandings with customers or dealers, requiring or providing for the maintenance of specified resale prices on products of its manufacture.

No. 2332. Misleading representations in the sale of fountain pens and pencils are prohibited in an order to cease and desist issued against **Harry Sachnoff, of 206 Broadway, New York City,** formerly trading as **Park Row Pen Co.,** and against **Argo Pen-Pencil Co., Inc.,** at the same address.

The respondents are ordered to stop representing directly or indirectly that they are manufacturers of fountain pens and pencils until and unless they engage in such manufacture, or actually own and control a factory wherein the articles they sell are made.

No. 2498. Misleading representation of products as to their country or place of origin is prohibited in an order to cease and desist issued against **Prince Matchabelli Perfumery, Inc., of New York City.**

This respondent is directed to stop using any sign, symbol or legend upon containers or cartons of merchandise, indicating a particular country as the country of origin of such merchandise, unless, in fact, the merchandise shall have originated in the country indicated.

No. 2527. Selling in interstate commerce various brands of dog foods, the **Old Trusty Food Co., of Needham Heights, Mass.,** has been ordered to cease and desist from misleading representations.

The company is directed to discontinue, in the sale of "Old Trusty Bovex," from advertising that the product is "62½ per cent government inspected beef and beef products," or any other representation of like purport, unless and until this food contains 62½ per cent government inspected beef and beef products.

No. 2589. The **Thomasville Chair Co., of Thomasville, N. C.,** has been ordered to cease and desist from advertising as "Mahogany," "Mah," "Walnut" or "Oriental Walnut," furniture not made from wood derived from trees of the mahogany and walnut families, respectively. The respondent had waived trial of the case and consented to issuance of the order.

No. 2590. Using a corporate name containing the word "Manufacturing," or representing by other means that the respondent is a paper manufacturer, when such is not the fact, is prohibited in an order to cease and desist issued against **Brenner Paper Manufacturing, Inc., of New York City,** engaged in converting and printing.

The order contains the provision: "Unless and until said respondent actually manufactures the paper it sells or offers for sale, or owns or absolutely controls a mill, mills, factory or factories in which such paper is manufactured."

No. 2604. **Lednew Corporation, of Jersey City, N. J.,** has been ordered to cease and desist from misleading representations of the qualities of incandescent lamps sold for general lighting service.

The order prohibits representation to dealers or others that the watt measurement of lamps is other than the actual watt measurement thereof, after allowing for the tolerance recognized by industry and coinciding with that allowed in lamps purchased for the Federal government.

Court Fines Leavitt

No. 1166. The Federal Trade Commission has been advised by the United States Circuit Court of Appeals for the Second Circuit (New York City), that it has assessed a fine of \$1,000 against **Louis Leavitt, paint manufacturer, of Brooklyn, N. Y.,** for violation of a decree of that court affirming an order of the Federal Trade Commission directed against the misbranding of paint products.

A Commission cease and desist order prohibited Leavitt from designating and describing a product sold by him in interstate commerce "by means of brands, labels, or otherwise, by use of the terms 'Gold Seal Combination White Lead,' or 'Combination

White Lead,' unless the product so designated and described actually contained sulphate of lead or carbonate of lead or the two in combination as its principal and predominant ingredient to the extent of not less than fifty per cent by weight of the product." He was also forbidden from "using and employing any other designation, brand or label, upon the containers of products" sold by him in interstate commerce "which falsely represent the relative quantity of genuine white lead contained in said products."

BROADCAST ADVERTISING IN NOVEMBER

Developments of the Month

Broadcast advertising during November amounted to \$8,211,349, a decrease of 2.2% as compared to the preceding month. A decline of this proportion is the usual trend at this season. Local broadcast advertising, however, went counter to the usual seasonal trend and increased 8.8% as compared to October.

Gains continued to be experienced as compared with the corresponding period of the preceding year. Total broadcast advertising during the month exceeded the November 1934 level by 13.6%. National network advertising rose 3.8%, regional network advertising 20.5%, national non-network volume 27.0%, and local broadcast advertising 30.0%. Broadcast advertising during the first eleven months of 1935 exceeded the preceding year's level by 19.8%.

Total non-network advertising in November was 9.4% greater than during the preceding month and 28.2% above November 1934 volume. Non-network advertising over local stations continued to show the greatest relative gains, as did non-network volume in the Southern and Pacific areas.

Live talent business continued to show the greatest strength in the national non-network field, while the recent increased use of transcriptions in local broadcast advertising also continued throughout November.

National and local non-network automotive advertising, national non-network cosmetic, food, radio set and tobacco volume, local clothing, housefurnishings and financial advertising, regional network pharmaceutical and clothing volume, and national network radio set advertising were among the fields to show the greatest increase in volume as compared to November 1934. The miscellaneous sponsor group rose materially in the national and regional network and national non-network fields. Broadcast advertising by retail establishments increased 47.5% as against November 1934.

The First Eleven Months of 1935

Broadcast advertising during the first eleven months of 1935 amounted to \$78,837,579, as compared to \$65,711,598 during the corresponding period of the preceding year, a gain of 19.8%. Gains with regard to various portions of the medium were as follows: national networks 18.1%, regional networks 50.0%, national non-network advertising 24.8%, and local broadcast advertising 18.6%.

Total non-network advertising during the first eleven months of the year rose 21.7% as against the previous year. Clear channel and high-powered regional station non-network volume increased 23.1%, regional station volume 17.8%, and local station advertising 31.6%.

Transcription volume rose 16.5% during the period under consideration, live talent business 23.4%, records 80.9%, and announcements 19.8%.

Total Broadcast Advertising

Broadcast advertising over stations and networks during November were as follows:

TABLE I
TOTAL BROADCAST ADVERTISING

Class of Business	1935 Gross Time Sales		
	October	November	Cumulative Jan.-Nov.
National networks	\$5,017,900	\$4,533,774	\$45,123,241
Regional networks	132,748	128,715	983,565
National non-network	1,504,970	1,652,680	15,356,638
Local	1,739,280	1,896,180	17,374,135
Total	\$8,394,898	\$8,211,349	\$78,837,579

Total broadcast advertising was 2.2% less than during October, a usual seasonal decline. National network volume declined 10.0%, and regional network advertising dropped 3.0%. National non-network business rose 9.8%, while local advertising increased 8.8%. Network declines were more than the usual seasonal downswing. Local advertising, on the other hand, rose contrary to its usual behavior in November.

Comparison with Previous Years

Broadcast advertising continued to show gains over the corresponding period of 1934. Total volume rose 13.6% as against the preceding November. National network advertising increased 3.8%, regional network volume 20.5%, national non-network volume 27.0% and local broadcast advertising 30.0%.

Compared to November 1933, national network advertising experienced an increase of 31.6%, regional network volume 74.3%, national non-network business 51.8% and local broadcast advertising 36.4%.

Comparison with Other Media

National magazine advertising rose 14.3% as compared to October. Farm paper advertising declined 8.9%. Newspaper lineage remained unchanged in volume, as compared with the usual November decline.

November national magazine volume was 15.1% greater than during the corresponding month of 1934. Farm paper advertising showed a gain of 4.4% and newspaper advertising an increase of 12.3%.

Advertising by major media is found in Table II.

TABLE II

ADVERTISING BY MAJOR MEDIA

Advertising Medium	1935 Gross Time and Space Sales		
	October	November	Cumulative Jan.-Nov.
Radio broadcasting	\$8,394,898	\$8,211,349	\$78,837,579
National magazines ¹	10,603,241	12,118,920	115,390,736
National farm papers ¹	525,337	481,501	5,112,146
Newspapers ²	48,650,000	48,765,000	468,343,000
Total	\$68,173,476	\$69,576,770	\$667,683,461

¹ Publishers' Information Bureau.

² Estimated.

Non-network Advertising

General non-network advertising increased 9.4% as compared to October and reached a level 28.2% higher than that of November 1934. Clear channel and high-powered regional station non-network volume increased 20.8% as compared to October. Regional station non-network business rose 2.2% while local station volume remained practically unchanged.

Non-network advertising over clear channel and high-powered regional stations exceeded the previous November's level by 28.0%. Regional station non-network volume gained 24.2% and local station advertising increased 44.8%.

Non-network advertising by size of station is found in Table III.

TABLE III

NON-NETWORK ADVERTISING BY POWER OF STATION

Power of Station	1935 Gross Time Sales		
	October	November	Cumulative Jan.-Nov.
Over 1,000 watts	\$1,290,740	\$1,561,600	\$14,880,655
250-1,000 watts	1,391,650	1,423,160	13,077,305
100 watts	561,860	564,100	4,772,813
Total	\$3,244,250	\$3,548,860	\$32,730,773

Non-network advertising in the New England-Middle Atlantic area increased 2.2% as compared to October. Advertising in the South Atlantic-South Central States rose 19.8%. The Mountain and Pacific area experienced an increase of 26.7% over the preceding month while North Central non-network advertising remained comparatively unchanged. Non-network advertising in various geographical districts is indicated in Table IV.

TABLE IV

NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS

Geographical District	1935 Gross Time Sales		
	October	November	Cumulative Jan.-Nov.
New England-Middle Atlantic Area	\$750,110	\$766,520	\$8,180,782
South Atlantic-South Central Area	611,120	730,610	5,344,828
North Central Area	1,295,300	1,305,830	12,520,437
Pacific and Mountain Area ..	587,720	745,900	6,684,726
Total	\$3,244,250	\$3,548,860	\$32,730,773

Compared to the corresponding month of 1934, non-network advertising gained in all parts of the country except the New England-Middle Atlantic area, where it decreased 14.4%. Rising network volume undoubtedly has been responsible for this trend. Gains in other portions of the country, as compared to November 1934, were as follows: South Atlantic-South Central states, 83.2%; North Central states, 37.8%; Mountain and Pacific states, 44.4%.

Non-network Advertising by Type of Rendition

In the national non-network field, live talent volume rose most markedly as compared to the preceding month. Non-network advertising of this type increased 18.8%. National transcription business rose 2.0% during the month, while announcement volume increased 1.1%.

Compared to November 1934, national non-network transcription business registered an increase of 5.3%, live talent volume 45.4% and announcements 26.7%.

Transcriptions and live talent business both gained markedly in the local broadcast advertising field as compared to October. Transcription volume rose 13.7% and live talent business 18.0%. Record volume increased 5.7%, while announcements declined 4.6%. The latter is a normal seasonal trend, while the other gains represent a movement contrary to the usual seasonal decline.

Local transcription volume continued to show the marked gains experienced during the past several months, rising 72.1% as compared to November of the previous year. Live talent volume rose 24.7%, records 113.0% and announcements 25.1%. Non-network broadcast advertising by type of rendition during November is found in Table V.

TABLE V

NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

Type of Rendition	National Non-network		Local		Total		Cumulative Jan.-Nov.
	October	November	October	November	October	November	
Electrical transcriptions	\$524,660	\$534,900	\$156,960	\$178,680	\$681,620	\$713,580	\$6,833,878
Live talent programs	696,900	828,940	877,760	1,040,160	1,574,660	1,869,100	15,806,630
Records	7,510	9,990	60,240	63,610	67,750	73,600	763,301
Announcements	275,900	278,850	644,320	613,730	920,220	892,580	9,326,964
Total	\$1,504,970	\$1,652,680	\$1,739,280	\$1,896,180	\$3,244,250	\$3,548,860	\$32,730,773

Sponsor Trends in November

National network advertising by various sponsoring industries during November either remained at approximately the preceding month's level or showed slight declines with the exception of beverage advertising, which rose 12.5%, housefurnishing advertising, which increased 6.4%, financial advertising volume, which rose 9.1% and the miscellaneous group, which gained 18.1% over the preceding month. The principal gain in the regional network field was in confectionery, which more than doubled its advertising.

In the national non-network field, gains were as follows: accessories and gasoline, 38.7%; confectionery, 96.8%; and tobacco, 58.8%. Gains in local broadcast advertising as compared with the previous month included the following: drugs and pharmaceuticals, 35.8%; foodstuffs, 25.3%; confectionery, more than double.

Principal declines during the month were a 52.6% decrease in network automotive advertising, a decline of 11.3% in network food advertising and a general decrease in the soap and kitchen supply field.

Comparison with 1934

Principal gains as compared to November of the preceding year, were as follows: national non-network and local automotive advertising, 721.0% and 122.1% respectively; local clothing advertising, 104.6%; national non-network cosmetic volume 69.1% and food advertising 39.3%; local housefurnishing advertising 68.3% and financial volume 56.1%; national non-network radio set advertising, 600.0%, and tobacco volume 106.0%. Regional network tobacco volume increased sevenfold while regional confectionery volume gained approximately six and one-half times. Candy, rather than chewing gum, was responsible for the national non-network and regional network confectionery increases.

Details as to Sponsor Trends

Detailed data regarding radio broadcast advertising by various industrial and service groups is found in Table VI.

TABLE VI
RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS
(November, 1935)

Type of Sponsoring Business	Gross Time Sales				
	National Networks	Regional Networks	National Non-networks	Local	Total
1a. Amusements	—	—	\$1,485	\$30,500	\$31,985
1-2. Automobiles and accessories:					
(1) Automobiles	\$314,329	—	230,420	95,700	640,449
(2) Accessories, gas and oils	387,977	\$19,328	103,930	92,830	604,065
3. Clothing and apparel	38,105	6,223	42,620	315,215	402,163
4-5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals	515,457	12,370	334,190	91,350	953,367
(5) Toilet goods	867,689	1,740	101,700	32,950	1,004,079
6-8. Food products:					
(6) Foodstuffs	884,536	26,412	339,735	239,475	1,490,158
(7) Beverages	293,846	4,082	59,100	97,170	454,198
(8) Confections	119,286	13,646	30,620	11,240	174,792
9-10. Household goods:					
(9) Household equipment and furnishings	32,429	5,455	55,655	184,330	277,869
(10) Soap and kitchen supplies	243,382	5,368	42,247	9,170	300,167
11. Insurance and financial	36,444	796	13,980	64,440	115,660
12. Radios	118,496	—	23,930	30,700	173,126
13. Retail establishments	—	—	7,023	162,670	169,693
14. Tobacco products	357,454	15,672	39,475	7,100	419,701
15. Miscellaneous	324,344	17,623	226,570	431,340	999,877
Total	\$4,533,774	\$128,715	\$1,652,680	\$1,896,180	\$8,211,349

1a. **Amusements.** Decline 37.1% as against October. Volume unchanged from corresponding month of last year.

1. **Automotive.** National network down 52.6% compared to October. National non-network up 12.3% and local down 7.1%. National network business 18.1% ahead of November last year. National non-network volume up 721.0% and local 122.1%.

2. **Gasoline and accessories.** National network volume unchanged from preceding month. Regional network business down 20.0%. National non-network business up 38.7% and local 3.0%. Compared to November 1934, national network business up 13.5%, regional networks 31.6%, and local 8.1%. National non-network down 25.0%.

3. **Clothing.** National non-network volume unchanged from preceding month. Regional network business up 20.1%, national non-network 7.5%, and local 5.3% as against October. National network advertising 11.4% ahead of November 1934, regional networks 343.0%, national non-network business 30.3%, and local 104.6%.

4. **Drugs and pharmaceuticals.** National network volume same as previous month. Regional network advertising up 12.1%, national non-network business up 3.0%, and local 35.8%. National network business 17.8% above November 1934. Regional network business increased from \$950 to \$12,370. National non-network advertising down 8.8% and local up 56.8%.

5. **Toilet goods.** National non-network business up 13.3% as compared to October, and local up 75.2%. National network business down 4.8%. Gains as follows when compared to November of preceding year: National networks 1.8%, regional networks 20.0%, national non-network 69.1%, and local 37.5%.

6. **Foodstuffs.** National network business down 11.3% and

regional networks 5.0%. National non-network business up 5.0% as compared to October. Local up 25.3%. National network advertising 4.2% below November 1934 level. Regional network business up 4.0%, national non-network business 39.3%, and local 17.8%.

7. **Beverages.** National network volume increased 12.5% compared to previous month. Local up 12.7%. Regional network advertising down 50.0% and national non-network business down 7.8%. National network advertising 19.2% above last November. Regional volume down 55.0%. National non-network advertising up 25.5% and local more than double.

8. **Confectionery.** National network business 10.3% below October, regional networks up 144.6%, national non-network 96.8%, and local more than double. National network business 30.0% below November 1934. Regional network volume up six and one-half times, national non-network advertising 12.4%, and local broadcast advertising 24.0%.

9. **Household equipment.** National network advertising 6.4% above preceding month, national non-network business up 3.7%, and local 3.3%. Regional network advertising down 39.7%. Compared to preceding November, gains as follows: National networks 11.7%, regional networks 6.0%, national non-network advertising 13.4%, and local 68.3%.

10. **Soaps and kitchen supplies.** General declines as compared to the preceding month: National networks 6.8%, regional networks 46.3%, national non-network 5.3%, and local 10.0%. Compared to November 1934, national network advertising unchanged, regional network business increased from \$360 to \$5,368, national non-network business down 22.2%, and local up 28.7%.

11. **Insurance and financial.** National network business 9.1%

ahead of October. National non-network volume down 17.0%, and local up 14.6%. Compared to November of preceding year, national network volume down 10.0% and national non-network advertising 38.9%. Local up 56.1%.

12. **Radios.** National network advertising down 4.1% compared to October, and national non-network down 29.1%. Local up 14.8%. National network volume up 30.0% as compared to last November. National non-network business up 600.0% and local up 19.1%.

13. **Department and general stores.** National non-network down 41.0% as against October. Local up 10.7%. National non-network business down 34.3% as compared to November of last year. Local up 30.4%. Total volume for this group 25.9% ahead of 1934.

14. **Tobacco products.** National network advertising 4.3% under October. Regional network volume unchanged, national non-network business up 58.8% and local 16.7%. National network tobacco advertising 18.7% above November 1934 level. Regional network volume increased from \$2,123 to \$15,622. National non-network advertising up 106.0% and local 11.2%.

15. **Miscellaneous.** National network business 18.1% ahead of previous month. Regional network gain 65.4%, national non-network 24.8%, and local 5.6%. Gains as follows, compared to November of last year: National networks 50.7%, regional networks 77.8%, and national non-network advertising 21.7%. Local business down 14.8%.

Retail Broadcast Advertising

General retail broadcast advertising increased 5.2% as compared to the preceding month and showed a gain of 47.5% when compared to November 1934. The increase over October was contrary to the usual seasonal trend.

Increases over the previous month were experienced in the following retail establishment fields: clothing, 10.0%; beauty parlors, 54.0%; grocery and delicatessen stores, 1.6%; restaurants, 11.2%; beverage retailers, more than double; confectionery stores, \$760 in October to \$3,870 in November; radio dealers, 20.0%; department stores, 13.1%, and miscellaneous, 19.3%.

Declines during the month were as follows: automotive, 6.7%; gasoline and accessory retailers, 12.5%; drug stores, 2.0%; housefurnishing establishments, 8.2%, and hardware stores, 30.0%.

Principal increases, compared to November 1934, were as follows: automotive, 133.0%; clothing, 193.7%; drug stores, 23.8%; beauty parlors, 62.0%; food retailers, 28.3%; beverage retailers, 25.0%; housefurnishing dealers, more than double; furniture stores, 52.6%; and department stores, 25.9%. Principal declines were as follows: hardware stores, 33.3%; gasoline and accessory dealers, 52.0%.

Broadcast advertising by retail establishments during November was as follows:

TABLE VII

RETAIL BROADCAST ADVERTISING OVER INDIVIDUAL STATIONS

Type of Sponsoring Business	1935 Gross Time Sales	
	October	November
Automobiles and accessories:		
Automobile agencies and used car dealers	\$105,110	\$97,670
Gasoline stations, garages, etc.	47,610	41,660
Clothing and apparel shops	295,940	326,230
Drugs and toilet goods:		
Drug stores	27,720	25,550
Beauty parlors	5,110	7,840
Food products:		
Grocery stores, meat markets, etc.	60,820	62,070
Restaurants and eating places	17,370	20,150
Beverage retailers	2,330	5,000
Confectionery stores	760	3,870
Household goods:		
Household equipment dealers	51,820	47,540
Furniture stores	90,000	89,355
Hardware stores	16,200	11,670
Radio retailers	19,700	24,750
Department and general stores	158,740	169,693
Tobacco shops	120	—
Miscellaneous	94,000	112,547
Total	\$993,350	\$1,045,595

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, January 6

Further Hearing and Argument Before the Commission
En Banc

In the Matter of the Petition of the American Telephone and Telegraph Company and the New York Telephone Company in connection with the installation of experimental coaxial cable between New York, N. Y., and Philadelphia, Pa.

Hearing Before an Examiner

KMTR—KMTR Radio Corporation, Los Angeles, Calif.—Renewal of license, **570 kc.**, 1 KW, unlimited time.

KGCU—Mandan Radio Association, Mandan, N. Dak.—Renewal of license, **1240 kc.**, 250 watts, specified hours.

NEW—Pacific Acceptance Corporation, San Diego, Calif.—C. P., **1200 kc.**, 100 watts, daytime.

NEW—California Sales Contract Co., San Francisco, Calif.—C. P., **1280 kc.**, 500 watts, 1 KW-LS, unlimited time.

Tuesday, January 7

NEW—Sioux Falls Broadcast Association, Inc., Sioux Falls, S. Dak.—C. P., **1200 kc.**, 100 watts, unlimited time.

KOB—New Mexico College of Agriculture and Mechanic Arts, Albuquerque, New Mex.—Renewal of license, **1180 kc.**, 1 KW, simultaneous day, shares night with KEX.

Wednesday, January 8

NEW—Springfield Newspapers, Inc., Springfield, Ohio—C. P., **1120 kc.**, 250 watts, daytime.

KGDE—Charles L. Jaren, Fergus Falls, Minn.—Renewal of license, **1200 kc.**, 100 watts, 250 watts LS, unlimited time.

Thursday, January 9

WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—C. P., **1230 kc.**, 250 watts, 500 watts LS, unlimited time. Present assignment: **1310 kc.**, 100 watts, shares with WHAT and WCAM.

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Modification of license, **1270 kc.**, 1 KW, unlimited time. Present assignment: **1270 kc.**, 500 watts, unlimited time.

WOOD—Kunsky-Trendle Broadcasting Corp., Grand Rapids, Mich.—C. P., **1270 kc.**, 1 KW, share with WASH. Present assignment: **1270 kc.**, 500 watts, shares with WASH.

WASH—Kunsky-Trendle Broadcasting Corp., Grand Rapids, Mich.—C. P., **1270 kc.**, 1 KW, share with WOOD. Present assignment: **1270 kc.**, 500 watts, shares with WOOD.

NEW—Carl S. Taylor, Dubois, Pa.—C. P., **780 kc.**, 250 watts, daytime.

NEW—A. W. Hayes, Erie, Pa.—C. P., **1270 kc.**, 500 watts, 1 KW LS, unlimited time.

NEW—Watertown Broadcasting Corp., Watertown, N. Y.—C. P., **1270 kc.**, 250 watts, daytime.

Friday, January 10

NEW—The Press Company, Inc., Schenectady, N. Y.—C. P., **1210 kc.**, 100 watts, daytime.

WEAN—The Shepard Broadcasting Service Inc., Providence, R. I.—C. P., **780 kc.**, 1 KW, unlimited time.

APPLICATIONS RECEIVED

First Zone

NEW—I. L. G. W. Radio Corp., New York, N. Y.—Construction **970** permit for a new station to be operated on **970 kc.**, 1 KW, unlimited time.

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Construction permit to make changes in equipment.

Second Zone

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—License to use **560** Western Electric 6-B transmitter (transmitter licensed to WLIT 2-P-B-1947, granted 2-3-31) as an auxiliary transmitter.

WRAX—WRAX Broadcasting Co., Philadelphia, Pa.—Modification of license to increase power from 250 watts, 500 watts

day to 1 KW day and night, using directional antenna at night.

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Modification of license to increase power from 250 watts, 500 watts day to 1 KW day and night, using directional antenna at night.

NEW—Hyman Altman, Detroit, Mich.—Construction permit for a new station to be operated on 1140 kc., 250 watts, daytime. Amended: To change frequency from 1140 kc. to 1120 kc.

WHIS—Daily Telegraph Printing Co., Bluefield, West Va.—Construction permit to install new equipment, increase power from 250 watts, 500 watts day to 500 watts, 1 KW day and move transmitter from West Virginian Hotel, Federal Street, Bluefield, West Virginia, to near Bluefield, West Virginia. Amended: To omit request for increase in power.

WWSW—Walker & Downing Radio Corp., Pittsburgh, Pa.—Construction permit to make changes in equipment and move transmitter from Frankstown Road, R. F. D. No. 1, Wilkensburg, Pennsylvania, to Bounded by Miami—Burrows—Mohawk, Pittsburgh, Pennsylvania.

Third Zone

WREC—WREC, Incorporated, Memphis, Tenn.—Modification of construction permit (B-P-161) for increase in power, changes in equipment and move of transmitter, requesting extension of completion date from 1-30-36 to 2-29-36.

NEW—Ruth W. Adcock & S. E. Adcock, d/b as General Broadcasters, Johnson City, Tenn.—Construction permit for a new station to be operated on 600 kc., 250 watts, daytime. Amended: To change frequency from 600 kc. to 880 kc., and make changes in antenna.

NEW—Ruth W. Adcock & S. E. Adcock, d/b as General Broadcasters, Rossville, Ga.—Construction permit for a new station to be operated on 580 kc., 250 watts, daytime. Amended: To change frequency from 580 kc. to 1120 kc. and make changes in antenna.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—License 1180 to cover construction permit (B3-P-785) for equipment changes.

NEW—Wilton Harvey Pollard, Huntsville, Ala.—Construction permit for a new station to be operated on 1200 kc., 100 watts, unlimited time. Amended: To change transmitter site from Twickenham Hotel, Cor. Washington & Clinton Sts., Huntsville, Alabama, to 500 ft. due west of Highway U. S. No. 241, outside city limits of Huntsville, Alabama, and make changes in antenna system. (Requests all facilities of WBHS.)

NEW—The Metropolis Co., Jacksonville, Fla.—Construction permit for a new station to be operated on 1200 kc., 100 watts, unlimited time.

NEW—Ted R. Woodard, Kingsport, Tenn.—Construction permit for a new station to be operated on 1210 kc., 100 watts, daytime. Amended: To change transmitter site from approximately 1 mi. from town, Lee Hi-Way, Kingsport, Tenn., to Lee Hi-Way (not numbered), Kingsport, Tenn.

WGCM—WGCM, Incorporated, Mississippi City, Miss.—Modification of construction permit (B3-P-421) authorizing change in frequency, change hours of operation and increase power, requesting extension of commencement date from 7-28-35 to 1-28-36 and completion date from 1-28-36 to 7-28-36.

WRDW—Augusta Broadcasting Co., Augusta, Ga.—Construction permit to make changes in equipment, move transmitter from 309 Eighth St., Augusta, Ga., to Satcher estate on the edge of the city, North Augusta, South Carolina, change frequency from 1500 kc. to 1240 kc., and increase power from 100 watts to 250 watts, 1 KW day, using directional antenna at night if necessary.

NEW—The Sherman Broadcasting Assn. (J. B. Knight, Pres.), 1310 Sherman, Tex.—Construction permit for a new station to be operated on 1310 kc., 100 watts, daytime.

NEW—Bay County Publishers, Inc., Panama City, Fla.—Construction permit for a new station to be operated on 1420 kc., 100 watts, unlimited time.

NEW—WDOD Broadcasting Corp., Chattanooga, Tenn.—Construction permit for a new general experimental station to be operated on frequencies 31600, 35600, 38600, 41000 kc., 100 watts.

Fourth Zone

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Authority to determine operating power by direct measurement of antenna power.

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—License to cover construction permit (4-P-B-3285) for new equipment and increase in power.

KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Modification of construction permit (B4-P-230) authorizing changes in equipment and increase in power, requesting extension of commencement date from 7-21-35 to 1-1-36 and completion date from 1-21-36 to 7-21-36.

KFEQ—KFEQ, Incorporated, St. Joseph, Mo.—Construction permit to install new equipment, increase power from 2½ KW day to 5 KW day, and move transmitter site to be determined. Amended: To make changes in equipment.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Extension of special experimental authorization to operate synchronously with WBBM, from local sunset at Lincoln, Nebraska, to midnight CST, from 2-1-36 to 8-1-36.

WBBM—WBBM Broadcasting Corp., Chicago, Ill.—Extension of special experimental authorization to operate synchronously with KFAB from local sunset (KFAB) to midnight for period from 2-1-36 to 8-1-36.

WHO—Central Broadcasting Co., Davenport, Iowa—Construction permit to install new equipment and increase power from 50 KW to 500 KW.

NEW—Harry J. Grant, Milwaukee, Wisc.—Construction permit for a new station to be operated on 1010 kc., 1 KW, unlimited time.

NEW—Albert Lea Broadcasting Corp., Albert Lea, Minn.—Construction permit for a new station to be operated on 1200 kc., 100 watts, unlimited time.

NEW—J. T. Bilben & N. G. Barnard, Walker, Minn.—Construction permit for a new station to be operated on 1310 kc., 100 watts, unlimited time.

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Modification of license to change hours of operation from share-WSBT to unlimited and reduce daytime power Sunday from 1 KW to 500 watts. Contingent upon the granting of WSBT's application for change in frequency.

KABR—Aberdeen Broadcast Co., Inc., Aberdeen, South Dak.—License to cover construction permit (B4-P-839) for move of transmitter locally.

WHBF—Rock Island Broadcasting Co., Rock Island, Ill.—Construction permit to make changes in equipment, install directional antenna, change frequency from 1210 to 1450 kc., increase power from 100 watts, 250 watts day to 1 KW day and night and move transmitter from 102 18th St., Rock Island, Ill. to site to be determined.

NEW—Joliet Printing Co., Joliet, Ill.—Construction permit for a new station to be operated on 1500 kc., 100 watts, 250 watts day, unlimited time.

W9XAL—The First National Television Corp., Kansas City, Mo.—Consent to assignment of license to First National Television, Inc.

NEW—Head of the Lakes Broadcasting Co., Superior, Wisc.—Construction permit for a new general experimental station to be operated on 31600, 35600, 41000 kc., 80 watts. Amended: To add frequency 38600 kc.

Fifth Zone

NEW—The Tribune, Great Falls, Mont.—Construction permit for a new station to be operated on 550 kc., 1 KW, 5 KW day, unlimited time. All facilities of KFYZ.

KHQ—Louis Wasmer, Inc., Spokane, Wash.—Construction permit to make changes in equipment.

KIEV—Cannon System, Ltd., Los Angeles, Calif.—Modification of construction permit (5-P-B-3268) for changes in equipment, increase in power and move of transmitter, requesting extension of commencement date from 10-30-35 to 2-1-36 and completion date from 12-29-35 to 4-1-36.

NEW—Earle Yates, Las Cruces, New Mex.—Construction permit for a new station to be operated on 930 kc., 1 KW, daytime.

NEW—Peninsula Newspapers Inc., Palo Alto, Calif.—Construction permit for a new station to be operated on 1160 kc., 250 watts, daytime. Amended: To omit name of Merced Star Publishing Co. from name.

NEW—Struble, Strong & Fagan (Carl C. Struble, Curtis T. Strong, Jane M. Fagan), The Dalles, Ore.—Construction permit for a new station to be operated on 1200 kc., 100 watts, un-

limited time. Amended: To change transmitter site from 112 West Second Ave., The Dalles, Oregon, to site to be determined, The Dalles, Oregon, and antenna system to be determined.

NEW—Democrat News Co., Inc., Lewiston, Mont.—Construction
1200 permit for a new station to be operated on 1200 kc., 100 watts, 250 watts day, unlimited time. Amended: To make changes in equipment.

KOL—Seattle Broadcasting Co., Seattle, Wash.—Authority to de-
1270 termine operating power by direct measurement of antenna.

NEW—A. W. Mills, Gallup, New Mex.—Construction permit for
1310 a new station to be operated on 1500 kc., 100 watts, daytime and limited. Amended: To change frequency from 1500 to 1310 kc., hours of operation from daytime and limited time to unlimited and make changes in equipment.

KIDW—The Lamar Broadcasting Co., Lamar, Colo.—Voluntary
1420 assignment of license from The Lamar Broadcasting Co. to The Southwest Broadcasting Co.

NEW—Ellwood W. Lippincott, Pendleton, Ore.—Construction per-
1500 mit for a new station to be operated on 1500 kc., 100 watts, daytime.

NEW—Southwest Broadcasting Co., Prescott, Ariz.—Construction
1500 permit for a new station to be operated on 1500 kc., 100 watts, 250 watts day, unlimited time. Amended: Re Stockholder.

NEW—W. P. Stuart, Prescott, Ariz.—Construction permit for a
1500 new station to be operated on 1500 kc., 100 watts, unlimited time. Requests facilities of KPJM. Amended: To make

changes in equipment and giving studio and transmitter sites as Union & Cortez Sts., Prescott, Arizona.

KRNR—Southern Oregon Publishing Co., Eugene, Ore.—License
1500 to cover construction permit (B5-P-434) as modified for a new station.

No Zone

WPRP—Julio M. Conesa, Ponce, Puerto Rico—Modification of
1420 construction permit (1-P-B-2940) for approval of transmitter site at No. 1 Trujillo St., Ponce, Puerto Rico, move studio from Plaza Principal, Ponce, P. R., to Trujillo St. (about 160' from transmitter), Ponce, P. R. and extend completion date from 1-18-35 to 180 days after grant. Also make changes in specified hours.

EFFECTIVE DATE EXTENDED

The Federal Communications Commission has extended the effective date of the Broadcast Division's Order of October 1, 1935 (Minute No. 239), in the so-called Brooklyn cases, Dockets Nos. 1780, 1936, 2039, 2641, 1882, 2013, 2014, 1967, 2643, 1883, 1968, 2642, 2259, 2411, 2343, 2463, 2462 and 2543, to January 22, 1936, pending its consideration of the petition of Paramount Broadcasting Corporation (WVFW) for rehearing on said Order under the provisions of Section 405 of the Communications Act of 1934, as to its application.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

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POWER INCREASE RECOMMENDED FOR KFPY

Broadcasting station KFPY, Spokane, Wash., operating on a frequency of 890 kilocycles, with unlimited time applied to the Federal Communications Commission to increase its daytime power from 1,000 to 5,000 watts with 1,000 watts at night as at present.

Examiner George H. Hill in Report No. I-176 has recommended that the application be granted. The Examiner found that no interference will be caused by the granting of the application and that "there is a definite need for the service of Station KFPY in the area not now being served by the station nor by any other station broadcasting Columbia Broadcasting System programs during daytime hours."

CASE DISMISSED AGAINST FCC

On motion of the Federal Communications Commission, the District Court of the United States for the Northern District of Illinois has dismissed the case against it by Peter B. Schyman.

Schyman asked the court to restrain the Commission from publishing certain information developing at a hearing before an Examiner of the Commission. Schyman claims that he is a doctor and that the publication of the information would hurt his professional reputation.

HOUSE PASSES FCC AMENDMENT

The House of Representatives this week without any discussion passed an amendment to the Communications Act of 1934 dealing with salaries of personnel of the Federal Communications Commission. The bill has already passed the Senate and it now remains merely to be signed by the President to become effective. The bill as passed provides: That paragraph (f) of section 4 of the Communications Act, 1934, is hereby amended by adding after the words "a chief engineer and not more than three assistants," the words "a chief accountant and not more than three assistants," and by adding after the words "and the chief engineer", the words "and the chief accountant", and by adding after the word "engineers" the word "accountants", so that paragraph (f) of section 4, as amended, will read as follows:

"(f) Without regard to the civil-service laws or the Classification Act of 1923, as amended, (1) the Commission may appoint and prescribe the duties and fix the salaries of a secretary, a director for each division, a chief engineer and not more than three assistants, a chief accountant and not more than three assistants, a general counsel and not more than three assistants, and temporary counsel designated by the Commission for the performance of special services; and (2) each commissioner may appoint and prescribe the duties of a secretary at an annual salary not to exceed \$4,000. The general counsel and the chief

engineer and the chief accountant shall each receive an annual salary of not to exceed \$9,000; the secretary shall receive an annual salary of not to exceed \$7,500; the director of each division shall receive an annual salary of not to exceed \$7,500; and no assistant shall receive an annual salary in excess of \$7,500. The Commission shall have authority, subject to the provisions of the civil-service laws and the Classification Act of 1923, as amended, to appoint such other officers, engineers, accountants, inspectors, attorneys, examiners, and other employees as are necessary in the execution of its functions."

FCC MAKES FIRST ANNUAL REPORT

The Federal Communications Commission this week made its first annual report to Congress. No recommendations were included. It is expected that if the Commission sees the necessity of further changes in the law that it will later transmit its recommendations to the appropriate committees of Congress. The report covers the fiscal year ending June 30, 1935.

The report shows that on June 30 of last year there were 623 broadcasting stations and that during the fiscal year nine stations were deleted and 39 new stations were authorized. Of this number, 31 were authorized under the provisions of section 307 of the Communications Act and were not charged to quota. Also during the fiscal year the Commission received 3,652 applications from broadcasting stations and authorizations were issued for 3,434 changes.

Merging of the old Federal Radio Commission are taken up in the report and details are given on the work of all of the departments and divisions of the Commission.

During the fiscal year the Commission spent \$1,125,599 for salaries and expenses in addition to \$13,518 for printing and binding.

A whole section of the report under the engineering department is devoted to broadcasting. In this section are discussed regular broadcast, modification of the rules, the operation of 500 kilowatt stations, experimental high fidelity broadcast, experimental relay broadcasting, experimental visual broadcasting, very high frequency experimental broadcasting and technical developments in regular broadcasting. Dealing with the allocation survey the Commission's report says: Since the allocation of 1928 no specific or basic changes have been made in regulation of the Commission governing the allocation of regular broadcast frequencies. There has been much public and engineering sentiment toward making certain basic changes rather than continuing granting of various applications that did not comply with this basic plan as originally adopted. While much engineering data have been taken by the Field Section of the Commission and at the numerous hearings held before the Commission, and the leading radio engineers throughout the United States have introduced large amounts of data, the Engineering Department was not convinced that it had sufficient information available on which to base a recommendation to the Commission to change the present allocation or to fully substantiate it.

The licensees of 13 clear-channel stations petitioned the Commission that it carry forward a survey in cooperation with them for the purpose of gaining further information. While the petition exactly as made was not accepted, the Commission did decide to carry forward the survey in cooperation with all broadcast licensees. Several informal conferences with all interested parties invited to be present were held when the extent and plan of survey, the prorating of the work, and the setting up of an organization to purchase equipment and management of the survey were decided. During January the survey actually began and the taking of data was closed on May 30, 1935.

The survey was divided into four principal parts, namely:

1. One hundred and sixteen thousand questionnaires were sent to the fourth-class postmasters and to a list of representative rural listeners furnished by the Agricultural Adjustment Admini-

stration requesting their preferences in radio stations with respect to satisfaction of reception.

2. The field personnel of the Commission made extended trips and interviewed radio listeners throughout various sections of the United States to obtain their opinions.

3. Continuous recordings were made of the signal received from broadcast stations in 10 different locations of the United States. The number of continuous recorders located at each of these points was from 4 to 8. This is the greatest number of field-intensity recordings heretofore taken and should give reliable information on the signal to be expected at distances from stations of various powers.

4. The radiating efficiency and primary service areas of several representative stations were determined by means of field-intensity equipment located in the Commission's test cars.

The data were all accumulated during the fiscal year 1934-35; however, the analysis, summary, conclusions, and recommendations to the Commission based on the survey were just begun at the close of the fiscal year.

FCC APPROPRIATION

The Appropriation Committee of the House of Representatives provided an appropriation of \$1,450,000 for the coming fiscal year for the Federal Communications Commission compared with its present appropriation of \$1,500,000 for the present year, a saving of \$50,000. An additional appropriation of \$25,000 is also made for printing and binding which is the present appropriation. This, of course, is in addition to the \$750,000 appropriation which the Commission has for the telephone investigation. The bill is now pending before the House for action.

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act: American Wringer Company, Inc., Woonsocket, R. I. (2-1819, Form E-1)

Berkey & Gay Furniture Co., Grand Rapids, Mich. (2-1820, Form A-1)

Coastal Minerals Development, Inc., New Orleans, La. (2-1821, Form A-1)

Sunray Oil Corporation, New York City. (2-1822, Form A-2)

Protective Committee of Mobile Bay Bridge Co., Buffalo, N. Y. (2-1823, Form D-1)

Fundamental Investors, Inc., Jersey City, N. J. (2-1824, Form A-1)

Benjamin Franklin Foundation, Inc., Philadelphia, Pa. (2-1826, Form C-1)

Allen Industries, Inc., Detroit, Mich. (2-1827, Form A-2)

Continental Steel Corporation, Kokomo, Ind. (2-1828, Form A-2)

Continental Steel Corporation, Kokomo, Ind. (2-1829, Form A-2)

East Belt Gold Mining Co., Reno, Nev. (2-1830, Form A-1)

Oklahoma-Southern Trust, Tulsa, Okla. (2-1831, Form A-1)

Can Industries Corporation, Chicago, Ill. (2-1832, Form A-1)

Committee of Trenton Mortgage & Title Co., Trenton, N. J. (2-1833, Form D-1)

Vimy Gold & Metals, Ltd., Montreal, Canada. (2-1834, Form A-1)

El Callao Mining Co., Ltd., Toronto, Canada. (2-1836, Form A-1)

Newman Dick Mining & Developing Co., Kirkland Lake, Canada. (2-1837, Form A-1)

Navajo Gold Mines, Inc., Mancos, Canada. (2-1838, Form A-1)

Columbia Pictures Corp., New York City. (2-1840, Form A-2)

Harry Cohn et al., New York City. (2-1841, Form F-1)

Republic Investors Fund, Inc., Jersey City, N. J. (2-1842, Form A-1)

Republic Investors, Inc., Jersey City, N. J. (2-1843, Form A-1)

Brockert Brewing Co., Inc., Worcester, Mass. (2-1844, Form A-1)

Illinois Consolidated Telephone Co., Mattoon, Ill. (2-1845, Form A-2)

Arrowhead Petroleum Corp., St. George, Utah. (2-1846, Form A-1)

Twin Coach Company, Kent, Ohio. (2-1847, Form A-2)

El Crest Mining Co., Denver, Colo. (2-1848, Form A-1)

Sparta Foundry Company, Salt Lake City, Utah. (2-1849, Form A-2)

Utah-Idaho Sugar Company, Salt Lake City, Utah. (2-1850, Form A-2)

Campana Gold Mines, Inc., Chicago, Ill. (2-1852, Form A-1)

Wabash Telephone Co., Bloomington, Ill. (2-1853, Form A-2)

Eastern Life Insurance Co., of New York. (2-1854, Form A-1)

NEW STATION DENIAL RECOMMENDED

The Wisconsin Broadcasting Company applied to the Federal Communications Commission for a permit for the erection of a new broadcasting station at Oshkosh, Wis., to use 1310 kilocycles, 100 watts and 250 watts LS, and unlimited time on the air.

Examiner John P. Bramhall in Report No. I-177 recommended that the application be denied. The Examiner found that the applicant is "not financially qualified to construct and operate the proposed station." Also "the evidence fails to show need for additional service in the area proposed to be served." It was found also by the Examiner that the erection of the proposed station would cause interference with certain existing stations.

RECOMMENDS NEW PENNSYLVANIA STATION DENIAL

E. L. Clifford applied to the Federal Communications Commission for a construction permit for the erection of a new station at Pottsville, Pa., to use 580 kilocycles, 250 watts and daytime operation.

Examiner Melvin H. Dalberg in Report No. I-178 recommended that the application be denied. The Examiner states that "there is obviously an insufficient showing that the applicant himself is qualified for the management and operation of a radio station and proof with respect to those with whom he would be associated or that those whom he had it in mind to employ are technically qualified by experience and background to warrant such application is lacking."

NEW CALIFORNIA STATION RECOMMENDED

The Golden Empire Broadcasting Company has filed an application with the Federal Communications Commission asking to erect a new broadcasting station at Redding, Cal., to use 1200 kilocycles, 100 watts and unlimited time on the air.

Examiner Melvin H. Dalberg in Report No. I-175 recommended that the application be granted. The Examiner states that "it is apparent that there exists in the Redding, Cal., area a genuine need for local broadcasting facilities and the program material which is proposed seems to be of a satisfactory nature for a station of the power requested. The equipment proposed to be installed is satisfactory and meets all the engineering requirements of the Commission." The Examiner found that granting of the application would not cause any interference.

NEW QUOTA FACILITIES

The Federal Communications Commission has announced the following quota facilities due and assigned to broadcast stations as of January 2.

First Zone—Night

State	Due	Assigned	Units Over or Under	Percent Over or Under
Conn.	2.13	1.92	— 0.21	— 10
Del.	0.32	0.20	— 0.12	— 38
D. C.	0.64	0.60	— 0.04	— 6
Maine	1.06	0.99	— 0.07	— 7
Md.	2.16	1.98	— 0.18	— 8
Mass.	5.63	5.51	— 0.12	— 2
N. H.	0.62	0.43	— 0.19	— 31
N. J.	5.36	4.105	— 1.255	— 23
N. Y.	16.69	18.53	+ 1.84	+ 11
R. I.	0.91	0.90	— 0.01	— 0
Vt.	0.48	0.56	— 0.08	+ 17
Total	36.00	35.725	— 0.275	— 1

First Zone—Day

State	Due	Assigned	Units	
			Over or Under	Percent Over or Under
Conn.	3.85	3.44	— 0.41	— 11
Del.	0.57	0.33	— 0.24	— 42
D. C.	1.16	0.90	— 0.26	— 22
Maine	1.91	1.42	— 0.49	— 26
Md.	3.91	4.10	+ 0.19	+ 5
Mass.	10.17	7.35	— 2.82	— 28
N. H.	1.11	0.80	— 0.31	— 28
N. J.	9.67	5.055	— 4.615	— 48
N. Y.	30.14	21.46	— 8.68	— 29
R. I.	1.65	1.00	— 0.65	— 39
Vt.	0.86	0.86	— 0.00	— 0
Total	65.00	46.715	—18.285	— 28

Second Zone—Night

State	Due	Assigned	Units	
			Over or Under	Percent Over or Under
Ky.	3.38	3.95	+ 0.57	+ 17
Mich.	6.25	5.05	— 1.20	— 19
Ohio	8.58	9.83	+ 1.25	+ 15
Pa.	12.43	12.38	— 0.05	— 0
Va.	3.13	4.65	+ 1.52	+ 49
W. Va.	2.23	2.19	— 0.04	— 2
Total	36.00	38.05	+ 2.05	+ 6

Second Zone—Day

State	Due	Assigned	Units	
			Over or Under	Percent Over or Under
Ky.	6.10	4.25	— 1.85	— 30
Mich.	11.28	7.09	— 4.19	— 37
Ohio	15.50	12.31	— 3.19	— 20
Pa.	22.45	14.85	— 7.60	— 34
Va.	5.64	6.19	+ 0.55	+ 10
W. Va.	4.03	4.30	+ 0.27	+ 7
Total	65.00	48.99	—16.01	— 25

Third Zone—Night

State	Due	Assigned	Units	
			Over or Under	Percent Over or Under
Ala.	3.32	2.735	— 0.585	— 18
Ark.	2.32	2.67	+ 0.35	+ 15
Fla.	1.84	3.65	+ 1.81	+ 98
Ga.	3.64	4.26	+ 0.62	+ 17
La.	2.63	5.40	+ 2.77	+ 105
Miss.	2.52	1.32	— 1.20	— 48
N. Car.	3.97	4.45	+ 0.48	+ 12
Okla.	3.00	3.51	+ 0.51	+ 17
S. Car.	2.18	1.30	— 0.88	— 40
Tenn.	3.28	6.05	+ 2.77	+ 84
Texas	7.30	11.14	+ 3.84	+ 53
Total	36.00	46.485	+10.485	+ 29

Third Zone—Day

State	Due	Assigned	Units	
			Over or Under	Percent Over or Under
Ala.	5.99	4.685	— 1.305	— 22
Ark.	4.19	4.75	+ 0.56	+ 13
Fla.	3.32	5.30	+ 1.98	+ 60
Ga.	6.58	5.20	— 1.38	— 21
La.	4.75	5.60	+ 0.85	+ 18
Miss.	4.55	2.42	— 2.13	— 47
N. Car.	7.17	4.85	— 2.32	— 32
Okla.	5.42	5.30	— 0.12	— 2
S. Car.	3.93	2.70	— 1.23	— 31
Tenn.	5.92	7.75	+ 1.83	+ 31
Texas	13.18	14.06	+ 0.88	+ 7
Total	65.00	62.615	— 2.385	— 4

Fourth Zone—Night

State	Due	Assigned	Units	
			Over or Under	Percent Over or Under
Ill.	10.14	11.14	+ 1.00	+ 10
Ind.	4.30	3.64	— 0.66	— 15
Iowa	3.28	5.37	+ 2.09	+ 64
Kans.	2.50	2.49	— 0.01	— 0
Minn.	3.41	4.18	+ 0.77	+ 23
Mo.	4.82	5.24	+ 0.42	+ 9
Nebr.	1.83	2.21	+ 0.38	+ 21
N. Dak.	0.90	0.90	+ 0.00	+ 0
S. Dak.	0.92	0.86	— 0.06	— 7
Wisc.	3.90	3.47	— 0.43	— 11
Total	36.00	39.50	+ 3.50	+ 10

Fourth Zone—Day

State	Due	Assigned	Units	
			Over or Under	Percent Over or Under
Ill.	18.30	15.82	— 2.48	— 14
Ind.	7.77	5.89	— 1.88	— 24
Iowa	5.93	8.26	+ 2.33	+ 39
Kans.	4.51	3.77	— 0.74	— 16
Minn.	6.15	5.77	— 0.38	— 6
Mo.	8.70	9.64	+ 0.94	+ 11
Nebr.	3.30	6.02	+ 2.72	+ 82
N. Dak.	1.63	1.35	— 0.28	— 17
S. Dak.	1.66	2.13	+ 0.47	+ 28
Wisc.	7.05	6.46	— 0.59	— 8
Total	65.00	65.11	+ 0.11	+ 0

Fifth Zone—Night

State	Due	Assigned	Units	
			Over or Under	Percent Over or Under
Ariz.	1.32	1.37	+ 0.05	+ 4
Calif.	17.18	19.67	+ 2.49	+ 14
Colo.	3.13	4.61	+ 1.48	+ 47
Idaho	1.35	1.50	+ 0.15	+ 11
Mont.	1.63	2.15	+ 0.52	+ 32
Nev.	0.27	0.30	+ 0.03	+ 11
N. Mex.	1.28	1.13	— 0.15	— 12
Ore.	2.89	4.12	+ 1.23	+ 42
Utah	1.54	3.30	+ 1.76	+ 114
Wash.	4.73	7.53	+ 2.80	+ 59
Wyo.	0.68	0.40	— 0.28	— 41
Total	36.00	46.08	+10.08	+ 28

Fifth Zone—Day

State	Due	Assigned	Units	
			Over or Under	Percent Over or Under
Ariz.	2.38	1.69	— 0.69	— 29
Calif.	31.02	23.57	— 7.45	— 24
Colo.	5.66	5.25	— 0.41	— 7
Idaho	2.43	2.05	— 0.38	— 16
Mont.	2.94	2.95	+ 0.01	+ 0
Nev.	0.49	0.30	— 0.19	— 39
N. Mex.	2.31	2.95	+ 0.64	+ 28
Ore.	5.21	6.19	+ 0.98	+ 19
Utah	2.78	3.30	+ 0.52	+ 19
Wash.	8.54	9.39	+ 0.85	+ 10
Wyo.	1.24	0.40	— 0.84	— 68
Total	65.00	58.04	— 6.96	— 11

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair methods of competition in complaints issued against the following companies. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

No. 2237. A cease and desist order issued against **Paul F. Reich Co.**, a corporation, with its principal office and place of business at **Bloomington, Ill.**, has been vacated and an amended and supplemental complaint issued against that respondent and directed the taking of testimony on such amended complaint.

The respondent is charged in the amended and supplemental complaint with selling to wholesale and retail dealers packages or assortments of candy, so packed and assembled as to involve the use of a lottery scheme when sold and distributed to consumers.

No. 2670. Unfair competition by the representation of a dealer as a manufacturer, is alleged in a complaint issued against **M. and A. Berger**, of 82 Orchard St., New York, trading as **Wearwell Knitting Mills**.

In addition to the trade name containing the word "Mills", the respondents, according to the complaint, advertised knitted garments by means of the phrase "Manufacturers of High Grade Sweaters, Bathing Suits and Knitted Novelties", implying that they own or control a mill or mills, when in fact they have not manufactured these articles and have not owned or controlled a factory in which such products are knitted.

No. 2671. **Ross Knitting Mills, Inc.**, a corporation, trading under that corporate name and also as **Ross Sportswear Co.**, and **Nathan Hirsch**, also trading as **Ross Sportswear Co.**, of New York City, are named as respondents in a complaint charging violation of Section 5 of the Federal Trade Commission Act.

The respondents are engaged in selling and distributing knitted garments and other apparel in interstate commerce. It is alleged in the complaint that **Ross Knitting Mills, Inc.**, and **Nathan Hirsch**, in the sale of the products mentioned, falsely represent that they are manufacturers, when in fact they have not manufactured and do not manufacture the products they sell, nor do they own or control a mill in which such products sold by them are manufactured. It is set out in the complaint that use of the words "Manufacturers of", on the respondents' letterheads, business cards, invoices and otherwise, falsely implies that they are manufacturers.

No. 2672. **William W. Babcock**, doing business under the name and style of **National Civil Service Training Bureau**, with office and principal place of business in **Los Angeles, Calif.**, is named as respondent in a complaint charging violation of Section 5 of the Federal Trade Commission Act.

It is alleged in the complaint that the name "National Civil Service Training Bureau", used by the respondent in conducting his business, implies to persons solicited to pursue the respondent's course of study, that the said Bureau is a part of or is connected with, or is an agency of the United States government. The complaint sets out that in truth and in fact neither the respondent, his school, nor anyone connected therewith, has any connection whatever with the Federal government, and that the sale of the respondent's course of study in the manner complained about, is unfair competition within the meaning of the Federal Trade Commission Act.

No. 2673. **H. Will Elders**, seller and distributor of a medicinal preparation known as "Dr. H. Will Elders' Filled Prescription for Women," with his place of business at **St. Joseph, Mo.**, is named as respondent in a complaint alleging violation of Section 5 of the Federal Trade Commission Act. The respondent is charged with making false and misleading representations in advertising matter of the respondent's medicinal preparation.

No. 2674. A complaint has been issued charging **Griffith Piano Co.**, of **Newark, N. J.**, with unfair competition through imitation of advertisements of the **Mathushek Piano Manufacturing Co.**, of New York City, and through disparagement of the **Mathushek** company's product, the "Spinnet Grand" piano.

The "Spinnet Grand", a small, square type instrument with only four legs, has acquired a valuable good-will, according to the complaint, and has been advertised as occupying "only the space of a lounge". The complaint alleges that the respondent company advertised its "Colonial Grand Piano" by altering a picture of a conventional grand piano so that it appeared to be square or rectangular, similar to the Spinnet Grand, with the fifth leg eliminated. It was advertised as occupying "no more space than a lounge or sofa."

No. 2675. A complaint has been issued alleging unfair competition on the part of **Joseph Weidenhoff, Inc.**, of **Chicago**, said to be the largest manufacturer of automobile testing devices in the United States. The complaint charges the respondent with executing an unlawful plan to control and restrain interstate commerce in testing devices.

Obtaining a patent for the special use of a vacuum gauge, the respondent is alleged to have manufactured testing devices consisting of a large number of separate and unrelated parts and items, including the vacuum gauge, assembled into one apparatus and sold to garage owners and others at prices ranging from \$175 to \$1,000 a device.

No. 2676. A complaint has been issued against **Dennison Bros.**,

Inc., of 437 Eleventh Ave., **New York City**, alleging unfair competition through representation to the public that a large percentage of its profits are for the use and benefit of a charitable institution, the **Bethlehem Orphan and Half-Orphan Home**, of **New York City**.

The respondent is charged with utilizing the representation about its gifts to a charitable institution so as to increase its sales and obtain patronage which otherwise would be unavailable.

Stipulations

The Commission has announced the following cease and desist orders:

Nos. 1567-1568. **Louis and Isadore Kaplin**, of 223 **Cherry Street, Philadelphia**, trading as **Metropolitan Bag & Suitcase Co.**, manufacturing luggage, including gladstone bags and suit cases, and **Standard Traveling Goods Co.**, 331 **Race Street, Philadelphia**, manufacturing men's and women's hand luggage, agree to discontinue misleading representations of their products. **Louis** and **Isadore Kaplin** stipulate that they will cease and desist using the word "leather" alone or in connection with the phrase "warranted genuine," and **Standard Traveling Goods Co.**, that it will stop using the word "leather," alone or in connection with the phrase "Guaranteed Genuine," to brand or label their products so as to imply that they are made of leather from the top or grain cut of the hide; unless, when the products are composed of leather made from the inner or flesh cut of the hide, the word "leather," if used to designate them, shall be accompanied by the word "split" in conspicuous type to clearly indicate that the products are not made of leather from the top or grain cut.

No. 1569. **The Wilson-El-Bart Corporation**, 70 **West 40th Street, New York City**, is engaged in distilling American-made alcoholic beverages, including gin and whiskey, and has agreed to abandon use in its advertising matter of representations to the effect that Canadian, or "over-the-border" whiskies are impractical or are not suitable for use in the blending of distilled spirits, or that blended whiskey prepared with imported Canadian whiskey is a product inferior to a mixture made of American straight whiskey. The respondent agrees also to stop making other representations of equivalent meaning when such are not the facts, and when such allegations amount to disparagement of imported Canadian whiskies of competitors.

No. 1570. **Binks Manufacturing Co.**, of 3105 **Carroll Avenue, Chicago**, manufacturer of painting and finishing equipment, including a spray gun designated "Thor Model 2," agrees to cease and desist from use in advertising of the representation that certain automobile and body manufacturers have ordered or purchased a total of 11,750 or more of **Binks** products, when this is not true. The stipulation shows that this company advertised that **General Motors** ordered over 4,000 of its products; **Chrysler** more than 3,050; **Studebaker** in excess of 1,500; **Briggs Body** in excess of 2,000, and **Fisher Body** over 1,200. The stipulation points out that this allegation in the respondent's advertising was greatly exaggerated, and much in excess of the actual number of the devices ordered or purchased by these manufacturers.

No. 1571. **Jennings B. Momsen**, of 838 **North 13th Street, Milwaukee**, trading as **Temple Airway Bureau**, and engaged in the sale of alleged data and information by direct mail relating to the **United States Air Corps**, agrees to cease and desist advertising his business in periodicals under the classification, "Help Wanted," and representing in such advertisements that men are wanted for the **United States Air Corps**; that the alleged information concerning the corps which he sends applicants in return for a fee has any monetary value, or that this is information which could not readily be obtained by such applicants from official sources without cost. He also agrees to cease alleging that the **Temple Airway Bureau** is a flying school or that it is in a position to assist an applicant applying for admission and training in the air corps.

No. 1572. **Adolph Hauptman**, of 1123 **Broadway, New York City**, importer and factory representative in the wholesaling of a variety of products, agrees to stop selling in interstate commerce, toothpicks packed in cartons or packages of a dress or appearance approximately the same as that of cartons or packages in which similar merchandise is sold by a competitor. **Hauptman** is said to have imitated the cartons in which toothpicks were packed and sold by the Estate of **Charles Forster**, of **Strong, Me.**

No. 1573. **Morris Senderowitz** and **Morris H. Senderowitz**, 645 **Jordan St.**, **Allentown, Pa.**, manufacturing men's underwear, agree to stop marking, branding or labeling goods with price markings in excess of the usual and customary selling value thereof.

No. 1574. J. C. Winter & Co., Inc., Red Lion, Pa., cigar manufacturer, agrees to discontinue use of the expressions "Hand Made," "Havana," and "Sumatra," to describe the process, filler and the wrapper respectively of cigars not made wholly by hand, with fillers not made from Havana tobacco or tobacco grown on the island of Cuba, and wrappers not raised in Sumatra. The company also agrees to cease certain misleading assertions regarding its prices.

No. 1575. Duplex Silk Mills, Inc., 1410 Broadway, New York City, engaged in purchasing raw silk which it causes to be "thrown" or spun, and of rayon yarn, and having the silk and rayon yarn woven into fabrics according to its specifications, agrees to stop using the word "mills" as part of its trade name, or in any way which may tend to deceive buyers into believing that it owns and controls mills wherein its products are made, when this is not true.

No. 1576. B. R. Stone and J. W. Hogan, of 620 Kasota Building, Minneapolis, trading as **Rogers Publicity Department**, formerly engaged in the sale of coupons and advertising matter for use by retailers in selling their merchandise, and in the redemption of such coupons by exchanging them for silverware. The respondents agree to cease using the phrase "Rogers Publicity Department" as a trade name under which to transact their business, or of any other words having a tendency to deceive buyers into believing that they are a department of, or connected with William A. Rogers, Limited, manufacturer of silver-plated ware, when this is not true. The respondents agree to cease certain other representations in the conduct of their business.

No. 1577. New England Woolen Mills Co., 1420 West 6th St., Cleveland, agrees to abandon use of the word "mills" as part of its trade name, and to stop using this word in any way which may imply that it owns and controls the mill in which its products are made, when this is not true.

No. 1578. M. L. and Marsell Fernandez, 2007 11th St., Tampa, Fla., trading as **M. L. Fernandez and Brother**, in the manufacture and sale of cigars, agree to forego use on brands or labels affixed to their products, of the words "Vuelta Abajo," independently or in connection with other words implying that the products are made entirely of tobacco grown in Cuba or in the Cuban province of Vuelta Abajo, when this is not true.

No. 1579. J. A. Begin and A. C. Herbert, copartners, trading as J. A. Begin & Co., of Beebe Plain, Vt., engaged in the quarrying of granite from quarries located at Beebe, Quebec, agree to stop the use in their advertisements of the words "Near Barre," to designate products which are not, in truth and in fact, made of granite produced or quarried near Barre, Vt., and within the Barre district. The stipulation points out that the Barre district of Vermont produces a granite of high quality which has developed a reputation and good-will in the use of the word "Barre."

No. 2465. Joseph M. Guerra, of 16 E. Tupper St., Buffalo, N. Y., engaged as a printer of social and business stationery under the name **Benton Novograph Co.**, has been ordered to cease and desist from certain misrepresentations in the sale of his product.

Guerra is directed to cease using the words "engraved," "engraving," and "engravers" in advertising his business or his products on which the lettering or designs have been printed from ink typed faces, electrotypes, or similar devices, and given a raised letter effect by an embossing process.

No. 2517. The General Implement Co. of America, Inc., of Cleveland, and its subsidiary, **The General Implement Manufacturing Co., Inc., of Liberty, Ind.,** have been ordered to discontinue certain unfair competitive methods in the sale under the trade name "Soil Fitter," of certain farm implements and tools purchased as bankrupt stock of the former Dunham Co., of Berea, O.

The order prohibits the respondents from advertising the "Soil Fitter" line as the most complete line of farm implements and tools made, and that they will furnish repair parts for use with tools and implements listed on special price sheets, until they actually do furnish such parts. Other representations regarding the "Soil Fitter" line are banned under the order.

No. 2545. Philip Wong, Cambridge, Mass., dealer in "Soft Corn Valuable," has been ordered to discontinue advertising this preparation as a cure or proper treatment for various named diseases, or as harmless or non-poisonous.

Findings are that the product will not cure the diseases enumerated, including corns, callouses, skin diseases, goiter, cancer, consumption, and others, and is not harmless, but, on the contrary, is poisonous and dangerous to be taken internally.

No. 2555. Speidel Corporation, of 70 Ship Street, Providence,

R. I., has been served with an order to cease and desist prohibiting certain unfair competitive methods in the sale of jewelry.

Use of the term "gold shell" or words of similar import to describe gold covered products manufactured by an electroplating or electrolytic process, is banned in the Commission's order. The respondent is directed to stop representing that jewelry produced by any process other than the "gold filled" or "rolled gold plate" process, possesses a "gold shell" or contains a deposit of a substantial quantity of gold on the exterior. Provision is made that this part of the order shall be effective unless the gold deposit is comparable by weight and thickness with the amount and quality of gold deposit contained on the exterior of articles correctly designated "gold filled," or "rolled gold plate."

No. 2577. In an order issued against Frank Livingston, trading as Berkshire Textile Co., at Brattleboro, Vt., and Greenfield, Mass., he is required to cease and desist from certain practices held by the Commission to be in violation of Section 5 of the Federal Trade Commission Act.

Among other things, the respondent is required to cease and desist from advertising, in the sale and distribution of dress goods, that he gives goods free to customers who make purchases, unless he in fact does so; from representing that the respondent is the owner or operator of or controls a factory at which the goods he sells are made; from representing that the respondent guarantees satisfaction to his customers; from representing that the prices at which the goods are offered are special bargain prices, when this is not the fact, and from certain other practices alleged by the Commission to be in violation of law.

NEW CHAIRMAN OF FTC

Col. Charles H. March has been designated to serve as Chairman of the Federal Trade Commission for the fiscal year 1936, effective January 1. He succeeds Commissioner Ewin L. Davis, who has served in that capacity during the last year. Under the Commission's custom, the Chairmanship rotates annually.

This will be Col. March's second term as Chairman of the Federal Trade Commission. He was appointed to that Commission in 1929 for a term expiring September 25, 1935, and was reappointed by President Roosevelt last September for a full term of seven years, expiring in 1942. Col. March served as Chairman during 1933.

FTC CASE CLOSED

No. 2587. The Federal Trade Commission has closed its proceeding against the Associated Lobster Dealers of Massachusetts, Boston, and its officers and members.

Conspiracy to fix prices of lobsters obtained from Canadian and American waters had been alleged in the Commission's complaint.

The Commission, however, closed the case without prejudice to its right to reopen it "should conditions hereafter arising require such action in the public interest."

FEDERAL COMMUNICATIONS COMMISSION ACTION

No meeting of the Broadcast Division of the Commission was held at the usual time this week owing to the fact that the Commission was hearing testimony in the coaxial cable application of the American Telephone & Telegraph Company.

HEARING CALENDAR

Monday, January 13

HEARING BEFORE AN EXAMINER (Broadcast)

- KVSO—The Ardmoreite Publishing Co., Inc., Ardmore, Okla.—C. P., 1210 kc., 100 watts, 250 watts LS, unlimited time. Present assignment: 1210 kc., 100 watts, daytime.
NEW—J. Laurance Martin, Tucumcari, N. Mex.—C. P., 1200 kc., 100 watts, unlimited time.
NEW—Huhert H. Hall, Erie, Pa.—C. P., 1420 kc., 100 watts, unlimited time (requests facilities of WLEU).
WLEU—Leo J. Omelian, Erie, Pa.—Renewal of license, 1420 kc., 100 watts, 250 watts LS, unlimited time.

Tuesday, January 14

- NEW—Struble, Strong & Fagan, The Dalles, Ore.—C. P., 1200 kc., 100 watts, unlimited time.
NEW—James R. Doss, Jr., Tuscaloosa, Ala.—C. P., 1200 kc., 100 watts, daytime.

Thursday, January 16

NEW—Thames Broadcasting Corp., New London, Conn.—C. P., 1500 kc., 100 watts, daytime.
WMEX—The Northern Corp., Boston, Mass.—C. P., 1470 kc., 5 KW, unlimited time. Present assignment: 1500 kc., 100 watts, 250 watts LS, unlimited time.

FOR FURTHER HEARING AND ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

KFYR—Meyer Broadcasting Co., Bismarck, N. Dak.—Renewal of license, 550 kc., 1 KW, 5 KW LS, unlimited time.

Friday, January 17

NEW—Alfred C. Matthews, Cape May, N. J.—C. P., 1420 kc., 100 watts night, 100 watts day, specified hours.
WPAR—Ohio Valley Broadcasting Corp., Parkersburg, W. Va.—C. P., 1420 kc., 100 watts, 250 watts LS, unlimited time. Present assignment: 1420 kc., 100 watts, unlimited time.

APPLICATIONS RECEIVED

First Zone

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Construction 830 permit to make equipment changes.
WJAR—The Outlet Co., Providence, R. I.—Extension of special 890 authorization to use additional power of 250 watts night for period from 3-1-36 to 9-1-36. (Gives 500 watts power day and night.)
WESG—Cornell University, Elmira, N. Y.—Extension of special 1040 experimental authorization to operate on 850 kc., daylight to sunset at New Orleans, Pa., for period from 2-1-36 to 8-1-36.
WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn. 1040.—Extension of special experimental authorization to change frequency from 1060 kc. to 1040 kc.; time from S-WBAL to simultaneous operation with KRLD (unlimited) for period 2-1-36 to 8-1-36.
WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Extension of 1060 special experimental authorization to change time from S-WTIC to daily simultaneous operation on 1060 kc. with KTHS from 6 a. m. to local sunset at Hot Springs, Ark., from local sunset to 9 p. m., operation unlimited on 1060 kc. from 9 p. m. on. Will synchronize with WJZ on 760 kc., with power of 2½ KW, until end of license period from 2-1-36 to 8-1-36.
WNRI—S. George Webb, Newport, R. I.—Modification of construction permit (1-P-B-2815) for new station requesting extension of completion date from 2-4-36 to 6-4-36.
WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—Modification of license to change hours of operation from daytime to 7:30 p. m., using 100 watts power at night.
WBNY—Roy L. Albertson, Buffalo, N. Y.—Modification of construction permit (B1-P-402) for approval of antenna, and transmitter site at Kenmore Ave., 250 feet east of Starin Ave., Buffalo, N. Y., and studio at 485 Main St., Buffalo, N. Y. Amended to give transmitter site from Kenmore Ave., 250 feet east of Starin Ave., Buffalo, N. Y., to 154 E. Eagle St., Buffalo, N. Y.
WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Transfer of control of corporation from Paramount Broadcasting Corp. to Brooklyn Council, Kings County Dept. of N. Y. Veterans of Foreign Wars of the United States, 51 shares of common stock.
NEW—Connecticut State College, Storrs, Conn.—License to cover construction permit for a new general experimental station.

Second Zone

WKRC—WKRC, Inc., Cincinnati, Ohio.—Extension of special experimental authorization to operate with 1 KW power for period from 3-1-36 to 9-1-36.
NEW—Berkas Broadcasting Co., Pottsville, Pa.—Construction permit to erect a new broadcast station on 640 kc., 250 watts, daytime operation.
WQAN—E. J. Lynett (Prop., The Scranton Times), Scranton, Pa.—880 Voluntary assignment of license from E. J. Lynett (Prop. of The Scranton Times) to The Scranton Times (co-partnership), E. J. Lynett, Wm. R. Lynett, Elizabeth R. Lynett, and Edward J. Lynett, Jr.
WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—1370 Construction permit to install auxiliary transmitter.

NEW—Miami Valley Broadcasting Corp., Dayton, Ohio.—Construction permit for a new general experimental station for 31600, 35600, 38600, 41000 kc., 100 watts.
NEW—WBNS, Inc., Columbus, Ohio.—Construction permit for a new general experimental station on 31600, 35600, 38600, 41000 kc., 1 KW.

Third Zone

WTJS—The Sun Publishing Co., Inc., Jackson, Tenn.—Construction 920 permit to install new equipment, increase power from 100 watts, 250 watts day, to 250 watts, 500 watts day; move transmitter from Hall St., Jackson, Tenn., to 350 feet east of Hollywood Cemetery, northwest of city limits, exact site to be determined, Tennessee, using directional antenna. Amended to give frequency as 920 kc.
KRLD—KRLD Radio Corp., Dallas, Tex.—Extension of special 1040 experimental authorizations to operate simultaneously with WTIC for period from 2-1-36 to 8-1-36.
KTHS—Hot Springs Chamber of Commerce, Hot Springs National 1060 Park, Ark.—Extension of special experimental authorization to change frequency from 1040 kc. to 1060 kc.; time from S-KRLD to simultaneous WBAL from 6 a. m. to local sunset daily, suspend until 8 p. m., and unlimited from then until midnight, for period to 8-1-36.
KWKH—International Broadcasting Corp., Shreveport, La.—Extension of special authorization to operate on 1100 kc., unlimited time, with directional antenna at night, for period 2-1-36 to 8-1-36.
NEW—State Capitol Broadcasting Assn. (R. B. Anderson, President), Austin, Tex.—Construction permit for new station on 1120 kc., 500 watts, 1 KW day, specified hours (all hours not used by WTAW), using directional antenna.
WPAX—H. Wimpy, Thomasville, Ga.—Modification of construction permit (B3-P-386) for changes in equipment and increase in power, requesting approval of transmitter site at 117 Remington Ave., Thomasville, Ga., and approval of antenna system; extend commencement date from 7-14-35 to 10 days after grant and completion date from 1-14-36 to 30 days after grant.
KTRH—KTRH Broadcasting Co., Houston, Tex.—License to cover 1290 construction permit (B3-P-880) for changes in equipment.
KTRH—KTRH Broadcasting Co., Houston, Tex.—Authority to 1290 determine operating power by direct measurement of antenna.
KPDN—Pampa Daily News, Inc., Pampa, Tex.—Modification of 1310 construction permit (B3-P-382) for a new station for changes in equipment, approval of transmitter site at .8 of a mile east of city limits on highway 33, Pampa, Tex., studio site at 212 No. Ballard, Pampa, Tex., and approval of antenna.
WSGN—R. B. Broyles, tr/as R. B. Broyles Furniture Co., Birmingham, Ala.—Voluntary assignment of license from R. B. Broyles, tr/as R. B. Broyles Furniture Co., to The Birmingham News Co.
NEW—Albert E. Davis, Brownwood, Tex.—Construction permit 1420 for a new station on 1420 kc., 100 watts, daytime operation. Amended: Transmitter site to be determined, Brownwood, Tex.
W4XBT—Radio Station WSOC, Inc., Portable-Mobile.—License to cover construction permit for new general experimental station.
NEW—WKY Radiophone Co., Oklahoma City, Okla.—Construction permit for a new experimental relay station for 6020, 9510, 11810, 15170, 17760, 21480 kc., 5 KW.
NEW—Tri-State Broadcasting System, Inc., Portable-Mobile.—Construction permit for broadcast pickup station for 1606, 2020, 2102, 2760 kc., 50 watts.
NEW—Tri-State Broadcasting System, Inc., Portable-Mobile.—License to cover the above.

Fourth Zone

WEDC—Emil Denmark, Inc., Chicago, Ill.—Modification of license 1210 to change specified hours from daily, 8:30-10:00 a. m., 3:30-5:00 p. m., 7:00-8:00 p. m., 10:00-11:00 p. m., 1:00-3:00 a. m.; to daily, 8:30-10:00 a. m., 3:30-5:00 p. m., 7:00-8:00 p. m., 10:00 to 11:00 p. m., midnight to 6:00 a. m. (requesting 1 hour used by WCRW, from midnight to 1:00 a. m.).
KLPM—John B. Cooley, Minot, N. Dak.—Modification of license 1240 to change hours of operation on Sundays from 9:00 a. m. to 11:45 a. m., 1:30 p. m. to 2:30 p. m., 5:00 p. m. to 8:00 p. m., CST, to 9:00 a. m. to 11:45 a. m., 7:00 p. m. to 11:00 p. m.

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—License to 1310 cover construction permit (B4-P-377) for changes in equipment and increase in power
 W9XAF—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Renewal of license.
 W9XID—Donald A. Burton, Portable-Mobile.—License to cover construction permit for general experimental station.
 NEW—Racine Broadcasting Corp., Portable-Mobile.—Construction permit for a general experimental station on 31100, 34600, 37600, 40600 kc., 10 watts.
 NEW—Racine Broadcasting Corp., Portable-Mobile.—License to cover above.

Fifth Zone

KVOS—KVOS, Inc., Bellingham, Wash.—Consent to transfer of 1200 control of corporation from Wescoast Broadcasting Co. to Rogan Jones, 147 shares of common stock.

KVOR—S. H. Patterson, Colorado Springs, Colo.—License to cover 1270 construction permit (B5-P-580) to move transmitter and make equipment changes.
 NEW—Donald A. Wike and H. E. Studebaker, Baker, Ore.—Construction permit for new station on 1370 kc., 100 watts, 250 watts day, unlimited time, requesting frequency of KUJ contingent upon KUJ being granted another frequency as applied for. Amended to give name as Donald A. Wike and H. E. Studebaker, d/b as Wike and Studebaker.
 KABD—Don Lee Broadcasting System, Los Angeles, Calif.—License to cover construction permit for broadcast pickup station.
 W10XFZ—Don Lee Broadcasting System, Portable-Mobile.—License to cover construction permit for general experimental station.
 W6XB—Earl A. Meilsen, Portable-Mobile.—License to cover construction permit.

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Tentative Program of Activity in Behalf of the NAB

FOREWORD

On Friday, January 10, 1936, after a long day of arduous labor, the Managing Director and his Advisory Committee discussed and agreed upon the following tentative program of activity in the field of copyright.

Late that evening they were informed, through newspaper sources and not by any communication from ASCAP, that a wire had gone out from ASCAP to all stations saying in substance that stations have until January 15, 1936 to accept the offer of a five-year contract contained in Mr. Buck's telegram of December 30, 1935 and those that do not accept are to be deemed infringers. This wire appears to be intended and to operate as a cancellation of the temporary arrangement under which most stations have been operating, based on Mr. Buck's letter, dated December 30, 1935, given to and accepted by the Managing Director.

This is not the time or place to comment on the precipitous action thus taken by ASCAP. Until it was taken, the Managing Director had every reason to believe that ASCAP would not exercise its right of cancellation of the temporary arrangement without first having further negotiations with him and his Committee and without having exhausted all possibilities of reaching an amicable settlement of the issues that have arisen. That hope, it seems, was without foundation.

At present writing it would seem that stations needing ASCAP music have no alternative but to accept the five-year contract by January 15, 1936. To this extent, the course of events has outrun a part of the tentative program which appears below. These events, of course, place increased obstacles in the way of future negotiations with ASCAP but the Managing Director and his Advisory Committee refuse to regard these obstacles as insuperable. Even if they are insuperable, that is all the more reason for bending every effort to carry out the rest of the program.

This report is to advise the members of the National Association of Broadcasters of a tentative program of activity in the field of copyright, agreed on by the Managing Director and his Advisory Committee¹ (selected pursuant to a resolution adopted by a majority of the Board of Directors, December 17, 1935). It is of the utmost importance that every broadcaster immediately acquaint himself with this program. For convenience, the activities proposed will be considered under the following four headings:

- A. License arrangements between broadcasters and organizations controlling performing rights on copyrighted music.
- B. Compiling and distribution of information to broadcasters and the taking of any proper steps to assist them in protecting themselves against exorbitant or unreasonable demands.
- C. The copyright bill now pending in Congress, known as the Duffy Copyright Bill.
- D. The suit now pending in the Federal Court, instituted by the government against ASCAP.

The problems referred to, and intended to be covered by the foregoing are, for the most part, such as to call for immediate decision and determination of a course of action to be pursued promptly and effectively.

A. LICENSE ARRANGEMENTS BETWEEN BROADCASTERS AND ORGANIZATIONS CONTROLLING PERFORMING RIGHTS ON COPYRIGHTED MUSIC.

From the point of view of number of copyrighted compositions controlled and their value to the average American broadcaster, the principal organizations controlling performing rights are:

1. American Society of Composers, Authors and Publishers (ASCAP).

2. Music Publishers Holding Corporation (MPHC), being the Warner Brothers group of music publishers.
3. Associated Music Publishers, Incorporated (AMP).
4. European Society of Stage Authors and Composers (SESAC).
5. Ricordi of Milan.

There are, of course, other important organizations, especially in the foreign field, and an unknown number of small independent music publishers and music copyright owners in this country. For the sake of simplicity, however, they will be disregarded in this discussion although they cannot and should not be ignored in fact or in practice.

It is unnecessary to state that the forms and terms of the license agreements of these several organizations, and the bases for calculating compensation to be paid by Licensees, conform to no standard. They are bewildering in their variations, not only as between the several organizations but also as between outstanding contracts and classes of contracts of the same organization. With reference to the bases for compensation, the principal classifications are:

1. A fixed amount (usually called a sustaining fee) calculated arbitrarily, plus a percentage of the Licensee's total net receipts.
e. g., the ASCAP contract held by the great majority of broadcasters.
2. A fixed amount calculated arbitrarily, plus a percentage of the Licensee's gross actual receipts from programs containing music.
e. g., the ASCAP contract held by WCAU.
3. A minimum guarantee calculated arbitrarily, plus a percentage of the Licensee's net receipts from programs containing Licensor's music.
e. g., the ASCAP contract held by about 48 newspaper stations.

¹ The members of the Advisory Committee who participated in and approved this report are Messrs. Allen, Caldwell, Carpenter, Clark, Craig, Damm, and Loucks.

4. A fixed amount calculated arbitrarily, plus a percentage of the Licensee's net receipts excluding a portion of the network receipts on network programs.
e. g., the ASCAP contract held by the network owned or controlled stations.
5. A fixed amount calculated arbitrarily.
e. g., the ASCAP contracts held by certain nonprofit stations; also the SESAC contracts.
6. A fixed amount calculated according to some standard.
e. g., the MPHC contract based on a monthly payment of X times the station's highest quarter hour rate; the AMP contract based on a monthly payment of one times the station's highest day-time quarter hour rate; and the Ricordi contract based on gross receipts of stations.
7. A fixed amount, whether calculated according to some standard or not, covering not only the Licensee's station or stations but also other stations (network affiliates) to whom Licensee furnishes programs, with respect to such programs.
e. g., the SESAC and AMP contracts with the two national network companies; the MPHC contract contemplated with MPHC and said companies.
8. Compensation calculated on a per-piece or per-use basis, with or without a guarantee minimum.
e. g., the future MPHC contracts as contemplated in the present three months contracts.

There are undoubtedly other varieties than the foregoing, and many subvarieties of the foregoing.

In view of the complexities raised by the fact that with respect to two of the organizations (ASCAP and MPHC) there is a pressing and immediate need for negotiations, and by the further fact that such negotiations will necessarily be closely related with present and future negotiations with the other organizations, it seems advisable to subdivide this discussion into appropriate sub-headings.

1. The ideal objectives sought to be accomplished.

(a) *No discrimination.* At the earliest possible date all discriminations by any such organization as between Licensees must be completely and finally eliminated. The terms and the compensations must be based upon some reasonable standard, applicable to all alike, and the contracts must contain clauses binding the Licensor to give the benefit of any more favorable contract of one Licensee to all Licensees. This, of course, does not mean that more favorable contracts may not be accorded to small stations as a class, or to bona fide non-profit stations as a class, provided that the line drawn is reasonable and all within the class are similarly treated.

Any contract between a broadcaster and a copyright owner by which the broadcaster gets the exclusive right for any period to broadcast one or more compositions is to be considered a form of discrimination and is not to be tolerated, and any license agreements should be drawn so as to eliminate, so far as possible, any such form of discrimination.

(b) *Basis for calculating compensation.* This Managing Director and his Advisory Committee have little discretion in this matter. The membership of the NAB at three successive annual conventions have endorsed the per-piece or measured service basis for compensation and have left no discretion except as to the detailed method of giving it effect. As noted below, there are several possible varieties of per-piece plans, and some present practical difficulties and burdens far greater than do others. Subject to this qualification only, the Managing Director and his Advisory Committee unqualifiedly endorse the per-piece basis as the only just and equitable basis for compensation, and will insist upon it as an immediate or eventual indispensable term of any contract.

In view of the fact that there is a substantial minority in the NAB which, while conceding the theoretical desirability of the per-piece basis, believes the practical difficulties are too great to put it into effect immediately, and in view of the further fact that a certain number of the smaller stations are not equipped or staffed to do so immediately, and in view of the further fact that certain outstanding contracts (particularly ASCAP) may prove to be a temporary insurmountable obstacle, it is recognized—

- (a) that the putting of such a plan into effect may have to be gradual, but in no event should it await five years or any substantial portion thereof,
- (b) that it may have to be accompanied by temporary alternative forms of contracts, available to all stations on equal terms, and
- (c) that a permanent alternative may have to be offered to the smaller stations,
e. g., a flat license fee.

No temporary or permanent alternative should be accepted, however, which is in anyway discriminatory or which is not based on some reasonable and easily intelligible standard. In particular, compensation should in no event be based on a percentage of Licensee's revenue.

(c) *Nature of licensing organization.* If the benefits of price competition between copyright owners (or groups thereof) could be secured and preserved, the ideal licensing medium for a per-piece system would be a single organization, conducted in a fashion analogous to certain well known patent licensing pools. The organization would act simply as the repository and trustee of performing rights, with power to issue licenses. It would have no power to fix, or to participate in the fixing of any price per-piece; this would be done by the copyright owner who registers his compositions, and the compensation he expects with the organization. It would, however, have to be bound by certain agreed classifications with respect to stations, and, with respect to compositions. The organization would be responsible for collecting the compensation from Licensees and for distributing the proceeds (less expenses) to the copyright owners on a per-piece basis. It would be open to any and all copyright owners without discrimination.

As a practical matter, this ideal does not seem likely of realization, at least in the immediate future, and perhaps never without compelling legislation or judicial decree. The possibilities and the desirability of such legislation have not been canvassed by the Managing Director or his Advisory Committee, and, in any event, the legislative process is too slow to meet the immediate problem. On the other hand, such possibility should not be ignored in any long range plan on the subject.

Several years ago ASCAP might be said to have come close to meeting one of the essential features of such an organization but to have been completely lacking in another essential feature. On most of the important musical compositions, it held or claimed to hold, the performing rights, and, while it is said that the proceeds were inequitably distributed by it among its members and that the conditions of admission to membership were such as to be unfair to outsiders, it did seem to furnish most of the convenience of a single licensing organization. The bad features which counterbalanced this convenience was that, being virtually a monopoly, it had power to exercise, and did exercise, an unrestrained power to fix prices. There was no price competition between the copyright owners, nor was there any other form of competition between them.

Since then, separate licensing organizations have made their appearance, notably AMP, SESAC, and, most recently, MPHC. It cannot yet be said that there is any evidence of price competition between them. Probably there will be no such competition until the broadcaster is on a basis of bargaining equality. In this connection the subject matter of parts B, C, and D becomes of prime importance.

The present existence of several licensing organizations has potential advantages for the broadcaster, so long as those organizations have price-fixing power, for the sake of securing some measure of the competition to which buyers are entitled. The Managing Director and his Advisory Committee conclude, therefore, that, pending the advent of an ideal such as previously described, it should be their aim to prevent by any proper means within their power the elimination of any potential competition by the merger of the more important licensing organizations.

(d) *Clearance of copyright at the source.* It is indispensable that performing rights be cleared at the source. By "source" is meant the originating station, or the originating station or network studio, in the United States. The terms is not intended to cover remote control orchestras and the like (although certain exceptions should be made in such situations where the broadcaster has no voice in what is performed), since it cannot be expected that the Licensor will accept such a responsibility.

Reference is had primarily to network programs. The network company should be exclusively responsible for obtaining licenses from, and paying compensation to, the licensing organization, and the affiliate station should not bear any portion of this responsibility. The network company may, of course, pass on a share of the cost to the affiliate; this will depend on contract arrangements between network and affiliate.

In no other way can responsibility be laid where it belongs. The originator of the program is in a position to commit or to avoid infringements; the affiliate is not. The originator collects the revenue from the advertiser out of which, directly or indirectly, the performing fees must ultimately be paid. Finally, if the practice becomes prevalent of passing on the cost to the advertiser,

the originator is the person having contact with and collecting revenue from the advertiser.

The same principles apply to electrical transcriptions, and should be insisted on.

(e) *Compulsory furnishing of lists of compositions.* Henceforth, no licensing agreements should be entered into which do not obligates the Licensor to furnish to Licensee a complete list of the compositions covered by the license, and to maintain such lists up-to-date by additions furnished at stated intervals. In large measure this was accomplished for the first time in the current temporary MPHC contract.

The importance of such lists is obvious. They are a necessary prerequisite to any per-piece system of compensation. Without them, an indemnity agreement is so easily evaded as to be almost worthless. Eventually such lists will put an end to the confusion of overlapping and conflicting claims of the principal licensing organizations.

It cannot be emphasized too strongly that the copyright notice printed on musical compositions gives no trustworthy indication as to who controls the *performing rights* with respect to that composition. This information can be obtained in no other way than by lists furnished by the licensing organizations.

(f) *An adequate guarantee of indemnity.* Henceforth, every license agreement should contain an adequate guarantee of indemnity, protecting the Licensee against infringement claims by all third parties based on performance of compositions covered by the license agreement. Such a guarantee is not adequate if it is limited in amount (as in the current temporary MPHC contract), or if it is not referable to a definite and easily accessible list of compositions, or if accompanied by any other qualification detracting from the protection to which the Licensee is entitled.

(g) *The reasonableness of requirements as to records and periodical reports.* It must be conceded at the outset, that if either a per-piece plan or any form of measured service plan is to be adopted, fairness to the Licensor demands reasonable obligations on the part of the Licensee to keep adequate records and to make periodical reports to the Licensor. Once this is conceded, it makes little difference whether such reports are made on a weekly or a monthly basis.

Requirements as to records and reports should, however, be confined to what is reasonably necessary to accomplish the purpose, and should not extend merely to prying into the Licensor's business. No reason is perceived, for example, for requiring the Licensee to report performances of compositions not covered by the license agreements; the Licensor will be adequately protected by a right to audit Licensee's lists and by any other means of checking Licensor may have. The reporting of all compositions is an undue burden, and will be all the worse if it must be done to each Licensor.

Only limited records and reports can be expected or required with respect to phonograph records, electrical transcriptions, and network programs (so far as affiliates are concerned), because of the impossibility of giving the complete information.

In all cases where only a flat fee (e. g., a fee based on card rates) is required, the burden of records and reports should not be as great.

(h) *Miscellaneous.* The foregoing are intended to cover only the principal features of license agreements, and are not intended to exclude consideration of other features which are or may be objectionable. For example, license agreements should not be required to be personal to the Licensee, and their benefits and objections should go with the sale or transfer of control of the station. Furthermore, license agreements should be drawn so as to leave no doubt as to the right of the broadcaster to make any arrangement or adaptation of a musical composition reasonably incidental to the broadcasting of such composition.

(i) *Uniformity.* Uniformity of arrangement and phraseology of license agreements is an end worthy of consideration in itself. It helps to avoid conflicting and confusing interpretations. To this end, study of the forms and agreements now in use by the several licensing organizations should be made and their differences and objectionable features should be noted. There is no reason, for example, why a model guarantee clause can not be drafted, agreed upon, and used in all contracts.

It is to be noted that to date little or no attention has been paid by broadcasters to the forms used by AMP, SESAC, and many other licensing organizations.

2. Means and methods for establishing a per-piece system of compensation.

As already stated, the NAB is committed to securing the adoption of a per-piece or measured service system of compensation.

The subject cannot, however, be intelligently approached without giving due weight to practical difficulties since they have a definite bearing on which of several plans should be sought, as well as on the steps which must be taken by broadcasters to prepare themselves for the carrying out of any such plans.

The furnishing to each Licensee of authentic lists by the licensing organization is an indispensable prerequisite to any acceptable plan. At the present date no such list is available, and the only lists promised for the future are the MPHC lists to be furnished not later than February 1, 1936, and those informally assured by AMP. It is obvious that considerable expense is involved in making such lists available to broadcasters. Nevertheless, in the opinion of the Managing Director and his Advisory Committee, it is only logical and just that the Licensor furnish such a list at its own expense, since otherwise, as already pointed out, any indemnity agreement is virtually worthless (whether or not a per-piece plan is adopted) and every Licensee is in the ridiculous position of not knowing what he has bought or how to protect himself against infringement.

A second very substantial difficulty is the fact that some broadcast stations are neither equipped nor staffed to put a per-piece plan (or even a measured service plan such as the ASCAP newspaper form of contract) into effect immediately. If it were offered tomorrow, such stations are unprepared to accept it. Consequently, it is clear that for some, and perhaps for all, stations, a transition period is necessary, and that for the smaller stations a per-piece plan may prove impracticable. These are not to be construed as arguments against its adoption; they are simply realities which cannot be ignored. The discussion which follows must be understood as being subject to a working out of these realities in a practical way.

There are several methods or standards for establishing a per-piece plan, among which a choice must be made:

(a) *The Licensor might set opposite each composition the price per performance.* Manifestly the price cannot be the same for a 50 kilowatt full-time clear channel station as it is for a 100-watt local daytime station. Such a system requires that stations be somehow classified, and that a ratio of each class to the figure specified be worked out. Such a ratio cannot scientifically be based on net or gross receipts, or on the character of the station's assignment with respect to frequency and power, or on the population within its service area. The practical difficulties and the possibilities of error and injustice are too great. The only acceptable basis for classification of stations would seem to be some unit taken from the station's card rates.

Even then, however, the total number of musical compositions furnishes an obstacle in itself. If they are all to be separately priced, then the burden of the necessary records and reports might prove to be disproportionately great for the average Licensee.

(b) *The Licensor might divide all compositions into classes, and set a price per performance for any composition of each class.* This method would still require a ratio such as already described, based on card rates.

Much would depend on the number of classes found necessary, and the ease with which the several classes might be distinguished one from the other (and this, in turn, would depend largely on how the lists furnished to the Licensee are classified, arranged and indexed). It is said that 20 classifications are recognized in Great Britain. It has also been said that as many as 40 might be necessary for the purpose of equitable operation of a per-piece plan, from the point of view of the copyright owners.

If a simple and practicable classification can be worked out, without an undue burden on the Licensee, the Managing Director and his Advisory Committee are disposed to regard this method as feasible.

(c) *The Licensor might agree to charge a uniform price for each composition, expressed not in dollars and cents but on a percentage of the station's card rate for a given time unit.* This method has the advantage of simplicity and of least burden to the Licensee. It has the disadvantage, however, of eliminating competition between musical compositions controlled by the same licensing organization.

A variation of this method would consist in providing that the price thus calculated serve as a maximum, leaving Licensor free from time to time to establish lower prices (similarly calculated) on particular compositions or classes of compositions. The more this is done, obviously, the greater become certain of the burdens already referred to, but possibilities along this line cannot be overlooked.

3. Negotiations with Licensing Organizations.

What has been stated under earlier sub-headings sufficiently covers the objectives to be achieved, if possible, in future negotiations with any licensing organization. It is necessary, however, to take note of particular problems raised in connection with certain of them, so that the objectives may be interpreted with regard to the practical situation.

ASCAP. As matters now stand, the overwhelming majority of broadcasters are dependent on the bare authority of an arrangement effective after December 31, 1935, subject to cancellation by ASCAP on two days' notice. This arrangement is based on a letter from Mr. Buck, President of ASCAP, to the Managing Director, dated December 30, 1935, and accepted by the Managing Director on that date. Network affiliates have the similar protection of an analogous assurance with respect to network programs. These arrangements are, of course, subject to a qualification not contained in the previous contracts; they cover the repertoire of ASCAP only as of January 1, 1936.

Under Mr. Buck's telegram of December 30, 1935, any ASCAP Licensee is privileged, of course, to obtain a five-year extension subject to this qualification as to repertoire. The Managing Director and his Advisory Committee trust, however, that the members of NAB that have not already accepted five-year renewals will content themselves with the temporary arrangement accorded by Mr. Buck's letter. This will leave them perfectly free to avail themselves of any advantages that may be secured as the result of further negotiations. It is believed that Mr. Buck and the other direct officials of ASCAP are, and will remain, fair, and will not take advantage of the two day cancellation clause to the detriment of any independently owned station.

It must be frankly recognized that the principal obstacle to satisfactory negotiations with ASCAP proceeds from its outstanding contracts with the two network companies and certain individual broadcasters. Early in June, 1935, as already stated, unconditional five-year renewals were obtained by about fifty-five stations including the network-owned or controlled units. Between June, 1935, and December, 1935, some 70 additional stations sought and obtained five-year renewals, with the condition (already mentioned) as to diminution of ASCAP's repertoire. During the closing days of 1935, some additional stations (the exact number of which is not known) availed themselves of five-year renewals conditioned on ASCAP's repertoire as of January 1, 1936.

It cannot be denied that the fact that such contracts are outstanding presents a serious problem in any future negotiations, particularly since some of the contracts (*e. g.*, those of the two networks) contain material advantages which will not lightly be surrendered. The Managing Director and the Advisory Committee believe, however, that the early elimination of these discriminatory advantages is an indispensable condition precedent to a stable solution of the copyright problem.

The Temporary MPHC Contracts. In the light of what has already been stated under earlier sub-headings, little need be said as to what should be sought in any future MPHC contracts. For the first time the temporary contracts now outstanding offer substantial hope of the accomplishment of certain of the broadcasters' prime objectives, such as the furnishing of complete lists, the clearing of copyright at the source, and the relation of compensation to card rates rather than to receipts.

There remains, of course, the working out of a satisfactory per-piece plan of compensation. Even here, however, broadcasters have for the first time the written assurance of what is believed to be a bona fide intention on the part of a licensing organization to cooperate in working out such a plan.

This is hardly the place in which to note minor defects in contracts. Mention should be made, however, of the necessity of changes in the MPHC contract in at least two important respects (in addition to working out a per-piece plan) as follows:

- (a) The guaranty of indemnity should not be limited in amount.
- (b) The burden of records and reports is still unduly and unnecessarily burdensome.

Miscellaneous Contracts. Space does not permit separate consideration of the various other contracts now in force between licensing organizations and broadcasters, such as the AMP, the SESAC, and the Ricordi contracts. All of these require immediate study, and demand that every effort be made to bring them into harmony with the principles already set forth.

B. THE COMPILING AND DISTRIBUTION OF INFORMATION TO BROADCASTERS AND THE TAKING OF ANY PROPER STEPS TO ASSIST THEM IN PROTECTING THEMSELVES AGAINST EXORBITANT OR UNREASONABLE DEMANDS.

Broadcasters are virtually as far as ever from achieving one result which would be of infinite value in protecting themselves against the power of monopoly in copyrighted music, *i. e.*, the marshalling and the making available of music in the public domain. The Radio Program Foundation, founded for this purpose as the result of the NAB Convention of 1932 at St. Louis, Missouri, failed because of lack of cooperation. For the immediate present, however, available music in the public domain cannot be relied upon as an effective weapon by itself with which to combat exorbitant or unreasonable demands, although encouraging possibilities are now in sight and are under consideration.

The fact is that, with the exception of comparatively few stations, broadcasters are not equipped to take advantage of their unquestionable legal rights in the controversies with which they are faced. The first and indispensable condition to becoming so equipped is the establishing of adequate records in their music libraries, preferably by card index, showing with reference to each active musical composition used by them, the name of the composition, the composer, the author, the publisher, the date of publication, and the performing rights of the licensing organization. It cannot be too strongly urged that during the immediate future all broadcasters become thus equipped, so as to be prepared to avoid infringements of the rights of any licensing organization from whom they have no real need of a license, or whose demands they may regard as unjustified.

The Managing Director and his Advisory Committee agree that one of their first duties is to do all in their power to provide members of the NAB with detailed directions for the establishment by them of records which will thus enable them to protect themselves.

C. THE COPYRIGHT BILL.

At its last annual meeting, the NAB endorsed the copyright bill now pending in Congress, known as the Duffy Copyright Bill. Its principal features have been summarized in the NAB BULLETIN and need not be discussed in detail here. Among other things, the bill, if enacted, would eliminate the unjust threat of a minimum penalty of \$250 for every infringement, whether guilty or innocent. It is not free from defects but is so great an improvement over the statute now in force (the Copyright Act of 1909) as to demand support.

The Managing Director and his Advisory Committee agree that every effort should be devoted to securing enactment of this legislation.

Closely related to the Duffy Copyright Bill is the impending international conference on the copyright treaty, known as the Berne Convention, and the proposed adherence of the United States thereto. The conference was to have been held at Rome in the recent past but, because of international complications, has been indefinitely postponed. Sooner or later this conference will be held and, since the Duffy Copyright Bill contemplates that the United States shall become a party to this Convention, it is important that these developments be closely observed and that, if necessary, the NAB take a part in them. Among other things, it is being vigorously urged that the new Convention recognize a copyright in the manufacturer of phonograph records as such so that, in addition to payment of royalties to the person controlling copyright in the composition, the broadcasters would be obligated to pay royalties to the manufacturers to a far greater extent than they would be under the Duffy Copyright Bill.

D. THE GOVERNMENT SUIT AGAINST ASCAP.

This suit, instituted by the Government against ASCAP on the charge that it is an illegal combination in restraint of trade, is still pending in the Federal Court. In the opinion of the Managing Director and his Advisory Committee this suit is as important now as it has been at any time in the past and its prosecution should be pursued with vigor.

It would be of questionable propriety in this statement to comment on the issues or the merits of the Government's case. The Managing Director and his Advisory Committee confine themselves to stating that they regard it as their duty to keep the Department of Justice fully informed of their every activity and of every development in the pending controversies.

CONCLUSION

Lengthy as is the foregoing statement the Managing Director and his Advisory Committee have felt that there is due to the membership of the NAB as complete an account as is possible from time to time of their activities, actual and proposed.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

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INCREASED POWER RECOMMENDED FOR WSPD

Station WSPD, Toledo, Ohio, applied to the Federal Communications Commission to increase its power from 1,000 watts night and 2,500 watts to local sunset to 1,000 watts night and 5,000 watts local sunset. The station operates unlimited time on 1340 kilocycles.

Examiner P. W. Seward, in Report No. I-179, recommends that the application be granted. The Examiner states that there is a need for additional daytime service in the area and "that the interests of existing radio stations will not be adversely affected by reason of interference by the granting of this application."

PENSACOLA COMPLAINT AGAINST A. T. & T.

The Telephone Division of the Federal Communications Commission has directed that the American Telephone and Telegraph Company be served with the complaint of the Pensacola Broadcasting Company, filed by its attorney, former Senator Dill, on December 18, 1935, with reference to overcharges over circuits from Mobile via Flomaton to Pensacola, and that the American Telephone and Telegraph Company be given 30 days from receipt of notice within which to satisfy the complaint. If the complaint is not satisfied, the case will be set for hearing before the Telephone Division at the earliest practicable date, the date to be fixed by the Docket Clerk and the Law Department.

WHERE IS J. J. MOORE?

A member is very anxious to get in touch with J. J. Moore. Anyone knowing his correct address will please communicate with the Managing Director.

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

Joliet Heating Corporation, Joliet, Ill. (2-1856, Form A-1)
16 Court Street, Inc., New York City (2-1857, Form E-1)
Delacroix Corporation, New Orleans, La. (2-1859, Form A-1)
Wilbert L. Smith et al., New York City (2-1860, Form F-1)

CONNERY ASKS RADIO INVESTIGATION

Representative Connery of Massachusetts on Wednesday introduced a resolution in the House "to appoint a select committee to investigate the charges of irregularities in the granting and renewals of radio licenses; the broadcasting of alleged obscene and indecent utterances by radio stations; the charges of alleged monopolies and to investigate and report on charges made or which may be made as to charges of alleged misconduct and alleged corruption on the part of certain persons officially connected with said Commission and investigate the acts and activities of said Commission." The resolution is as follows:

Whereas, on April 5, 1935, sixteen Members of the House of Representatives, whose attention having been directed to a broadcast over the N. B. C. network which broadcast contained alleged obscene and indecent utterances, and which program was in the interest of and paid for by a foreign government, filed with the Federal Communications Commission a protest against such programs and, in addition, petitioned said Federal Communications Commission for an immediate investigation of the charges contained in said protest and, further, requested a public hearing on the results of such investigation, and

Whereas, the Federal Communications Commission, in reply to said petition, stated that an investigation was being made, and

Whereas, the Federal Communications Commission later replied to the petitioners setting forth that said program was not obscene within the rule laid down in a court decision cited by said Commission, which citation quoted language which is not to be found in the specific decision cited, and,

Whereas, the Congressional Record of July 31, 1935, contains a full and factual history of this failure on the part of the Federal Communications Commission to properly enforce the Communications Act of 1934, and, in addition, contains excerpts from affidavits which alleged that competent officials of the said N. B. C. admitted that the program complained of contained obscene and indecent utterances, and

Whereas, the Chairman of the said Federal Communications Commission, in testifying before the House Appropriations Committee, admitted that the property of the Government, namely, radio broadcasting licenses or franchises, were the subject of profiteering on the part of individuals and others, and

Whereas, charges have been made that certain vested interests are alleged to be receiving large sums of money due to the leasing to others of licenses or franchises issued by said Federal Communications Commission, and

Whereas, it is well known that a monopoly exists wherein a few control all of the valuable franchises or licenses issued by said Commission, while educational, labor, religious and other non-profit making organizations are denied opportunities of securing favorable consideration for radio broadcasting facilities from said Federal Communications Commission, and

Whereas, the said Commission, as a result of charges apparently placed before it by the chairman of said Commission, has now created a committee of five of its seven members to investigate charges of alleged misconduct and alleged corruption on the part of certain persons officially connected with the said Commission, and

Whereas, it is in the public interest that a thorough and exhaustive investigation be made of these and other alleged irregularities,

Therefore, be it

Resolved, that a committee of five members of the House of Representatives shall be appointed by the Speaker, which committee is hereby authorized and directed to inquire into and investigate the allegations and charges that have been or may be made relative to irregularities in the granting and renewal of licenses and other matters coming within the jurisdiction of the Federal Communications Commission or pertaining in whole or in part to the functions of the said Federal Communications Commission; be it further

Resolved, that the said committee shall make a thorough and exhaustive investigation of all allegations and charges that have been or may be made in connection with any and all matters pertaining to the Federal Communications Commission and shall report in whole or in part at any time to the House of Representatives together with such recommendations as it deems advisable; and be it further

Resolved, that for the purpose of this resolution the said committee is authorized to hold such hearings, to sit and act during the sessions and the recesses of the present Congress at

such time and places, either in the District of Columbia or elsewhere, and to employ such expert, clerical and stenographic services as may be found necessary and to require by subpoena or otherwise the attendance of witnesses; to administer oaths; to compel the production of books, papers and documents by government or private agencies and to take and record such testimony as the committee may deem advisable or necessary to the proper conduct of the investigation directed by this resolution.

LICENSE RENEWAL RECOMMENDED FOR WFEA

Broadcasting Station WFEA, Manchester, N. H., applied to the Federal Communications Commission for a license renewal. The station operates on a frequency of 1340 kilocycles, 500 watts and 1,000 watts LS unlimited time.

Examiner P. W. Seward, in Report No. I-180, recommends that "this application be granted on condition that the applicant will complete and place in operation the new antenna and ground system now being constructed and that they make field intensity measurements not less than five consecutive nights under ordinary conditions in the Toledo area, to determine the strength of the signal of the applicant at that point, and report such findings to the Commission. If the tests in the Toledo area show the applicant to be laying down a signal less than 50 microvolts per meter, then it is recommended that this application be granted unconditionally."

BROOKLYN PETITION DENIED BY FCC

At a session of the full membership of the Federal Communications Commission the petition and supplemental petition was denied of the Paramount Broadcasting Corporation, Station WVFW, Brooklyn, N. Y., for a rehearing in the matter of its applications for modification of license and license renewal. A dissenting opinion was filed by Commissioner Stewart.

The Commission in its decision in this case will take off the air as of January 22 Stations WARD, WLTH and WVFW, all of Brooklyn. Station WBBC will get half time and the Brooklyn (N. Y.) Daily Eagle will get the other half time to be used following the erection of a new station.

Commissioner Stewart in his dissent in this case said:

I regret that I am not able to support in its entirety the decision of the Broadcast Division in these cases. I believe, however, that the record is incomplete in some respects and that the matter should be reopened for the further consideration of certain points mentioned hereafter. It is possible that further information on those points would lead me to the same conclusions reached by the Division, but I shall be more nearly convinced of the soundness of those conclusions when the points mentioned have been more thoroughly covered.

1. As respects the denial of the applications of WARD, WLTH, and WVFW, I believe the decision is sound. That they were not operating in the public interest, convenience and necessity seems beyond reasonable doubt. The denial of the application of WEVD and the granting of the applications of WHAZ, WFAW and WBBR were likewise sound.

2. The denial of the application of Arde Bulova and Norman K. Winston is sound on the record, on the assumption that the Division considered the fact that Mr. Bulova already owned one-half interest in a station serving Brooklyn. That fact is mentioned in the decision although not specifically stated as a ground for the decision.

3. Station WBBC appears from the record to have been slightly better than the three stations deleted. Judging from its past operations, it might have suffered the fate prescribed for them without any material loss to the public. Because of its slightly better performance, however, the Division may be correct in sparing the stations at this time—although I am at a loss to understand what there is in the history of the station to have led to the doubling of its time on the air. With the increased time and consequently with a possibly increased efficiency, the station may be able to justify itself.

4. I am unable to agree that the record shows any need for a new station on this frequency in Brooklyn. Certainly Brooklyn is not without broadcast service. Commission records show that some or all of the borough is at all times within the good service area of at least eleven stations, exclusive of those involved in the present cases. This figure is higher than for the remainder of the first zone and far higher than for most of the country. There is no justification for placing a new station in Brooklyn unless it is to serve a need peculiar to that borough which is not served by some other station within whose service area it lies.

5. The decision of the Division grants half time to the Brooklyn Daily Eagle Broadcasting Company, Inc., which heretofore has not been engaged in broadcasting. Mr. Prestin Goodfellow, President of the Brooklyn Daily Eagle, which is to be the principal stockholder in the Brooklyn Daily Eagle Broadcasting Company, Inc., testified:

"My idea of a broadcasting station would be to cater to the type of reader that the New York Times and the Brooklyn Daily Eagle and the Sun and papers of that calibre have." (Transcript, Dec. 6, 1934, p. 587.)

Mr. Goodfellow further testified that the Daily Eagle "is known as a class newspaper in that it does not attempt to reach the masses. It is a paper that is outstanding in its advertising volume." (Ibid. p. 515.) His testimony does not give us any reason to believe that he contemplates any important service not already rendered by one or more of the stations serving Brooklyn. It may be noted in passing that the Daily Eagle did not carry for the information of its readers the programs of the four Brooklyn stations whose facilities it is seeking, although it did carry the programs of other stations serving the Brooklyn area.

In the absence of a showing that the proposed station will be used to meet needs peculiar to Brooklyn, I am unwilling to approve another station in the overquota New York metropolitan area when there is a serious need for the facilities in other parts of the country less well served with broadcast facilities.

6. It is not clear from the opinion that consideration was given to the matter of the public interest involved in the granting of a broadcast station license to an applicant controlled by a newspaper. Broadcast stations and newspapers are the two principal sources of current public information and enlightenment; in a more mundane field they are the two principal media of local advertising and two of the principal media of national advertising in any community. Combining the two under the same control inevitably presents a problem of major moment which should be squarely faced by the Commission in its determination of "public interest, convenience and necessity." I do not believe that it was sufficiently considered by the Broadcast Division in the present instance.

7. The decision gives half time each to two stations in the same community. On its face such an arrangement is most uneconomical. To have two transmitters, two sets of studios, two staffs and a duplication of everything which goes into a broadcast station of the first class involves a duplication of expense which must inevitably be reflected in programs and service sooner or later. Such a duplication, incident to half-time operation, should be required only where positive advantages of a substantial nature will flow from the arrangement. Where both stations are designed to serve the same community, the duplication seems unwarranted in the absence of a record showing weighty reasons in support of such an anomalous arrangement. The opinion shows no such reasons. In connection with its decision on WBBC, the Broadcast Division traces the difficulty of that station to its quarter-time operation. The uneconomic nature of quarter-time operation is thus recognized. The uneconomic nature of half-time operation should at least merit consideration, especially in a decision which by authorizing a new station creates, rather than merely continues, part-time operation.

8. In my opinion the matter should be reopened for further testimony on the points covered in paragraphs numbered 3, 4, 5, 6 and 7.

FEDERAL TRADE COMMISSION ACTION Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following companies. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be used against them.

No. 2677. A complaint has been issued charging the **Fall River Wholesale Grocers' Association** and its members, of **Fall River, Mass.**, with concerted action and conspiracy tending unduly to suppress competition in the food and grocery trade in the Fall River area, which also includes part of Rhode Island.

According to the complaint, the respondents' plan prevented sales by manufacturers direct to retailers in the Fall River area and out of pool car shipments to wholesalers who were not association members. This is alleged to have been accomplished by methods such as personal intimidation, threats of boycott, and actual boycott.

No. 2678. Alleging unfair competition in the use of the word "distillery" in its corporate name, a complaint has been issued

against "Old Colonel Distillery, Inc.," also "Old Colonel Distributing Co.," and Joseph Schiff, of Louisville, Ky., owner and operator of the two companies. According to the complaint, the respondents are rectifiers and wholesalers of liquors, and are not distillers.

No. 2679. A complaint has been issued against **Bleeker-Foster, Inc.**, 253 East 4th St., St. Paul, Minn., engaged in the manufacture and sale of food-flavoring products, charging the use of false and misleading advertising, in violation of Section 5 of the Federal Trade Commission Act.

Through the medium of such advertising, the complaint alleges, the respondent has been able to divert a substantial amount of business from its competitors, who do not resort to unfair trade practices. As typical of the methods in which the respondent allegedly lures salesmen and agents, the complaint cites the following advertisement:

"I want 500 more men—to earn up to \$25.00 a day! Be a branch manager for George F. Foster.

"C. Angel, of Milwaukee, secured 25,000 G. F. Foster customers in six months.

"Mr. Angel had been hard hit by the depression; savings gone, debts piling up, reduced to a humble, poorly-paid job, he was down but not out. In six months the G. F. Foster fast-selling products and plan put Angel out of debt and established him in a business so big, so profitable, that it was almost unbelievable.

"Thousands of other G. F. Foster agents, distributors and branch managers can tell similar stories of amazing earnings and success."

Salesmen of the respondent company can not make the earnings advertised, the complaint alleges, and competitors are injured and deprived of the benefits of free competition in interstate commerce because their own agents and salesmen are attracted from them by such advertisements.

No. 2680. Unfair methods of competition in commerce, in violation of Section 5 of the Federal Trade Commission Act, are alleged in a complaint issued against the **Consolidated Trading Corporation**, New York City, engaged in the sale and distribution of a variety of merchandise.

According to the complaint, the respondent solicits business and sells its products in foreign countries, using the trade name "Modex Mills" on its letterheads, bill heads and in advertising matter, implying that it is a manufacturer, whereas it neither owns nor operates the mills in which its merchandise is manufactured. Use of the word "Mills" gives the respondent unfair advantage over those competing exporters who do not falsely represent themselves as manufacturers, as well as over those who actually do manufacture and sell their own products, the complaint sets forth.

No. 2681. Charging unfair representations in the sale of a beverage, a complaint has been issued against **John J. Kane**, of 2777 Frankford Avenue, Philadelphia, trading as **La Pep Health Beverage Co.**

Advertising in periodicals and over the radio, the respondent is alleged to have represented his product, a mixture of fruit juices, herbs and lactic acid, as a competent remedy for skin eruptions, sluggish blood, constipation and heart troubles, and that it would guide a person to health and act as a body disinfectant. These assertions are not true, according to the complaint, and their use constitutes unfair competition with beverage manufacturers who truthfully represent the ingredients and healing value of their products.

No. 2682. Alleging unfair competition in the sale of clocks in interstate commerce, a complaint has been issued against the **Sessions Clock Co.**, of Forestville, Conn., charging that its clock cases made of woods other than mahogany are represented as being mahogany cases.

This practice is alleged to have caused diversion of trade to the respondent from competitors who truthfully advertise their clocks.

No. 2683. A complaint has been issued against **Dr. S. B. Heininger**, of 440 Huron St., Chicago, charging unfair competition in the sale of dental plates by mail order, in violation of the Federal Trade Commission Act.

Heininger's advertising is alleged to have had a tendency to mislead purchasers into believing they could make correct impressions of their own teeth and gums, and from such impressions the respondent could make satisfactory artificial teeth.

Stipulations

The Commission has announced the following cease and desist orders:

No. 01001. Evans Publishing Corporation, 400 Madison Avenue, New York City, published in its magazine, *The Family Circle*, advertisements for "Malt-O-Meal," sold by the Campbell Cereal Co., of Northfield, Minn. The publisher agreed to abide by the terms of a stipulation signed by the Campbell Cereal Co., to discontinue the use of false and misleading advertising.

No. 01004. B. T. Babbitt, Inc., of 886 Fourth Ave., New York, dealer in a cleanser for pots, basins and bathtubs, called "Bab-O," agrees to stop asserting that "Bab-O" banishes dull film, water-lines or the most stubborn dirt "instantly"; that its use ends all scouring and scrubbing; that it will not harm nail polish, and will soften hands; and that "Bab-O" was discovered by scientists, or that it is a new discovery.

Nos. 01005-01006-01007. Three publishing companies printing the advertisements for "Holford's Famous Inhaler" have entered into stipulations agreeing to abide by provisions of the stipulation entered into by William J. Fink, the advertiser. These companies are: **S. Rosenthal & Co., Inc.**, of Cincinnati, publisher of *Independent Salesman Magazine*; **How to Sell, Inc.**, of Mt. Morris, Ill., publisher of *How to Sell Magazine*; and **Opportunity Publishing Co.**, Chicago, publisher of *Opportunity Magazine*.

No. 01008. William J. Fink, operating as **The Holford Company**, agrees to cease representing that "Holford's Famous Inhaler" is a proven winner or a competent remedy in treating colds, catarrh, headaches and other ailments; that at one deep breath a wave of soothing, healing warmth penetrates every part of the head and lungs; that this treatment retains its strength from six months to two years, or that it is a health protection, and other similar representations. The respondent also agrees not to make unmodified representations of salesmen's earnings.

Nos. 01009-01010-01011-01012. Operating as the **Flying Intelligence Bureau**, **E. M. Welch**, 401 Judson Jay Rives Building, Los Angeles, Calif., has entered into a stipulation to discontinue false and misleading advertising of his booklet, which purported to give complete information on entrance requirements and a course of training for the United States Air Service.

According to the stipulation, the booklet, sold by the respondent at \$1 a copy, contained inaccurate and inadequate information concerning the air service training.

The respondent agrees to stop use of the terms "Bureau," "Intelligence Bureau," and "United States Air Corps," implying that his business had some connection with the United States Government.

The respondent inserted advertisements in *Topnotch Magazine*, *Complete Stories*, and *Best Detective Magazine*, all published by the **Street and Smith Publishing Corporation**, 79 7th Avenue, New York City. That publishing company, in separate stipulations, agrees to abide by the terms of the stipulation signed by Welch.

No. 01013. Western Broadcast Co., Hollywood, Calif., operator of radio station KNX, admitted broadcasting advertisements for *Sterling Royal Remedies*, sold by **John D. Myers**, trading as **John Sterling Remedy Co.**, Kansas City, Mo. The broadcasting company agreed to abide by the terms of a stipulation previously signed by the **John Sterling Remedy Co.**, to discontinue misleading advertising.

No. 01014. Specialty Salesman Magazine, Inc., 307 North Michigan Ave., Chicago, published advertisements for the **Holford Co.**, 14 North 6th Street, Minneapolis, Minn., dealer in a treatment for colds and catarrh, which had previously entered into a stipulation to discontinue misleading advertising. The publisher agrees to abide by the terms of this stipulation.

No. 01015. Journal Printing Co., Minneapolis, Minn., publisher of the *Minneapolis Sunday Journal*, also carried advertisements for "Malt-O-Meal"; and entered into a similar stipulation.

Nos. 1580-1581. In two related cases, involving the branding of shoes with the label "Doctor," three companies have entered into stipulations to stop unfair trade practice in the manufacture and sale of their products.

The Bridgewater Workers Co-Operative Association, Inc., Bridgewater, Mass., and the **International Shoe Company**, 1509 Washington Ave., St. Louis, Mo., manufactured and sold in interstate commerce shoes, branded with the words, "Dr. Moses Arch Form Shoes," to the **Family Shoe Corporation**, New York City, which retailed and wholesaled the products.

The three respondents agreed to desist from cooperating directly or through subsidiaries in the production and sale of shoes stamped with the word "Doctor" or the abbreviation "Dr."

when the shoe is not manufactured in accordance with the design or under the supervision of a doctor and does not contain orthopedic features which are the result of medical advice or services.

No. 1582. Bay Ridge Specialty Co., Inc., Trenton, N. J., and T. J. Holmes Co., Inc., of Chartley, Mass., have entered into stipulations to cease and desist from unfair trade practices in interstate commerce.

Engaged in the manufacture of vitreous, high fired china bathroom fixtures, the Trenton company agrees to stop the use of advertising having the effect of disparaging the products of competitors manufacturing decorated china fixtures. Specifically, the Bay Ridge company agrees to cease representing that extremes of temperature in firing cause the glaze on decorative fixtures to craze or crack when climatic conditions change. According to the stipulation, these representations had a tendency to deceive buyers into believing that such fixtures were unstable and would not hold up under climatic changes, when this was not true.

No. 1583. T. J. Holmes Co., Inc., manufacturer of atomizers, agrees to discontinue advertising that its product "is the only atomizer on the market which will successfully handle silver preparations," when this is not true. The company will cease other representations implying that its atomizer is the only one on the market capable of use successfully or with safety in the spraying of silver preparations.

Nos. 1584-1585-1586. Two companies manufacturing burial caskets and a third firm selling wood for manufacture of such products, have entered into stipulations to discontinue misrepresenting the wood content of their products. The respondents are: **R. J. Evans and Al Thornton, of Kansas City, Mo.,** trading as **Rex Art Casket Co.; Owen and W. J. McCarty, George Chinnery and W. A. Hufnagle, of Kansas City, Mo.,** trading as **Midland Valley Casket Co., and Hammond Lumber Co., Inc., of Samoa, Calif., and Chicago.**

Each company agree to cease and desist from representing in guarantees furnished to purchasers that redwood is unsurpassed by any other wood from the standpoint of durability or resistance to decay, and that it is immune to the destructive work of white ants, when in fact, according to the agreement, redwood is equalled by the bald cypress, the cedar and the poplar, and is surpassed by the eastern red cedar, locust, mulberry, and Osage orange, and is not immune to the ravages of the white ant.

No. 2261. Unfair competition through misleading use of a well-known trade name is prohibited in an order to cease and desist issued against **Real Products Corporation, of 10-25 46th Avenue., Long Island City, N. Y., and Realflex Products Corporation, Brooklyn,** manufacturers and dealers in automotive and metal specialties, including spark plug cable sets.

The order directs the respondents to discontinue representing that their products, including spark plug cable sets, are made by the Champion Spark Plug Co., of Toledo, O., and to stop using the word "Champion," either alone or in connection with any other word, to advertise their products, thus implying that they are made by the Champion company.

No. 2647. An order has been issued against the **Shapiro Felt Rug Co., of Newark, N. J.,** directing it to cease and desist from selling baseball caps made from second-hand and discarded felt hats, unless and until they are marked to indicate that they were not made from new and unused felts.

Other respondents are William, Morris and Sarah Shapiro, individuals, trading as Esta Hat Co. They did not contest the Commission proceeding, and consented to issuance of the order to cease and desist.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, January 20

HEARING BEFORE AN EXAMINER (Broadcast)

NEW—Clyde E. Britton, Lima, Ohio.—C. P., 950 kc., 250 watts, daytime.

Tuesday, January 21

KFEQ—KFEQ, Inc., St. Joseph, Mo.—C. P., 680 kc., 5 KW, daytime. Present assignment: 680 kc., 2½ KW, daytime.

Thursday, January 23

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-108:

NEW—Robert K. Herbst, Moorhead, Minn.—C. P., 1310 kc., 100 watts, unlimited time.

Examiner's Report No. I-104:

KGGC—The Golden Gate Broadcasting Co., San Francisco, Calif.—Modification of license, 1420 kc., 100 watts, unlimited time. Present assignment: 1420 kc., 100 watts, specified hours.

Examiner's Report No. I-102:

KPPC—Pasadena Presbyterian Church, Pasadena, Calif.—C. P., 1210 kc., 100 watts, 250 watts LS, share with KFXM. Present assignment: 1210 kc., 50 watts, share with KFXM.

KPPC—Pasadena Presbyterian Church, Pasadena, Calif.—Modification of license, 1210 kc., 100 watts, share KFXM. Present assignment: 1210 kc., 50 watts, share with KFXM.

HEARING BEFORE AN EXAMINER (Broadcast)

NEW—Mason City Broadcast Co., Emmons L. Abeles, Secy., Mason City, Iowa.—C. P., 1420 kc., 100 watts, unlimited time.

NEW—Northern Iowa Broadcasting Co., Inc., Mason City, Iowa.—C. P., 1420 kc., 100 watts, unlimited time.

NEW—Mason City Globe Gazette Co., Mason City, Iowa.—C. P., 1210 kc., 100 watts, unlimited time.

APPLICATIONS GRANTED

WWJ—The Evening News Assn., Inc., Detroit, Mich.—Granted modification of C. P. approving transmitter site at intersection of Meyers and 8th mile road, Oak Park, Mich.

WHBB—Dr. Wm. J. Reynolds and Wm. J. Reynolds, Jr., Selma, Ala.—Granted modification of C. P. to change type of equipment and approving antenna system.

WMBD—Peoria Broadcasting Co., Peoria, Ill.—Granted modification of C. P. approving antenna and transmitter site; make changes in equipment; extend commencement date to 30 days after grant and completion date to 180 days thereafter.

WJR—WJR, The Goodwill Station, Detroit, Mich.—Granted license to use old 10-KW transmitter as auxiliary at same location as main transmitter.

KPOF—Pillar of Fire (a corp.), Bellevue College, near Denver, Colo.—Granted license to cover C. P. authorizing installation of new transmitter and changes in equipment; 880 kc., 500 watts, shares KFKA.

WHBB—Dr. Wm. J. Reynolds and Wm. J. Reynolds, Jr., Selma, Ala.—Granted license to cover C. P., 1500 kc., 100 watts, daytime.

WCAE—WCAE, Inc., Pittsburgh, Pa.—Granted license to cover C. P. authorizing new equipment and increase in power to 1 KW night, 5 KW day; 1220 kc., unlimited time.

WCAE—WCAE, Inc., Pittsburgh, Pa.—Granted license for auxiliary transmitter equipment; 1220 kc., 1 KW night and day, unlimited. Also granted authority to determine operating power by direct measurement of antenna input in compliance with Rule 137.

WMPC—The First Methodist Protestant Church of Lapeer, Mich.—Granted license to cover C. P. authorizing equipment changes; 1200 kc., 100 watts night, 250 watts day, S.H.

WJAX—City of Jacksonville, Fla.—Granted license to cover C. P. authorizing changes in equipment; increase in day power to 5 KW, with transmitter site to be determined.

KABC—Alamo Broadcasting Co., Inc., San Antonio, Tex.—Granted license to cover C. P. authorizing changes in equipment and increase in day power; 1420 kc., 100 watts night, 250 watts day, unlimited.

KIUP—C. Guy Shepard, Durango, Colo.—Granted license to cover C. P. authorizing erection of new station, 1370 kc., 100 watts, unlimited time.

WMT—Waterloo Broadcasting Co., Cedar Rapids, Iowa.—Granted consent to voluntary assignment of license to Iowa Broadcasting Co.

KSO—Cedar Rapids Broadcast Co., Des Moines, Iowa.—Granted consent to voluntary assignment of license to Iowa Broadcasting Co.

WMT—Waterloo Broadcasting Co., Cedar Rapids, Iowa.—Granted modification of special experimental authorization to make changes in equipment and to operate with 1 KW night with directional antenna, 2½ KW day with non-directional.

WOW—Woodmen of the World Life Ins. Asso., Omaha, Nebr.—Granted authority to determine operating power by direct measurement of antenna input.

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Granted authority to determine operating power by direct measurement of antenna input.

WSAI—The Crosley Radio Corp., Cincinnati, Ohio.—Granted C. P. to make changes in equipment and move transmitter from Mason to Cincinnati, Ohio.

National Broadcasting Co., Inc., New York City.—Granted authority to transmit selected recorded programs to four Canadian broadcast stations—CJOR, CFAC, CJOC, CJCA.

NEW—The Evening News Asso., Portable-Mobile.—Granted C. P. (gen. exp. misc.), frequencies 31600, 35600, 38600, 41000 kc., 100 watts.

NEW—WCBS, Inc., Portable-Mobile, Springfield, Ill.—Granted C. P. (gen. exp. broadcast pickup station), frequencies 31100, 34600, 37600, and 40600 kc., 2 watts.

NEW—The Attala Broadcasting Corp., Kosciusko, Miss.—Granted C. P., frequencies 31600, 35600, 38600 and 41000 kc., 100 watts.

NEW—Memphis Commercial Appeal, Inc., Memphis, Tenn.—Granted C. P. (gen. exp. misc.), frequencies 31600, 35600, 38600 and 41000 kc., 50 watts.

WMBC—Michigan Broadcasting Co., Detroit, Mich.—Granted C. P. to make changes in equipment.

WNYC—City of New York, Dept. of Plant and Structures, New York City.—Granted C. P. to erect auxiliary transmitter at 29 Ft. Green Place, Brooklyn, to be used principally while moving main transmitter from New York City to foot of Greenpoint Ave. and East River, Brooklyn.

KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Granted modification of C. P. to extend commencement date to 1-1-36 and completion date to 7-21-36.

WCCM—WCCM, Inc., Mississippi City, Miss.—Granted modification of C. P. to extend commencement date to 1-28-36 and completion date to 7-28-36.

KLZ—The Reynolds Radio Co., Inc., Denver, Colo.—Granted modification of C. P. approving transmitter site near Denver, approving antenna, extending commencement date to 60 days after grant and completion date to 180 days thereafter.

KRNR—Southern Oregon Pub. Co., Roseburg, Ore.—Granted license to cover C. P. authorizing erection of new station, 1500 kc., 100 watts, daytime.

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Granted license to use auxiliary transmitter which was licensed to WLIT, at same location as main transmitter of WFIL.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted license to cover C. P. authorizing installation of new equipment.

WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—Granted license to cover C. P. authorizing changes in equipment and increase in day power to 5 KW; 560 kc., 1 KW night, unlimited.

WABI—Community Broadcasting Service, Bangor, Maine.—Granted consent to transfer of control of the Community Broadcasting Service, Inc., licensee of WABI, from the First Universalist Society of Bangor, to an individual, Frederick B. Simpson. Present assignment: 1200 kc., 100 watts, S.H.

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Granted license to cover C. P. authorizing increase in night power to 1 KW, day power to 5 KW, and special authority to operate 1 KW night with directional antenna; 550 kc., S-KFUO.

KFNF—KFNF, Inc., Shenandoah, Iowa.—Granted authority to transfer control of KFNF, Inc. (licensee of station KFNF), from Henry Field Co. to Henry Field (890 kc., 500 watts night, 1 KW day, S-WILL and KUSD).

WCAE—WCAE, Inc., Pittsburgh, Pa.—Granted transfer of control of WCAE, Inc. (licensee of station WCAE), to Pitt Publishing Co., a Pennsylvania corporation (1220 kc., 1 KW, unlimited).

KFPL—C. C. Baxter, Dublin, Tex.—Granted extension of C. P., heretofore issued to C. C. Baxter, upon a temporary basis only, specifically subject to whatever action may be taken by the Commission upon the application for renewal of license and for modification of permit, as well as the application for modification of permit, which were designated for hearing, in any event not to extend beyond June 16, 1936.

NEW—WDOD Broadcasting Corp., Chattanooga, Tenn.—Granted C. P. (exp. gen. exp.), frequencies 31600, 35600, 38600, 41000 kc., 100 watts.

NEW—Head of the Lakes Broadcasting Co., Superior, Wis.—Granted C. P. (exp. gen. exp.), frequencies 31600, 35600, 38600, 41000 kc., 80 watts.

WIEF—Miami Broadcasting Co., Portable-Mobile (Miami, Fla.).—Granted C. P. (temporary broadcast pickup) to make changes in equipment, increase power from 15 to 50 watts.

W8XH—WBEN, Inc., Buffalo, N. Y.—Granted license to cover C. P. (exp. gen. exp.), frequencies 31600, 35600, 38600, 41000 kc., 100 watts.

W10XAP—National Broadcasting Co., Inc., Portable-Mobile (New York City).—Granted C. P. and license (exp. gen. exp.) to increase power from 7.5 watts to 25 watts and for additional power amplifier.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KDKA, and alternate, Pittsburgh, Pa.; KEX, Portland, Ore.; KFEQ, St. Joseph, Mo.; KFI, Los Angeles, and auxiliary; KFVD, Los Angeles; KGDM, Stockton, Calif.; KGO and auxiliary, San Francisco; KIEV, Glendale, Calif.; KJBS, San Francisco; KJR, Seattle, Wash.; KOA, Denver; KPO and auxiliary, San Francisco, Calif.; KRDL, Dallas, Tex.; KSL, Salt Lake City; KSOO, Sioux Falls, S. Dak.; KVOO, Tulsa, Okla.; KYW, Philadelphia; WABC-WBOQ, New York City; WAPI, Birmingham, Ala.; WATR, Waterbury, Conn.; WBAL, Baltimore, Md.; WBT, Charlotte, N. C.; WBZ, Boston; WBZA, Boston; WDBG, Minneapolis, Minn.; WEA and auxiliary, New York City; WENR and auxiliary, Chicago; WEW, St. Louis, Mo.; WGN, Chicago; WGY, Schenectady, N. Y., and auxiliary; WHAM and auxiliary, Rochester, N. Y.; WHEB, Portsmouth, N. H.; WJJD, Chicago, Ill.; WJZ and auxiliary, New York City; WKAR, E. Lansing, Mich.; WLW, Cincinnati, Ohio; WMAQ, Chicago, Ill.; WMAZ, Macon, Ga.; WMBI, Chicago, Ill.; WOR and auxiliary, Newark, N. J.; WOWO, Fort Wayne, Ind.; WPTF, Raleigh, N. C.; WRUF, Gainesville, Fla.; WRVA, Richmond, Va.; WSB and auxiliary, Atlanta, Ga.; WSM and auxiliary, Nashville, Tenn.; WTAM, Cleveland, Ohio; WTBO, Cumberland, Md.; WTIC, Hartford, Conn.; WPTF auxiliary, Raleigh, N. C.

SET FOR HEARING

NEW—Wolverine Broadcasting Co. (John E. Fetzer), Ann Arbor, Mich.—Application for C. P. for new station, 800 kc., 1 KW, day, daytime operation only. Site to be determined.

NEW—Star-Chronicle Publishing Co., St. Louis, Mo.—Application for C. P. for new station, 1250 kc., 1 KW, unlimited.

NEW—The Times Dispatch Pub. Co., Inc., Richmond, Va.—Application for C. P. for new station, 1500 kc., 100 watts, unlimited. Exact transmitter site and type of antenna to be determined with Commission's approval.

NEW—W. T. Knight, Jr., Savannah, Ga.—Application for C. P. for new station, 1310 kc., 100 watts, unlimited.

NEW—Douglas G. Doozer and Jack Richards, Brunswick Radio Broadcast Station, Brunswick, Ga.—Application for C. P. for new station, 1420 kc., 100 watts, daytime.

NEW—Gomer Thomas, Bellingham, Wash.—Application for C. P. for new station, 1420 kc., 100 watts, unlimited. Transmitter site to be determined with the Commission's approval.

NEW—B. A. Thompson, Santa Cruz, Calif.—Application for C. P. for new station, 1310 kc., 100 watts night, 250 watts day, unlimited.

NEW—Springfield Newspapers, Inc., Springfield, Mo.—C. P. amended so as to request 790 kc., 1 KW, daytime operation only. Exact transmitter site to be determined with Commission's approval.

NEW—Hunt Broadcasting Assn., Fred Horton, Pres., Greenville, Tex.—C. P. amended so as to request 1200 kc., 100 watts, daytime only.

WIOD-WMBF—Isle of Dreams Broadcasting Corp., Miami Beach, Fla.—Application for C. P. to make changes in equipment and move transmitter from approximately 3 miles from Collins Island, Miami Beach, to 600 Biscayne Blvd, Miami, Fla.

WCOL—WCOL, Inc., Columbus, Ohio.—Application for C. P. to make changes in equipment and increase day power from 100 watts to 250 watts (contingent upon the granting of application to WALR for move to Toledo, Ohio).

WLBL—State of Wisconsin, Department of Agriculture and Markets, near Ellis, Wis.—Application for C. P. to make changes in equipment and increase power from 2½ to 5 KW day.

WSBT—The South Bend Tribune, South Bend, Ind.—Application for C. P. to make changes in equipment, install directional antenna; change frequency from 1360 kc. to 1010 kc.; increase power from 500 watts to 1 KW; and move transmitter to site to be determined at South Bend; change hours of operation from S-WGES to unlimited.

WELI—Patrick J. Goode, New Haven, Conn.—Application for modification of license to change frequency from 900 kc. to 930 kc., hours of operation from 500 watts daytime only to 250 watts night, 500 watts day; hours of operation from daytime to unlimited.

WEHS—WEHS, Inc., Cicero, Ill.—Application for modification of license to increase day power to 250 watts and change antenna contingent upon granting C. P. of station WHFC.

WKBI—WKBI, Inc., Cicero, Ill.—Application for modification of license to increase day power from 100 watts to 250 watts and change antenna contingent upon granting C. P. of station WHFC.

WHFC—WHFC, Inc., Cicero, Ill.—C. P. amended so as to request authority to install new equipment and a vertical radiator, and increase day power from 100 to 250 watts.

NEW—Continental Radio Co., Columbus, Ohio.—C. P., already in hearing docket, amended to make changes in equipment; 1310 kc., 100 watts, unlimited time. Site to be determined.

NEW—John E. Fetzer, Saginaw, Mich.—C. P., already in hearing docket, amended to read: 630 kc., 1 KW, daytime. Site to be determined.

KFPM—Voice of Greenville, Greenville, Tex.—Application for C. P. to make changes in equipment; increase power from 15 to 100 watts, and hours of operation from specified to daytime only.

NEW—Ralph E. Smith, San Diego, Calif.—C. P., already in hearing docket, amended to read: 1200 kc., 100 watts, daytime.

KFOX—Nicholas & Warinner, Inc., Long Beach, Calif.—Application for voluntary assignment of license from Nichols & Warinner, Inc., to Hal Nichols, Inc.

KFDY—South Dakota State College, Brookings, S. Dak.—Application for modification of license to make changes in specified hours of operation.

NEW—Burlington Broadcasting Co., Burlington, Iowa.—C. P., already in hearing docket, amended to read: 1310 kc., 100 watts, unlimited time.

NEW—The Herald Publishing Co., Denison, Tex.—C. P., already in hearing docket, amended to read: 1200 kc., 100 watts, unlimited time. Site to be determined.

The Ogdensburg Advance Co., Inc., Ogdensburg, N. Y.—Application for authority to maintain a studio in Ogdensburg, N. Y., for production of programs to be transmitted by land wires of the N. Y. Tel. Co. and of the Bell Tel. Co. of Canada, to Station CFLC, at Prescott, Ontario, Canada.

APPLICATIONS DENIED

WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Denied request for special temporary authority to operate from LS to 9 p. m., EST, December 24, 1935, with power of 250 watts, in order to broadcast special Christmas programs.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Denied request for special authority to operate from local sunset to 5:30 P. M. EST, on Tuesdays and Thursdays during months of January and February, 1936, in order to broadcast local high school basketball games.

WLBL—State of Wisconsin Department of Agriculture and Markets, Stevens Point, Wis.—Denied authority to operate from 7:45 to 9:45 p. m., CST, on January 11, 13 and 20; February 10, 24 and 29, 1936, with reduced power of 1 KW in order to broadcast the University of Wisconsin basketball games.

WHA—University of Wisconsin, Madison, Wis.—Denied authority to operate from 7 to 9:30 p. m., CST, with reduced power on January 11, 13, 20, February 8, 10, 24 and 29, 1936, in order to broadcast University of Wisconsin basketball games.

WPHR—WLBG, Inc., Petersburg, Va.—Denied authority to operate from LS to 10 p. m., EST, on January 11, 18 and 25, February 1, 8, 15, 22, 28 and 29, and March 27 and 28, 1936, with reduced power of 250 watts in order to broadcast Olympic Elimination Boxing Bouts from University of Virginia.

WKAR—Michigan State College, F. Lansing, Mich.—Denied authority to operate on 850 kc. from 7:20 to 9 p. m., CST, January 17, 18, and 29, in order to broadcast basketball games.

WCHV—Community Broadcasting Corp., Charlottesville, Va.—Denied authority to operate simultaneously with station WEED from 8 to 9:30 p. m., EST, on Jan. 18 and 25; February 1, 8, 15, 22, 28, 29 and March 27 and 28, 1936, in order to broadcast collegiate and Olympic tryout boxing matches.

WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—Denied authority to operate with power of 100 watts from LS to 7:30 p. m., EST, but for period not to exceed 30 days in order to broadcast programs of special local interest and to determine what interference would be caused by such operation.

ORAL ARGUMENTS GRANTED

NEW—Ex. Rep. 1-126: Utah Radio Educational Society, Salt Lake City—Granted oral argument to be held February 13, 1936, before the Broadcast Division.

NEW—Louis H. Callister, Provo, Utah—Granted oral argument to be held February 13, 1936, before the Broadcast Division.

NEW—Paul Q. Callister, Salt Lake City, Utah—Granted oral argument to be held February 13, 1936, before the Broadcast Division.

NEW—Great Western Broadcasting Association, Inc., Logan, Utah—Granted oral argument to be held February 13, 1936, before the Broadcast Division.

NEW—Great Western Broadcasting Association, Inc., Provo, Utah—Granted oral argument to be held February 13, 1936, before the Broadcast Division.

NEW—Munn Q. Cannon, Logan, Utah—Granted oral argument to be held February 13, 1936, before the Broadcast Division.

NEW—Utah Broadcasting Co., Salt Lake City—Granted oral argument to be held February 13, 1936, before the Broadcast Division.

NEW—Cache Valley Broadcasting Service Co., Logan, Utah—Granted oral argument to be held February 13, 1936, before the Broadcast Division.

KMA—Ex. Rep. 1-136: May Seed & Nursery Co., Shenandoah, Iowa—Granted oral argument to be held February 20, 1936, before the Broadcast Division.

KGBZ—KGBZ Broadcasting Co., York, Neb.—Granted oral argument to be held February 20, 1936, before the Broadcast Division.

NEW—Ex. Rep. No. 1-138: Big Springs Herald Broadcasting Co., Big Springs, Tex.—Granted oral argument to be held February 27, 1936, before the Broadcast Division.

NEW—Vernon Taylor Anderson, Big Springs, Tex.—Granted oral argument to be held February 27, 1936, before the Broadcast Division.

NEW—Plainview Broadcasting Co., Plainview, Tex.—Granted oral argument to be held February 27, 1936, before the Broadcast Division.

NEW—North Texas Broadcasting Co., Paris, Tex.—Granted oral argument to be held February 27, 1936, before the Broadcast Division.

KID—Ex. Rep. 1-143: Kid Broadcasting Co., Inc., Idaho Falls, Idaho—Granted oral argument to be held March 5, 1936.

NEW—Ex. Rep. 1-147: Arthur Westlund & Jules Cohn, Santa Rosa, Cal.—Granted oral argument to be held March 5, 1936.

KDFN—Ex. Rep. No. 1-139: Donald Lewis Hathaway, Casper, Wyo.—Granted oral argument to be held February 27, 1936, before the Broadcast Division.

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—Granted oral argument to be held February 27, 1936, before Broadcast Division.

XSOO—Sioux Falls Broadcast Association, Inc., Sioux Falls, S. Dak.—Granted oral argument to be held February 27, 1936, before the Broadcast Division.

KXL—KXL Broadcasters, Portland, Ore.—Granted oral argument to be held February 27, 1936, before the Broadcast Division.

KEHE—Evening Herald Publishing Co., Los Angeles, Cal.—Granted oral argument to be held February 27, 1936, before Broadcast Division.

NEW—Ex. Rep. 1-141: Joplin Broadcasting Co., Pittsburg, Kans.—Granted oral argument to be held March 5, 1936, before the Broadcast Division.

NEW—Pittsburg Publishing Co., Pittsburg, Kans.—Granted oral argument to be held March 5, 1936, before the Broadcast Division.

NEW—Wichita Broadcasting Co., Wichita, Kans.—Granted oral argument to be held March 5, 1936, before the Broadcast Division.

NEW—Ex. Rep. 1-142: Black Hills Broadcast Co., Rapid City, S. Dak.—Granted oral argument to be held March 5, 1936, before the Broadcast Division.

NEW—Ex. Rep. 1-146: William S. Thellman, New Castle, Pa.—Granted oral argument to be held March 5, 1936, before the Broadcast Division.

NEW—Ex. Rep. 1-149: Reporter Broadcasting Co., Abilene, Tex. and Wm. O. Anoley, Jr., d/b as Guilford Broadcasting Co., Abilene, Tex.—Granted oral argument to be held March 12, 1936.

NEW—Ex. Rep. 1-153: Roberts-MacNab Co., Jamestown, N. Dak.—Granted oral argument to be held March 12, 1936.

NEW—Ex. Rep. 1-158: Chicago Broadcasting Association, Chicago, Ill.—Granted oral argument to be held March 12, 1936.

NEW—Ex. Rep. 1-159: Robert E. Cole, d/b as Washington Broadcasting Co., Washington, Pa.—Granted oral argument to be held March 19, 1936.

WADC—Ex. Rep. 1-160: Allen T. Simmons, Tallmadge, Ohio.—Granted oral argument to be held March 19, 1936.

ACTION ON EXAMINERS' REPORTS

NEW—Ex. Rep. No. 1-64: Eugene DeBogory, tr/as Paris Broadcasting Co., Paris, Tex.—Denied C. P. for new station to operate on 1500 kc., 100 watts, daytime. Examiner Walker reversed.

NEW—Centennial Broadcasting Corp., Dallas, Tex.—Denied C. P. for new station to operate on 1200 kc., 100 watts, unlimited time. Examiner Walker sustained.

NEW—Ex. Rep. No. 1-72: Eugene DeBogory, tr/as Brownsville Broadcasting Co., Brownsville, Tex.—Denied C. P. for new station to operate on 1370 kc., 100 watts, unlimited time. Examiner R. L. Walker sustained. Order effective February 18, 1936.

NEW—Denton Broadcasting Co., Eugene DeBogory, Owner, Denton, Tex.—Denied C. P. for new station to operate on 1420 kc., 100 watts, daytime. Examiner Walker sustained.

WQDM—Ex. Rep. No. 1-85: E. J. Regan and F. Arthur Bostwick, d/b as Regan & Bostwick, St. Albans, Vt.—Remanded case heard by Examiner Dalberg to the hearing docket.

NEW—Ex. Rep. No. 1-86: Wm. A. Schall, Omaha, Nebr.—Denied C. P. for new station to operate on 1500 kc., 100 watts, unlimited time. Examiner R. H. Hyde sustained. Order effective February 25, 1936.

NEW—Ex. Rep. No. 1-87: W. R. Cramer and G. A. Anderson, d/b as Omaha Broadcasting Co., Omaha, Nebr.—Denied C. P. for new station to operate on 1500 kc., 100 watts, unlimited time. Examiner R. H. Hyde sustained. Order effective February 25, 1936.

NEW—Ex. Rep. No. 1-129: F. N. Pierce, Taylor, Tex., and Tembel Broadcasting Co., Temple, Tex.—Remanded to the docket for further hearing.

NEW—Ex. Rep. No. 1-131: Mountain States Broadcasting Corp., Salt Lake City, Utah.—Dismissed with prejudice application for C. P. for new station to operate on 550 kc., 500 watts, unlimited time. Examiner P. W. Seward reversed.

WGST—Ex. Rep. No. 1-145: Georgia School of Technology, Atlanta, Ga.—Granted modification of license to increase night power from 500 watts to 1 KW; 1 KW day, 890 kc., unlimited time. Examiner P. W. Seward sustained. Order effective March 3, 1936.

KGKB—Ex. Rep. No. 1-64: East Texas Broadcasting Co., Tyler, Tex.—Granted modification of license to change hours of operation from specified to unlimited day, specified hours night from LS to 8 p. m.; 1500 kc., 100 watts. Examiner R. L. Walker sustained. Order effective February 18, 1936.

NEW—Eugene DeBogory and Mildred English, d/b as Dallas Broadcasting Co., Dallas, Tex.—Denied C. P. for new station to operate on 1500 kc., 100 watts, daytime and specified hours night—6 p. m. to 7 p. m., 8 p. m. to 12 midnight. Examiner Walker reversed.

WROK—Ex. Rep. No. 1-148: Rockford Broadcasters, Inc., Rockford, Ill.—Granted modification of license to change hours of operation from sharing with WHBL to unlimited; 1410 kc., 500 watts. Examiner P. W. Seward sustained. Order effective March 10, 1936.

NEW—Ex. Rep. No. 1-151: Pat Whitaker, tr/as Tampa Broadcasting Co., Tampa, Fla.—Dismissed with prejudice application for C. P. for new station to operate on 1370 kc., 100 watts, unlimited time. Examiner J. P. Bramhall sustained.

NEW—Ex. Rep. No. 1-152: D. B. Sutton, Miami, Fla.—Dismissed with prejudice application for C. P. for new station to operate on 1210 kc., 100 watts, unlimited time. Examiner Bramhall sustained.

WJJD—Ex. Rep. No. 1-166: WJJD, Inc., Chicago, Ill.—Reaffirmed grant of C. P. to move transmitter from Mooseheart to Des Plaines, Ill. Examiner R. L. Walker sustained.

ACTION ON CASE HEARD BY COMMISSIONER BROWN

KFBI—Docket 2777: The Farmers & Bankers Life Ins. Co., Abilene, Kans.—Granted renewal of license, 1050 kc., 5 KW, limited time. Commissioner Brown's recommendations reversed.

MISCELLANEOUS

WDRC—WDRC, Inc., Hartford, Conn.—Approved grant of modification of license to increase day power to 5 KW inasmuch as applicant has now complied with Rule 131.

WHIS—Daily Teleg. Printing Co., Bluefield, W. Va.—Reconsidered and granted application for C. P. as amended to move locally and install new equipment and new radiating equipment. Application for increased power withdrawn.

WKRC—WKRC, Inc., Cincinnati, Ohio.—Denied petition asking Commission to reconsider and grant application for modification of license so as to change equipment and increase day power from 2½ KW to 5 KW. Application designated for hearing October 29, 1935.

NEW—Ex. Rep. No. 1-125: National Television Corp., New York City.—Remanded to the docket for early hearing.

KVI—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—Granted authority to take depositions in support of application for C. P. (Docket 3283).

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Protest to grant of application to move transmitter to Fort Worth, originally filed and withdrawn by Chamber of Commerce, Temple, Okla., was reinstated and that body was permitted to participate in hearing scheduled for January 27, 1936.

KIT—Carl E. Haymond, Yakima, Wash.—Denied petition asking Commission to reconsider its former action of October 16, 1935, in designating for hearing application for voluntary assignment of license to Valley Broadcasters, Inc., a newly formed Washington corporation.

WHDL—Olean Broadcasting Co., Olean, N. Y.—Denied petition asking Commission to reconsider and grant application for transfer of control of station to the Olean Times-Herald Corp. Application designated for hearing on December 3, 1935.

W6XKG—Ben S. McGlashan, Los Angeles, Calif.—Granted license to cover C. P. (exp. gen. exp.), 31600, 35600, 38600, 41000 kc., 100 watts.

APPLICATIONS DISMISSED

NEW—Broadcasters of Pennsylvania, Inc., Erie, Pa.—Dismissed at request of applicant application, heretofore set for hearing, for C. P., 1420 kc., 100 watts, 250 watts LS, unlimited.

NEW—Springfield Newspapers, Inc., Springfield, Ohio.—Dismissed at request of applicant application, heretofore set for hearing, for C. P. for 1120 kc., 250 watts, daytime.

WPTF—WPTF Radio Co., Raleigh, N. C.—Dismissed at request of applicant application, heretofore set for hearing, for special experimental authority, 680 kc., 5 KW, 6 to 7 a. m., EST.

NEW—John E. Fetzer, Kalamazoo, Mich.—Dismissed at request of applicant application, heretofore set for hearing, for C. P. for 1010 kc., 500 watts, 1 KW LS, unlimited.

The following applications, heretofore set for hearing, were dismissed for failure of applicants to answer the form letter, adopted by the Broadcast Division, requiring applicants to signify their desire to be heard within 10 days after receipt of said form letter:

WMFD—Richard Austin Dunlea, Wilmington, N. C.—Application for modification of license, 1370 kc., 100 watts, specified hours (6 a. m. to 9 p. m., EST).

WCBS—WCBS, Inc., Springfield, Ill.—Application for modification of license, 1420 kc., 100 watts, unlimited time.

NEW—Henry William Turkel, Los Angeles, Calif.—Application for C. P., 6040 kc., 1 KW, Emission A-3, unlimited time.

APPLICATIONS DENIED

NEW—Hubert H. Hall, Erie, Pa.—Denied as in cases of default for failure to file appearance, application for C. P., 1420 kc., 100 watts, unlimited time.

NEW—A. O. Jenkins, Jacksonville, Fla.—Denied as in cases of default for failure to file appearance, application for 1200 kc., 100 watts, unlimited time.

APPLICATIONS RECEIVED

First Zone

- NEW**—Power City Broadcasting Corp., Niagara Falls, N. Y.—Construction permit for a new broadcast station to be operated on **630 kc.**, 250 watts, daytime.
- WJAR**—The Outlet Co., Providence, R. I.—Modification of construction permit (B1-P-333) for changes in equipment and move transmitter, requesting extension of completion date from 2-4-36 to 6-4-36.
- WFMD**—The Monocacy Broadcasting Co., Frederick, Md.—License **900** to cover construction permit (B1-P-427) for a new station.
- WOL**—American Broadcasting Co., Washington, D. C.—Construction **1230** permit to make changes in equipment, change frequency from **1310 kc.** to **1230 kc.**, increase power from 100 watts to 1 KW, move transmitter from 1111 H St., N. W., Washington, D. C., to about ½ mile east Riggs and Iager Roads, Maryland, and studio site from 1111 H St., N. W., Washington, D. C., to site to be determined, Washington, D. C.
- WFRB**—The Baltimore Radio Show, Inc., Baltimore, Md.—Modification of construction permit (B1-P-847) for changes in equipment and increase in power of auxiliary equipment, requesting further changes in auxiliary equipment, increase maximum rate carrier power from 500 watts to 1 KW of auxiliary equipment.
- NEW**—The Brockway Co., Watertown, N. Y.—Construction permit to erect a new broadcast station to be operated on **1270 kc.**, 250 watts power, daytime. Consideration under Rule 6 (g).
- WOKO**—WOKO, Inc., Albany, N. Y.—Authority to determine operating power by direct measurement of antenna power.
- W2XF**—National Broadcasting Company, Inc., New York, N. Y.—Construction permit for increase in power from 5 to 12 KW and change in transmitter for visual broadcast station.
- W2XK**—National Broadcasting Company, Inc., New York, N. Y.—Construction permit for an increase in power from 2.5 KW to 15 KW.
- NEW**—National Broadcasting Company, Inc., New York, N. Y.—Construction permit for a new special experimental station for **177000 kc.**, 15 watts.
- NEW**—National Broadcasting Company, Inc., Portable-Mobile.—License for general experimental station for **25700, 26000, 27100, 31600, 35600, 38600, 41000, 86000-400000, 401000 kc.**, and above, 25 watts (to use equipment also licensed as General Experimental Broadcast Pickup Station W10XCG).
- NEW**—National Broadcasting Company, Inc., Portable-Mobile.—License for general experimental station for **25700, 26000, 27100, 31600, 35600, 38600, 41000, 86000-400000, 401000 kc.**, and above, 25 watts (to use equipment also licensed as General Experimental Broadcast Pickup Station W10XCH).
- NEW**—National Broadcasting Company, Inc., Portable-Mobile.—License for general experimental station for **25700, 26000, 27100, 31600, 35600, 38600, 41000, 86000-400000, 401000 kc.**, and above, 25 watts (to use equipment also licensed as General Experimental Broadcast Pickup Station W10XED).
- NEW**—National Broadcasting Company, Inc., Portable-Mobile.—License for general experimental station for **25700, 26000, 27100, 31600, 35600, 38600, 41000, 86000-400000, 401000 kc.** and above, 25 watts (to use equipment also licensed as General Experimental Broadcast Pickup Station W10XV).
- W2XJH**—General Electric Company, Portable-Mobile.—License to cover construction permit for general experimental station.
- W10XCG**—National Broadcasting Company, Inc., Portable-Mobile.—Modification of license to delete all but broadcast pickup frequencies **31100, 34600, 37600, 40600 kc.** and increase power to 25 watts.
- W10XCH**—National Broadcasting Company, Inc., Portable-Mobile.—Modification of license to delete all but broadcast pickup frequencies **31100, 34600, 37600, 40600 kc.** and increase power to 25 watts.
- W10XED**—National Broadcasting Company, Inc., Portable-Mobile.—Modification of license to delete all but broadcast pickup frequencies **31100, 34600, 37600, 40600 kc.** and increase power to 25 watts.
- W10XV**—National Broadcasting Company, Inc., Portable-Mobile.—Modification of license to delete all but broadcast pickup frequencies **31100, 34600, 37600, 40600 kc.** and increase power to 25 watts.

Second Zone

- NEW**—Saginaw Broadcasting Co., Saginaw, Mich.—Construction **1200** permit for a new broadcast station to be operated on **1200**

kc., 100 watts, 250 watts day, specified hours operation. Amended: To omit previous amendment requesting equipment changes and decrease in power.

- NEW**—Harry C. Lowe and Clara A. Lowe, DuBois, Pa.—Construction permit for a new broadcast station to be operated on **850 kc.**, 250 watts, daytime operation. Amended: Change frequency from **850 kc.** to **1210 kc.**, power from 250 watts to 100 watts, move transmitter from 126 W. Long Ave., DuBois, Pa., to DuBois, Pa., and studio site from site to be determined to 2 S. Brady St., DuBois, Pa.
- NEW**—Harold F. Gross, Edmund C. Shields, Saginaw, Mich.—Construction permit for a new station to be operated on **1210 kc.**, 100 watts night, 250 watts day, unlimited time. Requests facilities of WJIM, if WJIM's application for **1010 kc.** is granted.
- WTEL**—Foulkrod Radio Engineering Co., Philadelphia, Pa.—Construction permit to make changes in equipment, directional antenna; change frequency from **1310 kc.** to **1230 kc.**; increase power from 100 watts to 250 watts night, 500 watts day; and change hours of operation from share-WHAT to unlimited time. Amended: To change transmitter site from H Street and Wyoming Avenue, Philadelphia, Pa., to Bustleton Avenue, north of Cottman Street, Castor Highlands, Pa.
- NEW**—Radio Air Service Corp., Portable-Mobile.—Construction permit for general experimental station on **31100, 34600, 37600, 40600 kc.**, 10 watts.

Third Zone

- KPRC**—Houston Printing Co., Houston, Tex.—License to cover **920** construction permit (B3-P-765) to make equipment changes, increase power, move transmitter.
- NEW**—The Metropolis Co., Jacksonville, Fla.—Construction permit for new broadcast station to be operated on **1200 kc.**, 100 watts, unlimited time. Amended: Change frequency from **1200** to **1310 kc.**
- WMFR**—Hart & Nelson (J. A. Hart and Wayne M. Nelson), High Point, N. C.—License to cover construction permit (B3-P-165) as modified for a new station on **1200 kc.**, 100 watts power, daytime operation.
- KMLB**—Liner's Broadcasting Station, Inc., Monroe, La.—License **1200** to cover construction permit (B3-P-695) to make equipment changes.
- KIUN**—Jack W. Hawkins and Barney H. Hubbs, Pecos, Tex.—**1310** Modification of license to change frequency from **1420 kc.** to **1310 kc.**
- WPFB**—Forrest Broadcasting Co., Inc., Hattiesburg, Miss.—License **1370** to cover construction permit (B3-P-732) for changes in equipment, hours of operation and move of transmitter.

Fourth Zone

- WIL**—Missouri Broadcasting Corp., St. Louis, Mo.—License to **1200** cover construction permit (B4-P-869) for changes in equipment.
- KGFV**—Central Nebraska Broadcasting Corp., Kearney, Nebr.—**1310** Construction permit to install new equipment and increase power from 100 watts to 100 watts, 250 watts day. Amended: Change equipment (antenna), and move transmitter and studio from 919 W. 27th St. to 13th and Railroad, Kearney, Nebr.
- NEW**—Charles E. Wilkinson, Mason City, Iowa.—Construction permit for a new broadcast station to be operated on **1370 kc.**, 100 watts, unlimited time. Amended: Change name from C. E. Wilkinson to Charles E. Wilkinson, and change transmitter site from center of business district, Mason City, Iowa, to site to be determined, Mason City, Iowa.

Fifth Zone

- KHQ**—Louis Wasmer, Inc., Spokane, Wash.—Construction permit to increase power from 1 KW, 2 KW day, to 5 KW, and move transmitter from Sprague Ave. and Post St., Spokane, Wash., to site to be determined. Amended to make equipment changes.
- NEW**—Christina M. Jacobson, d/b as The Valley Electric Co., San Luis Obispo, Calif.—Construction permit for a new broadcast station to be operated on **1090 kc.**, 250 watts, daytime. Amended: Change frequency from **1090 kc.** to **1200 kc.**
- NEW**—Ben S. McGlashan, San Diego, Calif.—Construction permit **1210** for a new station to be operated on **1210 kc.**, 100 watts, daytime.
- NEW**—Howard G. DeLong and Maurice E. Kennedy, Los Angeles, Calif.—Construction permit for a new general experimental station on **31600, 35600, 38600, 41000 kc.**, 100 watts.

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

NAB REPORTS

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ASCAP RESTRICTIONS ON WARNER MUSIC

Several stations have raised the question whether a restricted number on the ASCAP list which happens to be published by one of the Warner Brothers publishers is restricted to the licensee of MPHC.

The MPHC in a telegram dated January 20th advises as follows:

"All stations licensed by us may perform all numbers published by us appearing on ASCAP restricted list except numbers from Shubert plays My Maryland, Student Prince, and Land of Smiles and Kern plays Cat and the Fiddle, Music in the Air, and Roberta which we are withdrawing from our repertory pending determination legal questions."

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

Thompson Products, Inc., Cleveland, Ohio. (2-1863, Form A-2)
Imperial China Company, Inc., Steubenville, Ohio (2-1864, Form A-1)
Corporate Leaders Securities Company, Wilmington, Del. (2-1865, Form A-1)
The New York Woman, Inc., New York City (2-1866, Form A-1)
Arthur J. Moss et al., New York City (2-1867, Form F-1)
London Deep Mines Co., Leadville, Colorado (2-1868, Form A-1)
Belle of Anderson County Distilling Co., Lexington, Ky. (2-1869, Form A-1)

RADIO COMMITTEE TO MEET

The regular annual meeting of the American Section, International Committee on Radio, will be held at the University Club, this city, on January 28. Senator Wallace H. White, Jr., of Maine, is president of the organization.

TALMADGE APPLICATION TO FCC

Regular application has been made to the Federal Communications Commission by Morris A. Bealle, of Plain Talk, a magazine published in this city, on behalf of Governor Talmadge.

The application asks for permission to send by telephone wire from Macon, Ga., to Station XEAW, the Dr. John R. Brinkley station, at Reynosa, State of Tamaulipas, Mexico, for transmission, proceedings of the political convention to be held on January 29. The station operates on 960 kilocycles with 100,000 watts power.

FCC APPROPRIATION PASSES HOUSE

The House of Representatives has passed the appropriation bill carrying money for use of the Federal Communications Commission for the next fiscal year beginning July 1.

The total appropriation is \$1,474,000 of which \$24,000 is for printing and binding and the remainder for other expenses including salaries. Provision is made in the bill that not more than \$1,030,000 shall be spent in the District of Columbia.

POWER INCREASE RECOMMENDED FOR TWO STATIONS

Broadcasting Station WFBM, Indianapolis, Ind., applied to the Federal Communications Commission to increase its daytime power from 1,000 to 5,000 watts and Station WHBU, Anderson, Ind., asked for a daytime power increase from 100 to 250 watts.

Examiner Ralph L. Walker, in Report No. I-183, recommended that both of the applications be granted. The Examiner states that "it appears that a need for increased daytime service exists in the area involved; that the granting of the application will not cause objectionable interference to stations other than the applicants; that objectionable interference between the applicant stations now exists; and that while the objectionable interference area of Station WHBU will be increased, the net result will be to increase the satisfactory service area of each station, including therein a substantially greater population."

RECOMMENDS ADDITIONAL TIME FOR KADA

Application was filed with the Federal Communications Commission by broadcasting station KADA, Ada, Okla., asking for unlimited time on the air. The station, which operates on a frequency of 1200 kilocycles, has 100 watts power and now uses daytime hours only.

Examiner P. W. Seward, in Report No. I-182, recommends that the additional time be granted. The Examiner states that a need does exist for additional nighttime service in the area proposed to be served and that "the interests of other licensed stations will not be adversely affected by reason of interference with the possible exception of Station WBBZ and this can only be definitely determined by experiments proposed by taking of field tests."

POWER INCREASE RECOMMENDED FOR WJBC

Broadcasting Station WJBC, Bloomington, Ill., applied to the Federal Communications Commission to increase its daytime power from 100 to 250 watts. The station operates on a frequency of 1200 kilocycles, sharing time with WJBL.

Examiner John P. Bramhall, in Report No. I-181, recommended that the application be granted. He found that there is need for additional daytime service in the area to be served and that "the interests of no other station will be adversely affected by reason of interference." The Examiner also states that the applicant will erect and maintain an antenna in compliance with the engineering standards of the Commission."

FCC DENIES ORAL ARGUMENT

At a general session the Federal Communications Commission overruled the motion of Voice of Brooklyn, Inc. (WLTH), and United States Broadcasting Corporation (WARD) in the matter of their applications for renewal of licenses (Dockets Nos. 1967 and 2039) which the Broadcast Division denied effective January 22, 1936, requesting (1) that an order be entered permitting them to appear by counsel before the Commission en banc

to present oral argument in support of their several petitions which they state will be filed shortly for rehearing of these cases under Section 405 of the Communications Act of 1934, and (2) that, pending final decision of the Commission on such several petitions, the effective date of the order of the Broadcast Division in the premises be postponed from time to time sufficiently to permit full consideration by the Commission of the matters involved prior to the operation of such order.

Commissioner Stewart, presented the following statement in connection therewith:

"I adhere to the views expressed in my opinion of January 8, 1936, which was issued in connection with another applicant in these so-called 'Brooklyn cases.'"

GOOD ENGINEERING PRACTICE

The Federal Communications Commission has issued the following interpretations of "good engineering practice" as used in the Commission's rule 132 to broadcast licensees. Rule 132 is quoted herewith for ready reference:

"(a) The transmitter proper and associated transmitting equipment of each broadcast station shall be designed, constructed and operated in accordance with good engineering practice in all phases not otherwise specifically included in these regulations.

"(b) The transmitter shall be wired and shielded in accordance with good engineering practice and shall be provided with safety features in accordance with the specifications of Article 37 of the current National Electrical Code as approved by the American Standards Association.

"(c) The station equipment shall be so operated, tuned, and adjusted that emissions are not radiated outside the authorized band which cause or are capable of causing interference to the communications of other stations. The spurious emissions, including radio frequency harmonics and audio frequency harmonics, shall be maintained at as low a level as required by good engineering practice. The program distortion, audio frequency range, carrier hum, noise level, and other essential phases of the operation which control the external effects shall at all times conform to the requirements of good engineering practice.

"(d) Whenever, in this rule, the term 'good engineering practice' is used, the specifications deemed necessary to meet the requirements of good engineering practice will be published from time to time.

"(e) This rule shall be effective upon its adoption provided, however, that existing broadcast stations shall be allowed one year in which to meet the requirements herein."

The pertinent sections of Article 37 of the National Electrical Code read as follows:

j. The transmitter shall be enclosed in a metal frame or grill or separated from the operating space by a barrier or other equivalent means, all metallic parts of which are effectually connected to ground.

k. All external metallic handles and controls accessible to the operating personnel shall be effectually grounded. No circuit in excess of 150 volts should have any parts exposed to direct contact. A complete dead front type of switchboard is preferred.

l. All access doors shall be provided with interlocks which will disconnect all voltages in excess of 750 volts when any access door is opened.

Referring to paragraph (a) of the above rule, at present good engineering practice shall be interpreted as follows:

In general the transmitter must be constructed either on racks and panels or in totally enclosed frames protected as required by the sections of Article 37 of the National Electrical Code as quoted above. The final stages of high power transmitters may be assembled in open frames providing the equipment is enclosed by a protective fence. Means must be provided for making all tuning adjustments, requiring voltages in excess of 750 volts to be applied to the circuit, from the front panels with all access doors closed. Proper bleeder resistors should be installed across all condenser banks to remove any charge which may remain after the high voltage circuit is opened. All meters which have more than 1000 volts potential to ground on the movement shall be protected by a cage or cover in addition to regular case even if bakelite.

All plate supply and other high voltage equipment, including transformers, filters, rectifiers, and motor generators, must be protected so as to prevent injury to operating personnel. This protection should include commutator guards on all high voltage rotating machinery.

The transmitter panels or units shall be wired in accordance with standard switchboard practice, either with insulated leads properly cabled and supported or with rigid bus bar properly insulated and protected. Wiring between units of the transmitter with the exception of circuits carrying R. F. energy shall be installed in conduits or approved fibre or metal raceways to protect them from mechanical injury. Circuits carrying low-level R. F. between units shall be of either concentric tube, two-wire balanced lines or properly shielded to prevent the pickup of modulated R. F. energy from the output circuits.

Each stage (including the oscillator) preceding the modulated stage shall be properly shielded and filtered to prevent feedback from any circuit following the modulated stage. An exception to this requirement will be made in the case of high-level modulated transmitters of approved manufacture which have been properly engineered to prevent reaction.

The crystal chamber, together with the conductor to the oscillator circuit, must be totally shielded. The crystal chamber must be so constructed, insulated and temperature-controlled that the maximum temperature variation at the crystal shall not be greater than 0.1 degrees Centigrade. An exception would be made in the case of transmitters employing so-called "AT" or zero coefficient crystals wherein the maximum allowable temperature variation at the crystal is 1.0 degree Centigrade. A thermometer must be installed in such a manner that the temperature at the crystal can be accurately measured and the temperature logged each half hour in accordance with Rule 142. It is preferable that the tank circuit of the oscillator tube be installed in the temperature-controlled chamber. In case an excessive shift in frequency is found during warmup periods the crystal oscillator must be operated continuously. The Commission will take special precautions to ascertain that composite crystal chambers and oscillator units meet the requirements of "good engineering practice" before the station is considered as having satisfactorily complied with Rule 132.

The radio frequency energy operating the monitor must be obtained from some stage in the transmitter prior to the modulated stage and the monitor circuits must be such that the monitor can be operated continuously without heterodyning the carrier. In addition, the monitor and the radio frequency line from the transmitter must be thoroughly shielded to prevent regeneration in the transmitter.

The transmitter power supply shall be so constructed that the maximum plate voltage regulation between no modulation and 100% modulation shall not exceed 5%. Adequate provision shall also be made for varying the transmitter power output between sufficient limits to compensate for excessive variations in line voltage, or other factors which may affect the power output.

A complete set of spare tubes for the transmitter and frequency monitor should be on hand at all times, the spares to include thyratron tubes, when used.

No requests for new broadcasting facilities will be granted unless the equipment proposed to be installed conforms with the definitions of "good engineering practice" as outlined herein.

It is the obligation of the licensee of each existing station to take the necessary steps to assure that the transmitting equipment complies with Rule 132 and these definitions of "good engineering practice." Any changes in the transmitter for which a construction permit is necessary by other rules, application therefor must be made in the regular manner.

There is sufficient time before November 12, 1936, for all licensees to file the necessary applications and install the required equipment.

Each station will be visited in the near future by an inspector of the Field Section of the Commission's Engineering Department and a detailed inspection will be made. Any points not clear or on which a ruling is desired should be discussed with him. However, this does not relieve the licensee's responsibility to proceed to comply with the requirements of this rule.

The inspector will again visit the station on or prior to November 12, 1936, to determine if the equipment complies in all details.

The purpose of this rule is to improve broadcast reception and to protect the lives of the station operators. Many frequency deviations are caused by poor equipment. The mutual interference caused by such deviations will thus be reduced as the deviations are reduced. The continuity of service and fidelity of transmission will be improved. This rule is for the good of the licensees as well as the listeners and the cooperation of all licensees is requested in assisting the Commission in the administration thereof.

The Commission will, from time to time, further define "good engineering practice" as the state of the art progresses and as the needs for the improvement in technical broadcasting demand.

COURT DECISION IN UPROAR COMPANY APPEAL

The United States Circuit Court of Appeals for the First Circuit rendered a decision in the case of the Uproar Company against the National Broadcasting Company.

This case was an appeal from the District Court of the United States for the District of Massachusetts. Judges Morton and Morris wrote the majority decision, while a dissenting decision was rendered by Judge McLellan. The full decision is as follows:

UNITED STATES CIRCUIT COURT OF APPEALS FOR THE FIRST CIRCUIT.

October Term, 1935.

No. 3050.

UPROAR COMPANY,
Plaintiff, Appellant,

v.

NATIONAL BROADCASTING COMPANY ET AL.,
Defendants, Appellees.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE
DISTRICT OF MASSACHUSETTS

BEFORE MORTON, MORRIS AND McLELLAN, JJ.

Opinion of the Court.

January 7, 1936.

MORTON, J. This is an action at law to recover damages for an alleged conspiracy between the defendants, (1) to interfere maliciously with contracts made by the plaintiff with certain broadcasting concerns to advertise its pamphlets and books, (2) to prevent the printing and distribution of such pamphlets and books, and (3) to prevent the advertising of them over the radio. The alleged purpose of the conspiracy was to prevent the plaintiff from carrying out arrangements made between it, Ed Wynn and Keenan Products, Inc., a corporation owning certain rights transferred to it by Wynn, for the advertising and selling of certain literary productions of Wynn. There is a second count alleging a conspiracy under the Federal anti trust laws to interfere with interstate communications.

The defendants pleaded equitable defenses. That of the Texas Co. alleged in substance that the plaintiff had no such property rights in the productions of Wynn incorporated in the pamphlets and books as enabled it to maintain the action, and that its attempted advertising and sale of them was in violation of the defendants' rights. The prayer was for an injunction against any attempt on the part of the plaintiff to publish, advertise, or sell the literary productions in question. The answer of the National Broadcasting Co. further alleged that the pamphlets and books published by the plaintiff made use of the name "Graham McNamee" in which the Broadcasting Company had exclusive rights. It prayed that such use might be enjoined. In the court below the equitable defenses were sustained and the plaintiff has appealed.

Th first question is whether any ground of equitable defense is pleaded, *i.e.*, whether the defenses stated ought not to have been made in the action at law. Inasmuch as the plaintiff's conduct is alleged in the answers to have been illegal and tortious and an interference with the defendants' property rights, and as it is of such character as, by the settled practice in equity, will if illegal be enjoined, and as injunctions were prayed for, *i.e.*, an affirmative relief not obtainable in the action at law, we think that the equitable defenses were properly pleaded and were properly heard in advance of the trial of the action at law. There is no question but what they related to the subject matter of the plaintiff's action; indeed they go to the root of it. It is the practice in cases in which equitable defenses are properly pleaded in an action at law for the trial court first to determine the equitable issues and "Once having assumed jurisdiction, it (the equity court) will determine all rights, legal or equitable, which are neces-

sary to settle the equitable issues." Wilson, J., *People of Porto Rico v. Livingston*, 47 Fed. (2d) 712 at 721 (C. C. A. 1). See too 28 U. S. C. A. Sec. 398; Equity Rule 23; and *Liberty Oil Co. v. Condon National Bank*, 260 U. S. 235.

We come therefore to the merits of the controversy between the parties. The basic facts are not in dispute. The Texas Co. is a large dealer in gasoline and related products. It made contracts with Ed Wynn a well-known actor and comedian to give a series of radio broadcasts in advertisement of its goods. The broadcasts were to be given weekly, and under the first contract Wynn was to be paid \$5,000 for each one if he furnished the program for it, \$3,500 if he did not. By other contracts the Texas Co. arranged with the National Broadcasting Co. for the use of its system for these broadcasts and for the services of Graham McNamee, a well-known speaker over the radio who was under contract with the Broadcasting Company whereby it was solely entitled to his services in broadcasting and to all public uses of his name. The arrangements between the various parties involved many details which were covered by the agreements, but which it is unnecessary to go into. The original contract between Wynn and the Texas Co. was for thirteen performances; but by additional contracts and options which were exercised, over fifty additional performances were arranged for on substantially the same terms, except that the later contracts did not contain the provision for reduction in compensation if Wynn did not furnish the programs. For the entire series Wynn received if he furnished the programs over \$350,000. The script which Wynn prepared required a second speaker. McNamee took this role. The total expense to the Texas Co. for each performance appears to have been about \$13,000.

The performances were highly successful; Wynn's jokes and witticisms made a great hit with the public. He or his associates apparently conceived the idea that it would be profitable to realize on this good will by publishing his programs in pamphlet form immediately after they had been delivered over the radio. The plaintiff corporation under arrangements with Wynn, and with Keenan Products, Inc., and one Leavitt who were interested in the copyrights or other phases of the matter, undertook to do this by a weekly pamphlet entitled "Uproar" which was sold for 10 cents per copy. The Uproar Co. attempted to advertise this pamphlet over the radio shortly after the conclusion of the performance for the Texas Co., which was contained in the pamphlet, had been given.

The Texas Co. objected to this on the ground that it owned the subject matter of Wynn's broadcast for it and on the further ground that the publication of the pamphlets would injure the advertising value of the broadcasts. The National Broadcasting Co. objected on the ground that the pamphlets used Graham McNamee's name, under the abbreviation "Graham," in violation of its rights. There is no doubt that the word "Graham" was used in the pamphlets, nor that it was there intended to refer to Graham McNamee and was so understood by the public. As has been said, McNamee took part in the broadcasts.

The first question on the merits is whether the Texas Co. acquired exclusive rights in the personal script prepared by Wynn for use in the broadcasts or whether that right remained in him. The District Judge was of opinion that these rights belonged to the Texas Co. As was said in a somewhat similar case, "It is a question of fact to be derived from all the circumstances of the case what is the nature of the contract entered into between the parties." *Halsbury, L. C., in Lawrence & Bullen v. Aflalo, L. R. 1904 App. Case 17, at 20.*

The contracts, which are all in writing, make no explicit provision on this point. Under them the Texas Co. "hereby agrees to and hereby does employ the party of the second part (Wynn) as the principal featured star of a radio broadcast to be given for consecutive weeks once a week for one-half hour beginning (date named) at a salary of (\$5,000) per week for each and every week," etc. Wynn's obligation was "to render service as an artist," and to supply the necessary personal scripts for broadcasting over the radio, etc. . . . "He agrees to render such service to the best of his ability,"—and in the later contracts,—"in the manner as heretofore rendered." The first contract further provided, "6. It shall be the right of election of the party of the second part (Wynn) however to determine whether or not he will perform in full the services of supplying the program and arranging the same, subject to the supervision and approval of the party of the first part, which is a part of the duties the party of second part (Wynn) agrees to perform during the first thirteen weeks for same." . . . "If he shall elect not to perform such services of supplying the program as herein recited, because of the fact that he shall be actively engaged in playing upon the speaking stage, then he shall receive the sum of \$3,500 per week for each and every week that he shall broadcast in the optional period of said fifty-two

weeks herein mentioned, but in that event he shall be known as the star and high-spot of the said broadcast," etc.

The District Judge, applying the contracts to the circumstances surrounding them, held that they in effect made Wynn an employee of the Texaco Co. for advertising purposes and that the literary programs or script which he prepared for that purpose became its property. He regarded the situation as analogous to one in which an author had been employed to prepare manuscripts for publication; or to one in which an inventor had been employed under salary to make a specified invention. See *Lawrence v. Aflalo*, *supra*; *Dielman v. White*, 102 Fed. 892; *Standard Parts Co. v. Peck*, 264 U. S. 52. It does not seem to us, however, that Wynn's services were of that character. Wynn was not employed to prepare material, but to give a show. The proposed show involved two elements, Wynn's personality, skill and reputation as an actor and comedian, and the material which he used. It was to be entirely a spoken affair. The essential thing about it was that it should attract people to listen in, so that they would hear the Texas Company's advertising which was given in connection with it. The script was prepared for that purpose. There is nothing in the contracts to indicate that the Texas Co. regarded the scripts as of value to it after the performance was over or desired to obtain the literary property in them. That property originally belonged to Wynn, and he did not lose it unless the contract carried an implied assignment of it to the Texas Co.* We do not think that any such assignment is implied from the language of the contracts or the relations of the parties. The literary property in the scripts prepared by Wynn remained in him. We do not overlook the fact that Wynn was paid \$1,500 more if he furnished the scripts. The Texas Co. apparently assumed that script obtained elsewhere would cost about that amount. The inferences from this fact seem to us too speculative to be controlling. It is impossible to say who would have furnished the script if Wynn did not, nor on what terms and conditions with respect to the title to it.

As the literary property in the scripts belonged to Wynn he had the general right to publish them. But this right was not unrestricted. As the scripts were prepared under contracts with the Texas Company for that company's advertising and Wynn had been paid for that use of them, plainly he was not at liberty to make any other use of them which would in any way weaken or interfere with that for which they had, so to speak, been sold. The principle is well established, "that in every contract there is an implied covenant that neither party shall do anything which will have the effect of destroying or injuring the right of the other party to receive the fruits of the contract, which means that in every contract there exists an implied covenant of good faith and fair dealing." *Hubbs, J., Kirke LaShelle Co. v. Paul Armstrong*, 263 N. Y. 79. See too *Manners v. Morocco*, 252 U. S. 317.

The final question is whether the publication and sale of the plaintiff's pamphlets "Uproar" did in fact have that effect. The District Judge found, "The plaintiff can have no greater right than Wynn or McNamee. Both defendants complain that the plaintiff, in publishing 'Uproars', has appropriated and will appropriate the good will which the defendants have, at large expense, succeeded in creating and to which the plaintiff has contributed nothing. In other words, that the plaintiff, for its own profit, is seeking to take an unfair advantage of the popularity of widely advertised programs, the proprietary interests in which belong exclusively to the defendants under their respective contracts with Wynn and McNamee.

"This misappropriation and use by the plaintiff tends to impair the value of the exclusive rights which the defendants have acquired by cheapening the whole advertising program. There was evidence tending to show that those who were in the radio audience when the program was on were led to believe that the plaintiff's publication was put out by the defendants, or one of them.

"The defendants say, with justice as I see the matter, that such a use would 'detract from the unique quality and artistically complete effect of the defendant's advertising. It would tend to cause confusion in the minds of the public with respect to the relationship between the plaintiff and the defendant, and to create some degree of impression that the defendant was responsible for what the plaintiff might do.' The cogency of the argument lies in the fact that the defendants have no control by way of censorship, or otherwise, of the matter that may appear in 'Uproars'. I have no hesitation in finding and ruling that the plaintiff is mak-

ing a commercial use, wholly unauthorized, of the script and of the name 'Graham'."

It will be observed that the District Judge's findings dealt not only with what he regarded as an unpermitted misappropriation of the scripts but also with the effect of the plaintiff's use of them on the Texas Company's advertising. While the evidence on this point is not very full, and perhaps not very satisfactory, we think it supports the District Judge's findings. From an inspection of the "Uproar" pamphlets, which were shown to us, we think it might well be found that they were cheap and flashy, and if attributed to the Texas Co.,—as apparently they were to some extent at least,—were calculated to injure the effect of its advertising.

It is clear that the plaintiff had no right to use Graham McNamee's name in its publication, either in full or under the abbreviation "Graham."

It follows that the plaintiff cannot maintain the present action and that the first clause in the decree enjoining it from doing so was right. The second clause in the decree enjoining the plaintiff from publishing, etc., should be modified by adding at the end thereof the following: "in any way which injures or interferes with the benefits which the Texas Co. might derive from its advertising under its contracts with Wynn." In all other respects the decree is affirmed, with costs to the appellees.

The decree of the District Court, as modified by this opinion, is affirmed with costs to the appellees.

McLELLAN, J. (dissenting): I am in accord with the majority view that notwithstanding his contract with the Texas Company, the literary property in the scripts belonged to Wynn, that he had the right to publish them, and that this right was not unrestricted.

While recognizing the principle that a contractor impliedly promises that he will not use retained property in such a way as to defeat the purposes of the contract, I doubt whether in any event we should go as far as the majority opinion suggests in the proposed injunction. Be this as it may, we all agree in substance that the plaintiff, by virtue of mesne assignments from Wynn, has a restricted right to publish the scripts, and I cannot see why, on this record, the plaintiff should be enjoined from prosecuting its action for an alleged unlawful interference with that right. I should suppose that if the defendants made out a complete defense they would be entitled to a judgment,—not an injunction. But they are entitled to neither. The majority concedes such ownership in the plaintiff, that I think it cannot be ruled as a matter of law at this stage of the proceedings that the plaintiff has no cause of action for interference with its ownership and restricted right to publish the Wynn productions. And this entirely apart from the jurisdictional question as to which I am not in accord with the majority of the court.

The non-ownership of the plaintiff alleged in the equitable answer is for reasons already stated out of the case. The *restricted ownership* set up in what the defendants call an equitable defense is a matter which would have been in issue in the law action if no such thing as an equitable defense ever had been provided. May a defendant, by raising a legal issue, by calling it equitable, and by asking for an injunction of the type described in the majority opinion, deprive the plaintiff of a trial at law? In spite of judicial utterances to the effect that the test of the right to a trial in equity on a plea to an action at law is whether the averments of the plea are such as to constitute a proper basis for a bill in equity, I think this question should be answered in the negative. For this additional reason there should be no injunction against the prosecution of the action at law.

I doubt also whether the appearance of the name Graham as a participant in the dialogue constituting the script should be regarded, under the circumstances here presented, as preventing the plaintiff from publishing the Wynn compositions. At any rate, the plaintiff had the right to publish and sell the script by deleting the name in which the National Broadcasting Company had certain rights by contract with Graham McNamee.

In conclusion, I think the court was without jurisdiction in equity to hear the case over the plaintiff's protest, and that no injunction in any form should issue.

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following companies. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

* In England by statute the presumption is the other way in certain cases, *i. e.*, that the property passes unless expressly reserved. See *Lawrence & Bullen v. Aflalo*, *supra*; *Sweet v. Benning*, 16 C. B. 459.

No. 2684. Misrepresentation in advertising **K-W Motor Graphite** is alleged in a complaint issued against the **K-W Graphite Corporation, Kansas City, Mo.**, engaged in the compounding of a lubricating oil containing a mixture of colloidal graphite, which it sells and distributes in interstate commerce.

The respondent company, the complaint charges, advertises that use of its product increases motor life and efficiency 40 per cent; reduces friction as much as 25 to 40 per cent; reduces consumption of gasoline 8 to 12 per cent, and that only one oil change in 3000 miles is necessary when K-W Motor Graphite is used.

No. 2685. Unfair competition in the sale of "Korgena," a tablet represented as a remedy for obesity and overweight, is alleged in a complaint issued against **Korgena Medicine Co.**, 103-7 West Church St., **Elmira, N. Y.**, and **Jerome Gladke**, doing business as **Korgena Medicine Co.**

The respondents allegedly advertise in newspapers, by radio and in other ways, that Korgena is a cure for body fat or excess weight, that it has the approval of the medical profession in general, and that it reduces weight from 7 to 10 pounds in two weeks, whereas, according to the complaint, such statements are untrue, and tend to deceive and mislead the purchasing public, to the injury of competitors who do not adopt such practices.

No. 2686. Use of sales methods involving a game of chance are alleged in a complaint issued against **M. H. Sobel, Inc.**, **Chicago** candy manufacturer. The respondent is charged with selling candy by a method which offers purchasers a chance of procuring larger pieces of candy or other articles of merchandise at prizes.

Such practices have long been deemed contrary to public policy, according to the complaint, and their use by the respondent has a tendency to injure competition.

Stipulations

The Commission has announced the following cease and desist orders:

No. 01016. False and misleading advertising of a correspondence course in music will be discontinued by **H. H. Slingerland, of Chicago**, trading as **Chicago School of Music**, under a stipulation.

Advertising a correspondence course of 24 lessons at a purported reduced rate of \$8.50, the respondent is said to have offered to teach prospective students how to play the instrument of their choice, offering an instrument free. He also advertised that Professor Albert H. MacConnell, head of the school of music faculty, would give his personal guidance and advice to those enrolled for the course, when this was not the fact.

Nos. 01017-01018. In separate stipulations, two newspapers, the **Des Moines Register and Tribune**, of **Des Moines, Ia.**, and the **Chicago Evening American**, **Chicago**, which published the "Malt-O-Meal" advertising, agree to observe the provisions of the stipulation signed by the **Campbell Cereal Company**.

No. 01022. In a stipulation entered into by the **Guide Publishing Co., Inc.**, 719 E. Olney Road, **Norfolk, Va.**, publisher of the **Norfolk Journal and Guide**, agrees to abide by the terms of a stipulation to discontinue certain misleading advertisements signed by **Alden H. Weed, Jr.**, operating as **Professor Abdullah** and **Swami Abdullah**, **New York City**. The **Guide Publishing Company** had accepted **Weed's** advertisements.

Nos. 01023-01024. Similar stipulations were signed by the **Pittsburgh Courier Publishing Co., Inc.**, Center Avenue at Francis Street, **Pittsburgh**, publisher of the **Pittsburgh Courier**, and the **Afro-American Company**, 628 North Eutaw Street, **Baltimore**, publisher of the **Afro-American**, which also had published advertisements for **Weed**.

No. 01025. **Popular Publications, Inc.**, 205 East 42nd St., **New York City**, publisher of **Adventure Magazine**, agrees to abide by the terms of a stipulation previously signed by **Flying Intelligence Bureau, Los Angeles, Calif.**, in which stipulation **Flying Intelligence Bureau** agreed to discontinue false and misleading advertising.

No. 01028. The **Bulletin Company**, City Hall Square, **Philadelphia**, publisher of the **Philadelphia Evening Bulletin**, published advertisements for **Vikonite Crushed Herbs** and **Nu-Vitolyn**, sold by **Vikonite Tonic Corporation**, of **Brooklyn, N. Y.** The **Bulletin Company** entered into a stipulation with the **Federal Trade Commission** to abide by the provisions of a stipulation signed by the **Vikonite Tonic Corporation**, which agreed to cease the use of false and misleading advertising.

No. 01034. The **Campbell Cereal Co.**, of **Northfield, Minn.**, has entered into a stipulation to cease and desist from the use of false and misleading advertising in connection with the sale of "Malt-O-Meal," a cereal.

The respondent agrees to discontinue representations such as

that among athletes in leading high schools and colleges, "Malt-O-Meal" is the favorite hot cereal. It further agrees not to advertise that the cereal possesses special qualities for giving energy or health, or that it will build and renew muscles, unless the advertising matter specifically states that the cereal aids as a health and muscle builder.

No. 01035. The **Lone Wolf Manufacturing Co., Inc.**, of **Dallas, Tex.**, engaged in selling **Lone Wolf Hair Tonic**, has entered into a stipulation to discontinue unfair trade practices in interstate commerce.

Specifically, the respondent agrees to cease representing in its advertising that its product is a competent remedy for scalp infections, or that it will eradicate dandruff or stop falling hair, when such is not the fact. Such assertions, according to the stipulation, have a tendency to mislead prospective purchasers, to the injury of competitors.

No. 01036. **Plough, Inc.**, **Memphis, Tenn.**, selling **Penetro Nose and Throat Drops** and **Penetro Topical Dressing**, agrees to cease representing that either of its products is an effective remedy for colds or will prevent colds; that **Penetro Nose and Throat Drops** are a competent treatment for hay fever, unless confined to the relief of the symptoms of hay fever; or, directly or by reasonable inference, that **Penetro Topical Dressing** will prevent influenza or pneumonia.

No. 01037. **I. Dabney Smith**, **Huntington, W. Va.**, engaged in selling personal advice by mail, purportedly based upon astrology and numerology, agrees to desist from use of advertising matter, which, according to the stipulation, the Commission has reason to believe is exaggerated and incorrect. Under the stipulation, the respondent is required to discontinue representing that his advice is helpful in the solution of one's social, domestic and business affairs, or that he is a numerologist or a psychoanalyst.

No. 01038. **Vikonite Tonic Corporation**, **Brooklyn, N. Y.**, engaged in the sale of **Vikonite Crushed Herbs**, offered as a treatment for indigestion, and **Nu-Vitolyn**, an alleged concentrated food, agrees to cease attributing to these products certain properties which, according to medical opinion furnished the Commission, they do not possess. The respondent stipulates it will not represent that **Vikonite Crushed Herbs** are helpful to the entire digestive tract, or that **Nu-Vitolyn** is a great European discovery which will wipe out aggravating cases of neurasthenia or nervous breakdown. The respondent, under terms of the stipulation, will cease and desist from use of the word "Vitodyn," independently or as part of a trade name, unless its product contains vitamins in quantities sufficient to afford therapeutic value.

No. 01039. **National Toilet Co., Paris, Tenn.**, selling **Nadinola Face Powder** and **Nadinola Bleaching Cream**, agrees to cease representing that its face powder is wind-proof or moisture-proof, that it will keep the skin young longer and prevent wrinkles, and that it is compounded from ingredients found only in the finest French powders. Statements that the bleaching cream will permanently remove blemishes from the face, and that the directions for its use are based on a famous doctor's advice, also will be discontinued according to the stipulation.

No. 01040. **Joseph N. Cirone**, **Brooklyn, N. Y.**, operating as **Rajah Abdullah**, engaged in the sale of "The Books of Forbidden Knowledge," secret Hindu art, charms and luck pieces, agrees to desist from advertising that use of his product will enable one to win at anything, to obtain all desired things, or to discern all secrets and invisible things. The respondent further stipulates he will not represent that his products are guaranteed or that purchase money is refunded to dissatisfied customers.

No. 01041. **Alden H. Weed, Jr.**, **New York City**, operating as **Professor Abdullah** and **Swami Abdullah**, and engaged in the sale of an **Astronumerology Chart** and **Dream Dope**, agrees to cease representations that use of his chart enables one to pick lucky numbers and to get on the winning side of life, and that his "Dream Dope" enables one to interpret dreams. It is further stipulated that the respondent will not represent that he has delved into ancient mystic lore and located a system very much in favor thousands of years ago.

No. 01042. **Noxacid Laboratories, Inc.**, **Newark, N. J.**, selling **Noxacid**, agrees to discontinue advertising that its product is a competent treatment or an effective remedy for any stomach trouble, unless confined to the relief of ailments due to gastric hyperacidity; that the product is a new scientific discovery, or that it is effective in the treatment of any condition where surgery ordinarily is required.

No. 01043. **Samuel A. Sandberg** and **Max L. Kaufman**, **Chicago**, doing business under the firm name **Derna Laboratory Co.**, and engaged in selling **Skurolin**, a medicated salve, have entered

into a stipulation to cease and desist from representing that their product is used by physicians to relieve skin troubles, or that it is the best known remedy for all skin eruptions. The respondents further agree to abandon use of the term "Laboratory" in their firm name unless and until they actually operate a laboratory in connection with the manufacture of their products.

Nos. 01045-01046-01047-01048-01049-01050-01065-01066-01067-01071. Ten broadcasting companies have entered into stipulations with the Federal Trade Commission to abide by Commission action in cases against advertisers whose advertising matter they had broadcast. In each instance the advertiser has signed a stipulation with the Commission to cease and desist from the character of advertising to which objection was made.

Broadcasting companies and the firms for which they broadcast advertisements are as follows: National Battery Broadcasting Co., St. Paul, operating Station KSTP, advertisements of Clark Brothers Chewing Gum Co., Pittsburgh; Orlando Broadcasting Co., Inc., Orlando, Fla., operating Station WDBO, advertisements of the Brossier Twin's Laboratories, Orlando; Oak Leaves Broadcasting Station Inc., Chicago, operating Station WGES, advertisements of L. W. Paluszek, 1670 West Division St., Chicago, trading as The Vervena Co.; WGAR Broadcasting Co., Cleveland, Station WGAR, advertisements of G. B. McGlenn and C. A. Revell, Cleveland, trading as Cleveland Regol Co.; Matheson Radio Co., Station WHDH, Boston, advertisements of Freedol Remedy Co., 338-A Warren St., Boston; Western Broadcast Co., Hollywood, Calif., Station KNX, advertisements of Wain's Laboratory, Inc., Los Angeles; The Milwaukee Journal, operating Station WTMJ, Milwaukee, advertisements of Smith Bros., Inc., Poughkeepsie, N. Y.; Greenville News-Piedmont Co., Greenville, S. C., operating Station WFBC, advertisements of M. L. Clein & Co., Atlanta; Carter Publications, Inc., Ft. Worth, Tex., operator of Station WBAP, advertisements of Hyral Distributing Co., Ft. Worth; and the Oregonian Publishing Co., Station KEX, Portland, Ore., advertisements of Esbencott Laboratories, 2014 N. E. Sandy Boulevard, Portland.

Nos. 01053-01054-01055-01056-01069. Five radio companies broadcasting advertisements for "Katro-Lek," sold by Katro-Lek Laboratories, Inc., Boston, have signed stipulations to abide by an agreement to cease and desist from misleading advertising entered into by Katro-Lek Laboratories, Inc.

The broadcasting companies are: Bay State Broadcasting Corporation, Station WAAB, Boston; Fifth Avenue Broadcasting Corporation, Station WFAB, New York City; Howell Broadcasting Co., Inc., Station WEBR, Buffalo; Matheson Radio Co., Inc., Station WHDH, Boston, and WDRC, Incorporated, Station WDRC, Hartford, Conn.

No. 1587. Frank Herschel McCullough, Frances McCullough and Harry T. Weaver, doing business as the Herschel Novelty Works, 202 East 12th Street, New York City, in the sale and distribution of their "Carbonite" scissors sharpener, have agreed to discontinue the use of a container simulating in color, design and lettering the package used by John Clark Brown, 525 Lexington Avenue, New York City, in the sale of his "Kenberry" scissors sharpener. Brown sells his product in a rectangular paper container having a red background, upon which is a picture of the device, with a pair of scissors and certain words. According to the stipulation, the respondent company distributed its product in a container identical in size, shape, color of letters, and reading matter, except that the word "Carbonite" appeared in place of the word "Kenberry."

No. 1588. Lee Knitting Mills Corporation, selling and distributing bathing suits, slacks, jerseys and other woolen garments, agrees to stop using as part of its corporate name the words "Knitting Mills," and "Knitting," or "Mills," in a manner tending to deceive buyers into believing that the company actually owns and operates a mill or factory wherein any or all of its products are made, when this is not the fact.

No. 1589. Use of the name of a famous French wine will be discontinued by the Almaden Vineyards Corporation, of Los Gatos, Calif., in connection with the sale of a California-produced wine, under a stipulation entered into.

The respondent company, according to the stipulation, labeled bottles containing certain of its wines with the brand name "Chateau Yquem," and caused the same name to appear in advertising matter, including placards and window cards.

No. 1590. Under a stipulation entered into, The Goodman Products Corporation, 68 Jay Street, Brooklyn, N. Y., will no longer use the words "manufacturers of" or "manufactured by" on labels or in advertising its products sold in interstate commerce.

The respondent, operating under the trade names Paradise Packing Company and Easyway Products Corporation, is engaged in the repacking of steel wool and steel wool cleaning pads obtained from primary steel wool manufacturers. The respondent labeled the cartons with the words "Manufactured by Paradise Packing Company," or "Manufactured by Easyway Products Corporation," according to the stipulation, and its invoices carried the legend, "Manufacturers of Easyway Steel Wool Pads and Soap," when, in fact, it does not manufacture these products.

No. 1591. In a stipulation in which misrepresentation was alleged, J. M. Rurka, 864 West North Avenue, Chicago, doing business as the Secure Lock Company, agrees to cease and desist from stamping on his product, designated as a "Secure Adjustable Door Guard," the abbreviation, "Pat. Pend.," or the words, "Patent Pending." The stipulation avers that the respondent has not filed application for a United States patent on his door guard, and any marking thereon to indicate that he has done so tends to confuse, mislead and deceive purchasers.

No. 1592. Agreement to cease selling watches with fictitious price markings is made in a stipulation entered into by Jacob J. and Bernard Schmukler, wholesale watch dealers, trading as J. J. Schmukler & Son, 133-37 Canal Street, New York City. The respondents purchase the watch movements from one company, the cases from others, and in selling the assembled product to the retail trade, in a substantial number of instances, affixed tags to the watches on which were marked the suggested resale retail prices. The stipulation sets out that prices marked on the tags were exaggerated and fictitious, and much in excess of the prices at which the watches were intended to sell in the ordinary course of business.

No. 1593. Real Silk Hosiery Mills, Inc., manufacturing silk hosiery and other wearing apparel, stipulates that it will not use the phrase "custom made" in advertising products not made to order or to the customer's measure, and will cease the use in advertisements of any other representations having a tendency to deceive buyers into believing that its ladies' hosiery is made to order or to the customer's measure, when this is not the fact. The company is said to have advertised in periodicals having a wide circulation, also in radio broadcasts.

No. 1594. Goodwear Knitting Mills, dealing in knitted outerwear for men and boys, agree to abandon use of the phrase "Knitting Mills" in connection with their trade name, and to cease using the words "Knitting," "Mills," and "Manufacturers" on invoices, letterheads or other printed matter, implying or tending to deceive buyers into believing that they knit or manufacture the products sold by them, or that they actually own and operate a factory in which the articles are knit or manufactured, when this is not true.

No. 1595. An agreement to discontinue false and misleading advertising was signed by the American Foto Products Co., 216 West Jackson Boulevard, Chicago, engaged in the manufacture of novelty rings. The respondent, in advertising for salesmen, represented that they could earn from \$20 to \$40 a day by selling rings, but, according to the stipulation, such representations were exaggerated and not probable of accomplishment.

No. 1596. In a similar stipulation, A. Hirsch Company, 35 East Wacker Drive, Chicago, wholesale dealer in watches, agrees to cease and desist from fictitious price marking.

No. 1597. J. Harold Booth, trading as United Mushroom Co., 3848 Lincoln Avenue, Chicago, and engaged in the sale of mushroom spawn and instructions for growing mushrooms, has entered into a stipulation to cease and desist from the use of false and misleading advertising having a tendency to mislead purchasers, in violation of the Trade Commission Act.

The respondent agrees to discontinue representing that his so-called "Super-Spawn" is produced by his company or that it can be grown to produce profitable crops under conditions unfavorable to mushroom growth or in beds about a grower's premises.

No. 1598. In a stipulation entered into, Lawrence C. (Max) Kraft and Rose Kraft, co-partners, trading under the names of Kraft Bird Co. and Kraft Pet Shops, 579 Fulton St., Brooklyn, N. Y., agree to discontinue false and misleading advertising in promoting the sale of canaries.

In the course of their business the respondents advertised that they have been breeders of canaries for sixteen years, that their shipments averaged 1,000 birds per day over a period of several years, and that they handled as many as 300,000 canaries in a single year, all of which assertions, according to the stipulation, are untrue. The respondents also advertised themselves as the largest breeders and distributors of canaries in America, when, according to the stipulation, this was not the fact.

No. 1599. In stipulating to cease and desist from the use of false and misleading advertising, **E. M. Viquesney, of Spencer, Ind.,** trading as World War Memorial Association, and American Doughboy Studios, agrees to cease using the word "Association" in a trade name under which to conduct his business of selling statuary and metal art objects, or to use the word "Association" in any way which may tend to lead purchasers into the belief that they are dealing with an association officially connected with the American Legion or a World War veterans' organization. The respondent is also to cease representing that he has the endorsement of the American Legion, that material used in the base of his monuments is composed of "Indiana Carrarra Marble," when, in fact, there is no such product, and that he has studios in New York, Chicago, and Carrarra, Italy. The respondent is said to have advertised a statue, "Spirit of the American Doughboy," as made of cast metal bronze, and weighing 700 pounds, when in fact it was made of other materials thinly coated with bronze, and did not weight that much.

No. 2303. An order has been issued against **Jacob Stein, 276 Ten Eyck Street, Brooklyn, N. Y.,** trading as **Climax Rubber Co.,** directing him to cease and desist from unfair methods of competition in selling sanitary and water-proof specialties, including infants' apparel.

The respondent is ordered to discontinue advertising that his products have antiseptic and anti-acid properties and powers which actually kill bacteria and neutralize perspiration and other body wastes, completely deodorizing all odors, when such is not the fact.

No. 2367. **Charles E. Morris, 330 Seventh Avenue, New York City,** engaged in the sale of fur garments, is directed to discontinue misrepresenting himself as a wholesale manufacturing furrier, and that he has a factory show room, according to an order to cease and desist issued against him.

The respondent, trading under his name and as the Charles E. Morris Show Room, is required to cease advertising that the prices for his products are "strictly wholesale" or "practically wholesale," or that purchases can be made from him at one-third to one-half less than on garments of the same grade and value sold at retail establishments. The order also directs the respondent to cease making the representation that he sells to stores from coast to coast, when such is not the fact.

No. 2543. In an order to cease and desist issued against **C. E. Sissell and L. L. Sissell, 4322 East Third St., Los Angeles,** trading as **Sissell Brothers,** the respondents are directed to discontinue certain unfair trade practices in selling metal burial vaults. They are ordered to cease representing that their vaults resist rust or corrosion, that they are made of rust-resisting material, that they are water or vermin-proof at the time of interment, or that they will endure as such for a period of 50 years, or for any fixed period of time.

No. 2643. An order has been issued to cease and desist against **C. R. Acfield, Inc., of 36 West 34th St., New York City,** dealer in treatments for foot ailments, directing discontinuance of certain unfair methods of competition.

In selling its product, the respondent is ordered to stop representing that its so-called "Perfection Toe Spring" is a cure for bunions, or will remove the actual cause of bunions or enlarged joints, or that it "Bentoe Splint" is a correction for or will straighten hammer-toe.

FTC COMPLAINT DISMISSED

No. 2254. The Federal Trade Commission has dismissed a complaint which charged the Maiden-Form Brassiere Co., Inc., of New York City, with unfair methods of competition in the sale of its product through use of the terms "fashion" and "full-fashion."

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, January 27

HEARING BEFORE AN EXAMINER (Broadcast)

NEW—Christina M. Jacobson, d/b as The Valley Electric Co., San Luis Obispo, Calif.—C. P., 1090 kc., 250 watts, daytime.
NEW—E. E. Long Piano Co., San Luis Obispo, Calif.—C. P., 1200 kc., 100 watts, unlimited time.

TO BE HELD AT WICHITA FALLS, TEXAS, AND FORT WORTH, TEXAS

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—C. P. to move to Fort Worth, Tex.; 570 kc., 250 watts, 1 KW LS, unlimited time.

Wednesday, January 29

WMBG—Havens & Martin, Inc., Richmond, Va.—C. P., 1350 kc., 500 watts, unlimited time.
NEW—Wilbur M. Havens, Chas. H. Woodward, etc., d/b as Petersburg Broadcasting Co., Petersburg, Va.—C. P., 880 kc., 500 watts, daytime (request facilities of WPHR).
WPHR—WLBG, Inc., Petersburg, Va.—Renewal of license, 880 kc., 500 watts, daytime.
WPHR—WLBG, Inc., Petersburg, Va.—C. P., 880 kc., 500 watts, daytime (request to move to Richmond, Va.).
NEW—Century Broadcasting Co., Inc., Richmond, Va.—C. P., 1370 kc., 100 watts, daytime.
WCMI—Ashland Broadcasting Co., Ashland, Ky.—C. P., 1350 kc., 1 KW, unlimited time. Present assignment: 1310 kc., 100 watts, unlimited time.

Thursday, January 30

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

WILL—University of Illinois, Urbana, Ill.—Modification of license, 580 kc., 1 KW, daytime. Present assignment: 890 kc., 250 watts, 1 KW LS, shares with KUSD and KFNF.

HEARING BEFORE AN EXAMINER (Broadcast)

NEW—J. Laurance Martin, Tucumcari, N. Mex.—C. P., 1200 kc., 100 watts, unlimited time.

APPLICATIONS GRANTED

KHQ—Louis Wasmer, Inc., Spokane, Wash.—Granted C. P. to make changes in equipment.
WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Granted C. P. to install auxiliary transmitter for emergency purposes only, at same location as main transmitter.
KIRO—Queen City Broadcasting Co., Seattle, Wash.—Granted C. P. to move studio and transmitter locally in Seattle, and make changes in equipment.
WNRI—S. George Webb, Newport, R. I.—Granted modification of C. P. to extend completion date from 2-4-36 to 6-4-36.
WREC—WREC, Inc., Memphis, Tenn.—Granted modification of C. P. to extend completion date from 1-30-36 to 2-29-36.
WAAF—Drovers Journal Pub. Co., Chicago, Ill.—Granted modification of C. P. approving proposed antenna system and transmitter site.
WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted modification of C. P. approving antenna and studio sites, and moving transmitter in Buffalo.
WPRP—Julio M. Conesa, Ponce, Puerto Rico—Granted modification of C. P. approving transmitter site at No. 1 Trujillo St., Ponce, Puerto Rico, change location of studio to Trujillo St., Ponce, Puerto Rico, and make changes in specified hours; also to extend completion date to 180 days after grant.
WWSW—Walker & Downing Radio Corp., Pittsburgh, Pa.—Granted C. P. to make changes in equipment; move transmitter from Frankstown Road, to Pittsburgh.
WLW—The Crosley Radio Corp., Cincinnati, O.—Granted extension of special experimental authority to operate with 500 KW, employing directional antenna system at night, using transmitter of W8XO.
WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Granted modification of C. P. to make changes in equipment, and increase maximum rated carrier power, the same as regular equipment.
KABR—Aberdeen Broadcast Co., Inc., Aberdeen, S. Dak.—Granted license to cover C. P. authorizing move of transmitter site locally and installation of new antenna to comply with Rule 131; 1420 kc., 100 watts, unlimited.
KTRH—KTRH Broadcasting Co., Houston, Tex.—Granted license to cover C. P. authorizing changes in equipment; 1290 kc., 1 KW night, 5 KW day, unlimited.

KVOR—S. H. Patterson, Colorado Springs, Colo.—Granted license to cover C. P. authorizing move of transmitter site locally and changes in antenna, to comply with Rule 131; 1270 kc., 1 KW, unlimited time.

WFMD—The Monocacy Broadcasting Co., Frederick, Md.—Granted license to cover C. P. authorizing erection of new station; 900 kc., 500 watts, daytime.

KTRH—KTRH Broadcasting Co., Houston, Tex.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Rule 137.

KOL—Seattle Broadcasting Co., Seattle, Wash.—Granted authority to determine operating power by direct measurement of antenna input.

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Granted authority to install automatic frequency control.

KCRJ—Chas. C. Robinson, Jerome, Ariz.—Granted renewal of license; 1310 kc., 100 watts, daytime-specified.

NEW—Westinghouse Elec. and Mfg. Co., Portable (Chicopee Falls, Mass.).—Granted C. P. and license (exp. spec. exp.), frequencies 31600, 35600, 38600, 41000, 55500, 60500, 86000-400000 kc., 500 watts.

W9XAA—Chicago Federation of Labor, Chicago, Ill.—Granted C. P. to move transmitter locally from Navy Pier, Chicago, to near Warwick and 39th St., York Township, DuPage County, Ill.

NEW—Connecticut State College, Storrs, Conn.—Granted license to cover C. P. (exp. gen. exp.), 86000-400000, 401000 kc. and above; 500 watts, unlimited.

W6XB—Earl A. Nielson, Portable-Mobile (Phoenix, Ariz.).—Granted license to cover C. P. (exp. gen. exp.), frequencies 31100, 34600, 37600, 40600 kc., 15 watts.

W9XID—Donald A. Burton, Portable-Mobile (Muncie, Ind.).—Granted license to cover C. P. (exp. gen. exp.), frequencies 31100, 34600, 37600, 40600 kc., 2 watts.

NEW—Tri-State Broadcasting System, Inc., Portable-Mobile, Shreveport, La.—Granted C. P. (temp. broadcast pickup), frequencies 1606, 2020, 2102, 2760 kc., 50 watts. Also granted license covering same.

W10XFZ—Don Lee Broadcasting System, Portable-Mobile (Los Angeles).—Granted license to cover C. P. (exp. gen. exp.), frequencies 31100, 34600, 40600 kc., 100 watts.

KABD—Don Lee Broadcasting System, Portable-Mobile (Los Angeles).—Granted license to cover C. P. (temp. broadcast pickup), frequencies 1646, 2090, 2190, 2830 kc., 100 watts.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KIRO, Seattle, Wash.; KMOX, St. Louis, Mo.; KTHS, Hot Springs National Park, Ark.; KTRB, Modesto, Calif.; WAIU, Columbus, Ohio; WCAZ, Carthage, Ill.; WDZ, Tuscola, Ill.; WHAS, Louisville, Ky.; WLWL, New York City; KCMC, Texarkana, Ark.; KERN, Bakersfield, Calif.; KFIZ, Fond du Lac, Wis.; WOPI, Bristol, Tenn.; WPFB, Hattiesburg, Miss.; WRAK, Williamsport, Pa.

W3XDD—Bell Tel. Labs. Inc., Whippany, N. J.—Granted renewal of special experimental station license for period Jan. 29 to April 29, 1936, in exact conformity with existing license.

W1XKA-W3XKA-W8XKA—Westinghouse E and M Co., Portable-Mobile—Granted renewal of special experimental station license for period Jan. 30 to April 30, 1936, in exact conformity with existing license.

W9XAF—The Journal Co. (Milwaukee Journal), Milwaukee, Wis.—Granted renewal of special experimental station license for period Feb. 1 to May 1, 1936, in exact conformity with existing license.

W2XBH—Radio Pictures, Inc., Long Island City, N. Y.—Granted renewal of special experimental station license for period Feb. 1 to May 1, 1936, in exact conformity with existing license.

SET FOR HEARING

NEW—M. M. Oppegard, Grand Forks, N. D.—Application for C. P. for new station; 1310 kc., 100 watts night, 250 watts day, unlimited.

NEW—Ted R. Woodard, Kingsport, Tenn.—Application for C. P. for new station; 1210 kc., 100 watts, daytime.

NEW—Marysville-Yuba City Publishers, Inc., Marysville, Cal.—Application for C. P. for new station; 1140 kc., 250 watts, daytime. Site to be determined.

NEW—Memphis Commercial Appeal, Inc., Mobile, Ala.—Application for C. P. for new station; 630 kc., 1 KW night, using

directional antenna, 5 KW day, unlimited. Site to be determined.

NEW—Wilton Harvey Pollard, Huntsville, Ala.—Application for C. P. for new station; 1200 kc., 100 watts, unlimited.

WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—Modification of license to change hours of operation from daytime only to include 100 watts night until 7:30 p. m. daily.

WROK—Rockford Broadcasters, Inc., Rockford, Ill.—Consent to transfer of control of Rockford Broadcasters, Inc. (licensee of station WROK) from Lloyd C. Thomas, as trustee for individual stockholders, to Rockford Consolidated Newspapers, Inc. (1410 kc., 500 watts, S-WHBL).

KMPC—Beverly Hills Broadcasting Corp., Beverly Hills, Cal.—Renewal of license to operate on 710 kc., 500 watts, limited time, and granted temporary license pending hearing.

KFEQ—KFEQ, Inc., St. Joseph, Mo.—C. P. already in hearing docket, amended to read: approval of transmitter site to location to be determined; type of antenna to be determined; make changes in equipment; increase power from 2½ to 5 KW, daytime.

ORAL ARGUMENTS GRANTED

NEW—Ex. Rep. No. 1-150.—Clark Standiford, Visalia, Cal.—Oral argument granted to be held March 19, 1936.

KFRO—Ex. Rep. No. 1-161.—Voice of Longview, Longview, Tex.—Oral argument granted to be held March 26, 1936; and NEW—Oil Capital Broadcasting Assn., Kilgore, Tex.—Oral argument granted to be held March 26, 1936; and KWEA—International Broadcasting Corp., Shreveport, La.—Oral argument granted to be held March 26, 1936.

NEW—Ex. Rep. No. 1-165.—Florida West Coast Broadcasting Co., Inc., Tampa, Fla.—Oral argument granted to be held March 26, 1936.

NEW—Ex. Rep. No. 1-168.—W. A. Patterson, Chattanooga, Tenn.—Granted oral argument to be held February 20, 1936.

NEW—Ex. Rep. No. 1-171.—Herbert Lee Blye, Lima, O.—Granted oral argument to be held March 26, 1936.

MISCELLANEOUS

WDAY—WDAY, Inc., Fargo, N. Dak.—Granted petition requesting postponement of oral argument, scheduled for Jan. 23, 1936, for a period of approximately 30 days, on application of Robert K. Herbst for radio facilities at Moorhead, Minn.

Edwin A. Kraft, Fairbanks, Alaska—Granted order to take depositions in re application for radio facilities at Fairbanks, Alaska.

Leo J. Omelian, Erie, Pa.—Removed from hearing docket application for renewal of license and granted regular license for period expiring July 1, 1936. Applications for facilities of this station dismissed.

ACTION ON EXAMINERS' REPORTS

WBNX—Ex. Rep. 1-134: Standard Cahill Co., Inc., New York City—Denied C. P. for new equipment; move transmitter and increase power from 250 watts to 1 KW. Examiner Bramhall reversed.

WEED—William Avera Wynne, Rocky Mount, N. C.—Denied C. P. to change equipment; change frequency from 1420 to 1350 kc.; increase power from 100 watts to 250 watts; change hours of operation from unlimited, day, sharing with WEHC night, to unlimited. Examiner Bramhall sustained. Order effective March 24, 1936.

NEW—Ex. Rep. 1-154: St. Petersburg Chamber of Commerce, St. Petersburg, Fla.—Denied C. P. for new station to operate on 1310 kc.; 100 watts; unlimited time. Examiner Bramhall sustained. Order effective March 24, 1936.

KARK—Ex. Rep. 1-157: Ark. Radio & Equipment Co., Little Rock, Ark.—Granted C. P. to make changes in equipment; change location of transmitter, and increase power from 250 watts night, 500 watts day, to 500 watts night, 1 KW day; 890 kc., unlimited time. Examiner P. W. Seward sustained. Order effective March 24, 1936.

APPLICATIONS RECEIVED

First Zone

WBEN—WBEN, Inc., Buffalo, N. Y.—Modification of construction permit (B1-P-567) to make equipment changes, increase day power from 1 to 5 KW, move transmitter, further re-

requesting approval of transmitter site at R. F. D. No. 2, Shawnee Road, near Martinsville, N. Y.

NEW—United States Broadcasting Co., Washington, D. C.—**Construction permit for a new radio station to be operated on 1310 kc., 100 watts, unlimited time, contingent upon granting of WOL's application for move of station, change of frequency and power.**

WHDL—Olean Broadcasting Co., Inc., Olean, N. Y.—**Construction permit to install new equipment, change frequency from 1420 kc. to 1260 kc., power from 100 to 250 watts; move transmitter from Exchange National Bank Bldg., corner Union and Laurens Sts., Olean, N. Y., to town of Allegany, N. Y. Amended to make equipment changes, change frequency from 1260 kc. to 1400 kc.**

Second Zone

NEW—Harold F. Gross, Lansing, Mich.—**Construction permit for a new general experimental station to be operated on 31600, 35600, 38600, 41000 kc., 100 watts.**

Third Zone

WREC—WREC, Inc., Memphis, Tenn.—**Extension of special experimental authorization to operate with power of 1 KW night, 2½ KW day, for period from 3-1-36 to 9-1-36.**

WIS—Station WIS, Inc., Columbia, S. C.—**Modification of construction permit (B3-P-3258) authorizing move of transmitter, change of frequency, installation of new equipment, and increase in power, requesting extension of completion date from 2-10-36 to 5-10-36.**

NEW—Jonas Weiland, Kinston, N. C.—**Construction permit for a new station to be operated on 1210 kc., 100 watts night, 250 watts day, unlimited time.**

KVOL—Geo. H. Thomas, Robert M. Dean, Louis M. Sepaugh, T. B. Lanford, a partnership d/b as Evangeline Broadcasting Co., Lafayette, La.—**Voluntary assignment of license from Geo. H. Thomas, Robert M. Dean, Louis M. Sepaugh, T. B. Lanford, a partnership, d/h as Evangeline Broadcasting Co., to Evangeline Broadcasting Co., Inc.**

NEW—Lookout Broadcasting Corp., Chattanooga, Tenn.—**Construction permit for a new station to be operated on 1420 kc., 100 watts, daytime.**

NEW—Dorrance D. Roderick, El Paso, Tex.—**Construction permit for a new station to be operated on 1500 kc., 100 watts, unlimited time.**

Fourth Zone

WMT—Iowa Broadcasting Co., Des Moines, Iowa—**License to cover special experimental authorization to operate permanently on 1 KW night, 2½ KW day. (Filed under new name.)**

NEW—Wise Broadcasting Co., St. Paul, Minn.—**Construction permit for a new station to be operated on 630 kc., 250 watts, unlimited time. Facilities of KGDE. Amended: To change name from Emmons L. Abeles & Robert J. Dean co-partnership, d/h as Wise Broadcasting Co., to Wise Broadcasting Co.**

NEW—R. C. Goshorn & Lester E. Cox, d/b as Capitol Broadcasting Co., Jefferson City, Mo.—**Construction permit for a new station to be operated on 920 kc., 500 watts daytime. Consideration under rule 6 (g).**

WHBL—Press Publishing Co., Sheboygan, Wis.—**Construction permit to install new transmitter, erect a new vertical antenna and move transmitter from 636 Center Avenue, Sheboygan, Wisconsin, to site to be determined, near Sheboygan, Wisconsin.**

NEW—W. E. Day, Creston, Iowa—**Construction permit for a new station to be operated on 1500 kc., 100 watts, unlimited.**

Fifth Zone

KGVO—Moshy's Incorporated, Missoula, Mont.—**License to cover construction permit (B5-P-232) as modified for new equipment, change in frequency, increase in power and move of transmitter.**

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah—**Construction permit to increase power from 1 KW to 5 KW, and install new equipment. Also move transmitter from Township No. 1 South, Range 1 West, 33rd South, Cor. 9th West, Salt Lake City, Utah, to site to be determined, near Salt Lake City, Utah. Amended: To omit request for increase in night power from 1 KW to 5 KW.**

KFBK—James McClatchy Co., Sacramento, Calif.—**Authority to determine operating power by direct measurement of antenna power.**

KFBK—James McClatchy Co., Sacramento, Calif.—**License to cover construction permit (5-P-B-3144) as modified to move transmitter, make changes in equipment, change frequency and increase power.**

W7XBD—Oregonian Publishing Co., Portland, Ore.—**Modification of construction permit for extension of commencement date to 4-15-36 and completion date to 8-15-36. (Wrong equipment installed.)**

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

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NEW RULE ON MECHANICAL REPRODUCTIONS

The Federal Communications Commission has amended Rule 176, effective January 28, regarding announcements of mechanical reproductions to read as follows:

"176. Each broadcast program consisting of a mechanical reproduction, or a series of mechanical reproductions, shall be announced in the manner and to the extent set out below:

1. A mechanical reproduction, or a series thereof, of longer duration than fifteen minutes, shall be identified by appropriate announcement at the beginning of the program, at each fifteen-minute interval, and at the conclusion of the program; provided, however, that the identifying announcement at each fifteen-minute interval is waived in case of a mechanical reproduction consisting of a single, continuous, uninterrupted speech, play, symphony concert or operatic production of longer duration than fifteen minutes;
2. A mechanical reproduction, or a series thereof, of a longer duration than five minutes and not in excess of fifteen minutes, shall be identified by an appropriate announcement at the beginning and end of the program;
3. A single mechanical reproduction of a duration not in excess of five minutes, shall be identified by appropriate announcement immediately preceding the use thereof;
4. In case a mechanical reproduction is used for background music, sound effects, station identification, program identification (theme music of short duration), or identification of the sponsorship of the program proper, no announcement of the mechanical reproduction is required.
5. The exact form of the identifying announcement is not prescribed but the language shall be clear and in terms commonly used and understood by the listening public. The use of the applicable identifying words such as 'a record', 'a recording', 'a recorded program', 'a mechanical reproduction', 'a transcription', 'an electrical transcription', will be considered sufficient to meet the requirements hereof. The identifying words shall accurately describe the type of mechanical reproduction used, *i.e.*, where a transcription is used it shall be announced as a 'transcription' or an 'electrical transcription' and where a phonograph record is used it shall be announced as a 'record' or a 'recording'."

MUSIC USERS PROTECTIVE ASSOCIATION, INC.

The Managing Director is making inquiry concerning the Music Users Protective Association, Inc., Chimes Building, Syracuse, New York. It is suggested that members delay any action on the offer made by this Association pending further information.

RECOMMENDS NEW HOLLYWOOD STATION

W. H. Kindig applied to the Federal Communications Commission for a construction permit for the erection of a new station at Holly-

NOTES TO SALES STAFF

Radio broadcasting has just completed a banner year with a volume of over \$87,000,000. (See The Year in Broadcast Advertising, page 1176.) Nothing succeeds like success.

Radio's gain was the greatest of any medium. (See Comparison with Other Media, page 1176, and see the report for 1935 to be issued within a few days.)

The slight increase in local advertising during December, as contrasted to the usual seasonal downswing, together with the strong showing of local sponsorship during recent months, should be particularly encouraging. (See Total Broadcast Advertising, page 1176.)

The continued rise in local transcription volume and in national live talent business should provide sales arguments and opportunities to many stations. (See Non-network Volume by Type of Rendition, page 1177.)

The general gains in all fields of sponsorship during the month should be especially encouraging. Attention is called to the rise in national non-network and regional network confectionery advertising, beverage advertising in the local and national non-network fields, and national non-network and regional network tobacco advertising. These suggest wider opportunities to stations and regional units.

wood, Calif., to use 1300 kilocycles, 1,000 watts, and to share time with KFAC. Also, KFAC, Los Angeles, Calif., applied for license renewal. This station now uses 1300 kilocycles, 1,000 watts power, and unlimited time on the air.

Examiner George H. Hill, in Report No. I-183, recommended:

"That the application of W. H. Kindig for a construction permit be granted on condition that the applicant install an antenna which complies with the recommendations of the Engineering Department of the Commission.

"That the application of the Los Angeles Broadcasting Company, Inc., for renewal of license be granted in part and that this applicant be authorized to operate Station KFAC one-half time, sharing hours of operation equally with W. H. Kindig, applicant for a new station to operate on the 1300-kilocycle frequency, with power of 1 kilowatt."

GEORGE ELLIS

George Ellis, who calls himself a continuity writer and claims to be the author of "The Trial of Vivian Ware," it is understood, is looking for a job with some radio station or agency.

Members are advised to communicate with NAB Headquarters before offering Mr. Ellis employment.

HIGH POWER DENIAL RECOMMENDED

Station WCAO, Baltimore, Md.; WICC, Bridgeport, Conn.; and WIP, Philadelphia, Pa., the first two operating on 600 kilocycles and the latter on 610 kilocycles, all applied to the Federal Communications Commission to increase their daytime power from 500 to 1,000 watts.

Examiner Melvin H. Dalberg, in Report No. I-187, recommends that all of the applications be denied. The Examiner states that:

"The granting of these applications would undoubtedly limit the service area of one or more Canadian stations. Therefore, it is con-

sidered that, under the arrangement between the United States of America and the Dominion of Canada effected by an exchange of notes entered into on May 5, 1932, and designated as Executive Series No. 34, the granting of all the instant applications would constitute a hostile act to the station or stations affected. It is also obvious that the granting of the application of WIP and the denial of the other two would adversely affect the latter."

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

General Lumber Company, Seattle, Wash. (2-1870, Form A-1)
Pacific Oil & Meal Company, Los Angeles, Calif. (2-1871, Form A-1)
Beverages Incorporated, Boston, Mass. (2-1872, Form A-1)
Oil Payment Purchase Corp., Jersey City, N. J. (2-1873, Form A-1)
American Fidelity Corp., Ltd., San Diego, Calif. (2-1874, Form G-1)
National Grange Fire Insurance Co., Keene, N. H. (2-1875, Form A-1)
Medical Building of Houston, Dallas, Tex. (2-1876, Form E-1)

RECOMMENDS FURTHER HEARING FOR KWKC

The Mid-Central Broadcasting Company applied to the Federal Communications Commission for a construction permit for the erection of a new station at Kansas City, Mo., to use 1370 kilocycles, 100 watts power, unlimited time, requesting the facilities of Station KWKC, also at Kansas City, Mo. KWKC asked for license renewal.

Examiner R. H. Hyde, in Report No. I-185, recommended that the application of the Mid-Central Broadcasting Company be denied and "that the application of Station KWKC for renewal license be set down for a further hearing to determine whether the licensee has attempted or is attempting to transfer his license or the rights thereunder to another party or parties without the consent of the Commission." The Examiner says further in this connection that:

"The evidence relating to the application of the Wilson Duncan Broadcasting Company (KWKC) for renewal of station license raises a serious question as to whether or not this station has been operated in accordance with the terms of recent licenses, and also a question as to whether the station would be operated by the applicant if a renewal license were issued to him; but since there was no notice to the applicant on this question, no finding is made."

RADIO COMMITTEE ELECTS

Senator Wallace H. White, Jr., of Maine, was elected president of the American Section, International Committee on Radio, at a meeting held at the University Club, this city, on Tuesday night.

Other officers elected for the coming year include: Louis G. Caldwell, vice president; Howard S. LeRoy, treasurer; and Paul M. Segal, secretary. Members of the executive council: William R. Vallance, chairman; A. L. Ashby, Thad H. Brown, T. A. M. Craven, J. H. Dellinger and F. P. Guthrie.

Representative Sam Rayburn of Texas, J. H. Dellinger, T. A. M. Craven and E. M. Webster made short addresses on various phases of radio at the meeting.

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following companies. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

No. 2687. Because it represents that its cosmetic products are accepted by the American Medical Association, unfair competition is charged against **C. W. Beggs Sons & Co.**, 1741 North Western Avenue, Chicago, in a complaint.

The respondent, engaged in the manufacture of cosmetics which it sells in interstate commerce under the trade name "Marcelle," advertises that these products are submitted to and accepted by the American Medical Association, and that they must pass the rigorous requirements of the association before being sold, whereas such assertions are untrue, according to the complaint.

No. 2688. **George Close Co.**, 243 Broadway, Cambridge Mass., engaged in the manufacture and sale of candy, is named respondent in a complaint. It is alleged that the respondent company so

packs and assembles its product as to involve the use of a lottery scheme when the candy is sold and distributed to consumers.

The complaint describes the lottery as a method under which the purchasers, by buying small pieces of candy for one cent, may win a larger piece. Use by the respondent of this scheme, the complaint avers, is contrary to public policy and has a tendency to restrict competition in that it tends to injure competitors who do not use such methods, by diverting trade from them.

No. 2689. A complaint has been issued against **Jung & Schade Laboratories**, 1418 Somer St., Milwaukee, charging unfair representations in the sale of its product, "Vi-Vo."

In its advertising matter, the respondent allegedly represents "Vi-Vo" as a "sober-up" remedy which "counteracts alcohol," "clears the mind," "settles the stomach," "prevents bad after effects," and "completely eliminates alcoholic effects in a short time," whereas, according to the complaint, these and similar assertions are false and misleading, and the product does not possess the therapeutic properties claimed for it.

Stipulations

The Commission has issued the following cease and desist orders:

Nos. 01029-01051-01052-01058-01068-01070-01072-01087. Stipulations have been entered into by two publishing companies and four broadcasting companies, to abide by agreements arrived at by the Commission with certain advertisers. The advertisers have agreed to cease and desist from the use of false and misleading advertising in the sale of their products.

The publishing companies and the firms for which they published advertisements are: **Pathfinder Publishing Co., Inc.**, 2414 Douglas St., Washington, D. C., publisher of *The Pathfinder*; advertisements for Dr. W. B. Mayo's Tablets, sold by Dr. W. B. Mayo Laboratories, Los Angeles; **Bruce Publishing Co.**, 2642 University Ave., St. Paul, Minn., publisher of *The Northwestern Druggist*; advertisements for "Liquid O2X", sold by J. George and Walter U. Hauser and James J. Poole, doing business under the firm name of Hauser Laboratory, Minneapolis, Minn.

The broadcasting companies and the firms for which they broadcast advertisements are: Western Broadcast Co., operator of radio station KNX, Hollywood, Calif., advertisements for medicinal products sold by Dr. Louis L. Sherman, operating as "Clinic of the Air," Oakland, Calif.; Western Broadcast Co., operator of radio station KNX, Hollywood, Calif., advertisements for "Smad" sold by Dr. A. W. Daggett, S. M. Sweeney and E. C. Groves, operating as the Smad Co., Pasadena, Calif.; Clearwater Chamber of Commerce and St. Petersburg Chamber of Commerce, Clearwater, Fla., operators of radio station WFLA, advertisements for "A. F.-3," sold by Litmo Laboratories, Inc., trading as The Brosier Twins Laboratories, 302 Fidelity Bldg., Orlando, Fla.; Radio Air Service Corporation, Cleveland, Ohio, operator of radio station WHK, advertisements for "Regol," sold by G. B. McGlenn and C. A. Revell, trading as Cleveland Regol Co.; Radio Station KGW, operated by the Oregonian Publishing Co., Portland, Ore., advertisements for "Santi-septic Lotion," sold by E. J. and Minnie E. Scheffer, doing business as Esbenscott Laboratories, 2014 N. E. Sandy Blvd., Portland, Ore.

In another stipulation, John Kaslikowski, trading as Alpenol Herb Co., Springfield, Mass., engaged in selling Alpenol Herb Tea, entered into a stipulation to cease and desist from false and misleading advertising in the sale of his product. The respondent agrees to discontinue representing that the tea is an effective remedy or a competent treatment for liver, kidney or stomach trouble, when such assertions are not the fact.

No. 01044. **Boyer Chemical Laboratory Co.**, 2700 Wabash Ave., Chicago, selling cosmetic products, agrees to discontinue representing that its "Muscle Oil Tissue Cream" will nourish the skin, remove wrinkles or build up the contours and tissues of the face; that "Boyer Face Powder" is perspiration-proof and will not clog the pores, and that "Boyer Powder Base Astringent" gives assurance against enlarged pores and wrinkles, when such assertions are not true, according to the stipulation. The respondent also will cease representing that it employs a Madame Louise Delorme to give women personal advice on skin care and make-up, until such person is employed to render the service indicated. It is further agreed that the respondent will not use the words "muscle" and "tissue" as part of the name for its so-called "Muscle Oil Tissue Cream."

Nos. 01059-01060-01061-01062. Three publishers printing advertisements of **Plough, Inc.**, of Memphis, Tenn., dealer in medicinal products, have signed stipulations to abide by the terms of an agreement entered into by **Plough, Inc.**, to cease and desist

from misleading advertising. The publishers printed the advertisements to which objection was made.

The publishers are as follows: **American Osteopathic Association**, 430 North Michigan Ave., Chicago, publisher of the *Journal of the American Osteopathic Association* and of the *Osteopathic Magazine*; **Crowell Publishing Co.**, 250 Park Ave., New York City, publisher of *Country Home*; and Parent's Publishing Association, Inc., 9 East 40th St., New York City, publisher of *Parent's Magazine*.

Plough, Inc., advertised certain treatments for colds, hay fever and related ailments.

No. 01064. J. Petrie, 6023 Harper Ave., Chicago, trading as **Purity Products Co.**, and engaged in selling "Minex" and "Hygeen," agrees to discontinue advertising that these products will correct any feminine hygiene condition, or that they are recommended by physicians and surgeons unless such representation is limited to the ingredients of which the products are composed. The stipulation requires the respondent to desist from representing directly or by reasonable implication that "Minex" is an abortifacient, or that "Hygeen" tablets are a contraceptive.

Nos. 01073-01074-01075-01076-01077-01078-01079-01080-01081. Seven publishers printing advertisements of **Dr. W. B. Mayo Laboratories**, Los Angeles, have signed stipulations to abide by an agreement entered into with the Commission by Dr. W. B. Mayo Laboratories to cease and desist from misleading representations of its treatment for stomach trouble, known as Dr. W. B. Mayo's Tablets. The publishers have printed the advertisements to which objection was made.

The publishers are as follows: **Eugene Lorton**, publisher of the *Tulsa World*, Tulsa, Okla.; **Buffalo Courier-Express, Inc.**, Buffalo, N. Y.; **Memphis Commercial-Appeal, Inc.**, Memphis, Tenn.; **A. O. Anderson**, publisher of the *Dallas Dispatch*, Dallas, Tex.; **Enterprise Co.**, publisher of the *Beaumont Enterprise* and the *Beaumont Journal*, Beaumont, Tex.; **Post Intelligencer Co.**, publisher of the *Seattle Post-Intelligencer*, Seattle, Wash.; and **C. B. Blethen**, publisher of the *Seattle Times*.

Dr. W. B. Mayo Laboratories, of Los Angeles, agrees to cease advertising that one bottle, or any quantity, of Mayo's Tablets, will enable a person to gain 10 pounds; that half a \$5 treatment, or any quantity of these tablets, causes all pain to leave and enables one to eat the things desired without discomfort; that Mayo's Tablets are scientific and a competent treatment or effective remedy for acid stomach, indigestion, sleepless nights, and related ailments.

The respondent agrees to stop using the words "Laboratory" or "Laboratories" in its trade name or advertising until such time as it actually owns, maintains or operates a laboratory or laboratories.

Nos. 01082-01083. William E. Miller Furniture Co., Inc., Eighth Street and Pennsylvania Ave., S. E., Washington, D. C., has entered into a stipulation to discontinue misleading advertising, and **American Newspapers, Inc.**, publisher of *The Washington Herald*, which carried advertisements for the Miller store, has signed a stipulation to abide by the Miller company's agreement.

This furniture company stipulates that it will cease representing that its furniture is sold at a saving of any amount, unless this assertion is qualified to show that the represented saving is based on a comparison of the fair retail value of the used furniture and the amount at which it is offered for sale.

No. 01084. United States Rubber Products, Inc., 1790 Broadway, New York City, agrees that in the sale of its "U. S. Royal Tires" it will cease and desist from representing in advertising that the majority of automobile manufacturers equip all of their cars with tires sold by the respondent, or that the tires are guaranteed for a definite period of time, unless the representation is qualified to indicate that the guarantee applies only to tires used on passenger cars, and unless the terms of the guarantee afford the purchaser redress in event the tire fails to last the length of time advertised.

No. 01085. The Bromwell Wire Goods Co., Third and Walnut Sts., Cincinnati, Ohio, operating as the Cincinnati Patent Engineering Co., is engaged in selling Bromwell's "Raio-O-Trap" aerial-eliminator, also designated as "Aero-Trap." In the stipulation the respondent agrees to discontinue representing that the device produces amazing new power, volume and clarity, eliminates the danger of lightning, brings in distant stations as clearly as local, eliminates the outside aerial, but produces the same results as a 75-foot aerial, and that it will last a lifetime, and work on any and all types of radios. These representations, according to the agreement, are incorrect and exaggerated and mislead prospective

purchasers, to the injury of competitors who truthfully advertise their products.

No. 01086. J. Palazzolo, 436 E. Fourteenth St., New York City, engaged in selling "Mexican Laxative Tea" and "Otello Water," has signed a stipulation to desist from misrepresenting those products. As to "Mexican Laxative Tea," the respondent agrees to discontinue advertising the product as an effective remedy for constipation, and for numerous other ailments. He also will eliminate the word "Mexican" as part of the name of the product until it or the ingredients composing it are imported from Mexico, according to the stipulation.

The respondent also agrees to cease representing that "Otello Water," offered as a remedy for restoring gray hair to its natural color, is not a dye or a tincture, that it restores gray hair to its natural color and that it ends dandruff and baldness. Under the stipulation, the use of the word "water" in the name of the product will be discontinued.

No. 2311. An order to cease and desist has been issued against **William Bros. Tailoring Corporation**, with its principal business office in New York City, and its manufacturing plant at 384 Congress St., Troy, N. Y., directing discontinuance of certain unfair practices in the sale of men's clothes in interstate commerce.

Representations of the respondent company that clothes sold by it are made to order according to individual measurements of the purchasers, that is, custom tailored, are to be discontinued under the order, and are not to be resumed until it has become the established practice of the respondent that all clothes represented as custom tailored have been so made after receipt of orders from purchasers.

No. 2318. In an order to cease and desist, **James McCreery & Co.**, owner and operator of a department store at 5th Avenue and 34th St., New York City, is directed to discontinue unfair methods of competition in the sale of its Toyo hats.

The respondent is required to cease representing or advertising that Toyo hats are "Panama" hats, when such is not the fact, and to stop use of the word "Panama" in the sale or manufacture of any other hats when they are not genuine Panamas, woven by hand in a saturated condition and made from the leaf of the paja toquilla or the jipajapa plant.

No. 2349. Under an order to cease and desist, **David, Lewis and Benjamin Levine**, trading as **Colombo Extract Co.**, 380 Throop Ave., Brooklyn, N. Y., are directed to discontinue advertising and otherwise representing that they import or export the flavoring extracts which they manufacture and sell in interstate commerce.

The order requires the respondents to cease representing by any method that their extracts or the ingredients composing them are manufactured in foreign countries, or that the respondents are the sole representatives in America for their commodity, when such assertions are untrue.

No. 2570. Under an order to cease and desist issued against **W. J. Thompson, Inc.**, publisher of *The Gentlewoman* magazine, 154 West 14th St., New York City, is required to discontinue false representation of circulation building contests in connection with the sale of any publications.

The respondent, under the order, is required to cease representing that a person solving a puzzle presented in an advertisement, and sending the solution to the respondent, will receive a prize without doing any other thing, or that the mere mailing of a correct solution is sufficient to win any prize, when such assertions are untrue.

No. 2377. LeGay, Inc., 58 East Washington St., Chicago, has been ordered to cease and desist from advertising or representing in any manner that "LeGay Hair Remover," which it sells in interstate commerce, is an effective and harmless depilatory, that it will permanently remove hair from the human body, or that it will banish facial shadows or remove hair without roughening the skin, when such assertions are not the fact.

No. 2591. Use of the word "manufacturers" in advertisements is to be discontinued by the **Arco Shirt Corporation**, 486 Broadway, New York City, under an order to cease and desist.

The Commission found that the respondent company, in its advertising matter, business stationery and other trade literature, represents that it manufactures the shirts it sells in interstate commerce, when in fact it does not control or own any factory in which its products are made.

No. 2605. An order has been issued requiring **Acme Cotton Products Co., Inc.**, 245 Fifth Ave., New York City, to cease and desist from the use of certain words in the sale in interstate commerce of surgical supplies and absorbent cotton products.

The respondent, in describing the grade of cotton used in the manufacture of the products it sells, is required to discontinue use of the words "Very Highest Grade Procurable," when such dis-

nation is not a fact. Use of the words "Sterilized," "Aseptic," or "Purified," to describe the absorbent cotton and surgical supplies, also is prohibited under the order unless these products are actually bacteria-free when sold by the respondent.

BROADCAST ADVERTISING IN DECEMBER

Developments of the Month

Broadcast advertising during December rose 5.8% as compared to the preceding month. Gross time sales of the medium amounted to \$8,686,359, a gain of 20.8% over the corresponding month of 1934. Regional network and national non-network volume continued to show the greatest gains.

Local broadcast advertising failed to show the usual seasonal decline and remained slightly above the November level. Broadcast advertising of this type was 33.4% greater than during December of last year.

Non-network advertising as a whole rose 1.8% in December as against the previous month and showed an increase of 33.4% over the same month of last year. Local station volume experienced the usual seasonal decline, while the clear-channel and high-powered regional group accounted for most of the month's non-network gains. Heaviest gains over last year were in the regional and local station classes. The situation with regard to non-network advertising in various sections of the country was practically unchanged from that of the preceding month.

In the national non-network field, live talent programs showed the greatest increase over the previous December, while transcriptions and records led in local broadcast advertising.

Compared to November, national network automotive and financial advertising, national non-network drug, confectionery and retail volume, and local beverage, and financial broadcasting showed the most pronounced gains. Regional network advertising experienced marked increases in the clothing, cosmetic, confectionery, and beverage fields.

In the national network field, accessory, beverage, and radio set advertising experienced the greatest increases as compared to December 1934. Gains were general in the non-network field, with automotive, beverage, confectionery, radio set, and tobacco advertising leading. Local broadcast advertising was spotty, important increases taking place in automotive, clothing, beverage, and house-furnishing advertising. Advertising by retail establishments rose 41.2% as against the preceding December.

The Year in Broadcast Advertising

Total sales of time during 1935 by the broadcasting industry amounted to \$87,523,848, an increase of 20.0% over the previous year's volume. National network advertising showed a gain of 13.0% over 1934, while regional network volume rose 54.7%. National non-network business increased 26.0% as compared to the preceding year. Local broadcast advertising experienced a rise of 20.6%. The year of 1935 was the most prosperous, from the viewpoint of gross revenue, thus far experienced by the industry.

Total Broadcast Advertising

Total broadcast advertising over stations and networks during the month under review is set forth in Table I.

TABLE I
TOTAL BROADCAST ADVERTISING

Class of Business	1935 Gross Time Sales		
	November	December	Cumulative Jan.-Dec.
National networks	\$4,533,774	\$4,944,445	\$50,067,686
Regional networks	128,715	127,174	1,110,739
National non-network	1,652,680	1,707,140	17,063,688
Local	1,896,180	1,907,600	19,281,735
Total	\$8,211,349	\$8,686,359	\$87,523,848

Broadcast advertising rose 5.8% during the month. National network advertising exceeded the previous month's level by 9.0%. Regional network and local broadcast advertising remained practically unchanged from the preceding month, while national non-network volume rose 3.3%.

Compared to December 1934, national network volume rose 11.0%, regional network advertising 99.8%, national non-network business 39.6% and local broadcast advertising 33.4%. Total revenues of the medium showed a gain of 20.8% over the corresponding period of 1934.

Comparison with Other Media

National magazine volume declined 20.3% during the month, partly due to normal seasonal influences. National farm papers experienced a decrease of 5.8%. Newspaper advertising remained at approximately the same level as in November, rather than showing the usual seasonal decline.

Gains over December 1934 amounted to 6.3% in the case of national magazines. National farm paper advertising rose 30.0% and newspaper advertising 12.3%. Automotive advertising in newspapers rose 3.5% and department store volume 9.9%.

Advertising volume placed in major media during December is found in Table II.

TABLE II
ADVERTISING BY MAJOR MEDIA

Advertising Medium	1935 Gross Time and Space Sales		
	November	December	Cumulative Jan.-Dec.
Radio broadcasting	\$8,211,349	\$8,686,359	\$87,523,848
National magazines ¹	12,118,920	9,681,025	123,093,289
National farm papers ¹	481,501	452,976	5,565,059
Newspapers ²	48,765,000	49,170,000	517,513,000
Total	\$69,576,770	\$67,990,360	\$733,695,196

¹ Publishers Information Bureau.

² Estimated.

Non-network Advertising

General non-network advertising increased 1.8% as against November and registered a gain of 35.3% over the December 1934 level. The greatest increase over the preceding month was experienced by clear channel and high powered regional stations, whose non-network volume rose 7.6%. Regional station advertising of this type increased 1.6% while local station volume declined 13.5%.

Compared to December of the previous year, clear channel non-network advertising rose 29.7%, regional station advertising 43.5% and local station business 38.8%. Broadcast advertising by power of station is found in Table III.

TABLE III
NON-NETWORK ADVERTISING BY POWER OF STATION

Power of Station	1935 Gross Time Sales		
	November	December	Cumulative Jan.-Dec.
Over 1,000 watts	\$1,561,600	\$1,683,850	\$16,564,505
250-1,000 watts	1,423,160	1,446,490	14,523,795
100 watts	564,100	484,400	5,257,213
Total	\$3,548,860	\$3,614,740	\$36,345,513

Except for an increase of 8.8% in non-network advertising in the North Central area, there was little change over the preceding month. Non-network advertising in the New England and Middle Atlantic States remained at approximately the same level as in December of 1934. Broadcast advertising of this type showed an increase of 70.0% in the South Atlantic and South Central States. The gain in the North Central area was 56.6%, and in the Mountain and Pacific district, 27.3%. Non-network advertising by geographical areas is set forth in Table IV.

TABLE IV
NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

Geographical District	1935 Gross Time Sales		
	November	December	Cumulative Jan.-Dec.
New England-Middle Atlantic Area	\$766,520	\$765,000	\$8,945,782
South Atlantic-South Central Area	730,610	715,530	6,060,358
North Central Area	1,305,830	1,420,650	13,941,087
Pacific and Mountain Area	745,900	713,560	7,398,286
Total	\$3,548,860	\$3,614,740	\$36,345,513

Non-network Volume by Type of Rendition

In the national non-network field, transcription volume and live talent business rose 5.5% and 5.7% respectively. Announcement business declined 8.5% as compared to November. In the local broadcast advertising field, transcription business increased 15.0% as compared to November, while records rose 16.2%. Live talent volume dropped 4.5%, and announcements decreased 1.2%. The transcription and record increases were contrary to the usual seasonal trend.

Compared to December of the previous year, national non-network live talent business increased 43.8%. Transcription volume rose 34.2%, while gross revenues from announcements gained 32.4%. The most marked gains in the local broadcast advertising field over the corresponding month of the preceding year occurred in the transcription and record fields. In the former, a gain of 82.3% was experienced. Record volume rose 114.0%.

National non-network and local broadcast advertising volume by type of rendition employed is found in Table V.

TABLE V
NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

Type of Rendition	National Non-network		1935 Gross Time Sales		Total		Cumulative Jan.-Dec.
	November	December	Local November	Local December	November	December	
Electrical transcriptions	\$534,900	\$574,550	\$178,680	\$206,080	\$713,580	\$780,630	\$7,614,508
Live talent programs.....	828,940	877,520	1,040,160	995,380	1,869,100	1,872,900	17,679,530
Records	9,990	10,130	63,610	75,640	73,600	85,770	849,071
Announcements	278,850	244,940	613,730	630,500	892,580	875,440	10,202,404
Total	\$1,652,680	\$1,707,140	\$1,896,180	\$1,907,600	\$3,548,860	\$3,614,740	\$36,345,513

Sponsor Trends in December

Few gains of importance were experienced in the national network field as compared to the preceding month, though slight increases in advertising volume occurred in the majority of sponsor groups. The most significant increases were a rise of 21.3% in automotive advertising and a gain of 26.3% in financial volume. There were no decreases.

Regional network advertising showed general increases with clothing, cosmetic, confectionery, beverage and tobacco advertising showing the greatest gains. Clothing volume tripled; cosmetic advertising, a comparative newcomer in the regional field, rose tenfold; confectionery advertising, mostly candy manufacturers, doubled, while tobacco volume continued its increases of recent months and gained 32.0%. Accessory volume declined 33.7% and soap and kitchen supply advertising dropped 15.7%.

Principal gains during the month in the national non-network field were as follows: drugs, 35.1%; confectionery, 43.1%; and radio sets, 156.0%. Decreases of importance were as follows: automotive, 32.1%; housefurnishings, 23.4%; and financial, 25.7%.

Main gains in local broadcast advertising as against November were as follows: beverages, 23.0%; soaps and kitchen supplies, 28.6%, and financial volume 18.9%. Trends as a whole were spotty with accessory volume declining 20.0%, drug advertising dropping 40.3% and foodstuffs 12.5%.

Comparison with December 1934

Gains in the national network field were fairly general compared to the corresponding month of 1934. Accessory advertising showed

an increase of 35.1%, housefurnishing volume doubled, and radio set advertising rose 31.2%. Beverage advertising rose 90.0%. Drug volume dropped 25.0%, while confectionery declined 26.4%.

Regional network volume also experienced material increases in a number of fields. Accessory advertising rose from \$530 in December 1934 to \$13,127 during the month under review. The gain in cosmetic field during the same period was from \$1,060 to \$11,139. Confectionery volume rose from \$2,200 to \$21,546 during that period. Tobacco advertising, a newcomer for December, amounted to \$10,546 as compared to nothing during the corresponding period of the preceding year.

Gains were even more general in the national non-network field. Principal increases were as follows, when comparison is made with December 1934: automotive, 210.0%; cosmetics, 66.3%; foodstuffs, 46.8%; beverages, 256.0%; confectionery, 175.0%; radio sets, tenfold; and tobacco, threefold. Accessory advertising continued the decline of recent months, dropping 25.7% as against December of last year. Housefurnishing volume declined 17.4%.

Local broadcast advertising showed spotty tendencies. Important gains were as follows: automotive, 50.0%; accessory, 45.7%; clothing, 65.7%; beverages, 162.2%; housefurnishings, 70.8%, and financial 40.0%. Significant declines were as follows: drugs, 33.0%; confectionery, 13.0%.

Broadcast advertising during December by major product and service groups is found in Table VI.

TABLE VI
RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS
(December, 1935)

Type of Sponsoring Business	Gross Time Sales				
	National Networks	Regional Networks	National Non-networks	Local	Total
1a. Amusements	—	—	\$2,200	\$28,700	\$30,900
1-2. Automobiles and accessories:					
(1) Automobiles	\$380,666	—	156,400	75,080	612,146
(2) Accessories, gas and oils.....	421,442	\$13,127	106,080	73,750	614,399
3. Clothing and apparel.....	38,246	2,173	41,940	325,500	407,859
4-5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals.....	528,394	3,190	450,480	55,110	1,037,174
(5) Toilet goods	971,145	11,139	86,300	34,700	1,103,284
6-8. Food products:					
(6) Foodstuffs	959,271	33,857	368,000	209,645	1,570,773
(7) Beverages	321,077	6,015	56,760	119,550	503,402
(8) Confections	121,750	21,546	43,820	8,940	196,056
9-10. Household goods:					
(9) Household equipment and furnishings.....	34,305	5,594	42,580	184,220	266,699
(10) Soap and kitchen supplies	246,189	4,520	40,570	11,800	303,079
11. Insurance and financial.....	45,945	1,244	10,420	76,620	134,229
12. Radios	126,992	—	26,250	28,000	181,242
13. Retail establishments	5,429	—	17,800	154,325	177,554
14. Tobacco products	376,345	10,540	39,440	8,800	435,125
15. Miscellaneous	367,249	14,229	218,100	512,860	1,112,438
Total	\$4,944,445	\$127,174	\$1,707,140	\$1,907,600	\$8,686,359

Details as to Sponsor Trends

Details as to trends in broadcast advertising volume in various sponsoring groups are as follows:

1a. **Amusements.** Total volume 35.5% above November. National gain 27.7%, local 41.7%. National volume triple last December. Local down 8.2%. Total down 7.0%.

1. **Automotive.** National network volume 21.3% above November. National non-network down 32.1% and local 11.1%. National network advertising 14.6% above December 1934. National non-network up 210.0% and local 50.0%.

2. **Accessories and gasoline.** National network volume 11.5% over November. Regional network volume down 33.7% and local 20.0%. National non-network gain 1.8%. National network advertising 35.1% above last December. Regional gain \$530 to \$13,127. Local up 45.7%. National non-network down 25.7%.

3. **Clothing.** No change in national network volume during month. Regional business triple. National non-network business up 1.06% and local 3.2%. National network advertising 7.0% above corresponding month of preceding year. National non-network business up 47.6%, and local 65.7%. Regional unchanged.

4. **Drugs and pharmaceuticals.** National network gain as compared to previous month 2.4%. National non-network gain 35.1%. Regional business unchanged. Local down 40.3%. National network decline from same month of last year 25.0%. Regional decline 38.0% and local 33.0%. National non-network unchanged.

5. **Toilet goods.** Gains over November as follows: National networks, 11.8%; regional networks, tenfold; and local 5.1%. National non-network down 15.1%. Gains compared to corresponding period of previous year as follows: National networks, 19.5%; regional networks, \$1,060 to \$11,139; national non-network, 66.3%, and local, 54.6%.

6. **Foodstuffs.** Increases over month were: National networks, 8.2%; regional networks, 28.4%; national non-network, 8.2%. Local volume down 12.5%. National network advertising 6.3% below last December, and local down 1.0%. Regional volume up 33.2%, and local 46.8%.

7. **Beverages.** National network volume 9.1% above November. Regional volume up 50.0% and local 23.0%. National non-network down 3.3%. Gains over corresponding month of 1934 as follows: National networks, 90.0%; regional networks, tripled; national non-network, 256.0%; local, 162.2%.

8. **Confectionery.** National network volume unchanged during the month. Regional advertising doubled, national non-network up 43.1% and local down 18.1%. National network advertising 26.4% below December 1934. Local down 13.0%. National non-network up 175.0%. Regional network up from \$2,200 to \$21,456.

9. **Household equipment.** Regional network and local volume unchanged during the month. National network business up 9.0%. National non-network down 23.4%. National network volume double last December. Regional volume up 11.0% and local 70.8%. National non-network down 17.4%.

10. **Soaps and kitchen supplies.** National network advertising unchanged from preceding month. Regional networks down 15.7% and national non-network business 4.0%. Local up 28.6%. Compared to corresponding month of 1934, national network volume down 3.4%, national non-network business comparatively unchanged, and local more than doubled.

11. **Financial and insurance.** National network business 26.3% above preceding month, and local 18.9%. National non-network down 25.7%. Compared to December of previous year, national network volume unchanged, national non-network up 27.6% and local 40.0%.

12. **Radios.** National network volume 5.4% ahead of November. National non-network up 10.0%. Local down 6.6%. Gains compared to last December as follows: National networks, 31.2%; national non-network, tenfold; local, 38.5%.

13. **Department and general stores.** National network volume under this classification comprises mail order business, new this month. Some volume of this type broadcast last spring. National non-network business 156.0% above November. Local down 5.6%, due to usual seasonal trend.

14. **Tobacco products.** National network advertising 5.8% above November. Regional network business up 32.0%. National non-network volume unchanged. Local up 24.2%. Compared to same month of preceding year, gains as follows: National networks, 11.3%; national non-network, threefold; local up 54.1%.

15. **Miscellaneous.** National network business up 10.5% and

local 19.0% as against November. Regional volume down 18.0% and local 4.1%. National network volume double corresponding month of 1934. Regional business up 77.5%. National non-network gain 55.0% and local 45.4%.

Retail Broadcast Advertising

Broadcast advertising sponsored by retail establishments of various kinds increased 9.3% as compared to November, contrary to the usual seasonal trend, which is downward. Retail broadcast advertising gained 41.2% as compared to the corresponding month of 1934.

Principal gains as compared to November were as follows: Clothing, 4.2%; drugs, 12.0%; beauty parlors, 55.0%; grocery stores and delicatessens, 24.8%; restaurants, 12.7%; furniture retailers, 20.3%. Principal declines during the month were automotive, 19.6%; gasoline and accessories, 9.8%; and radio retailers, 7.0%.

Compared to December 1934, gains were as follows: automotive, 53.6%; clothing, 77.3%; beauty parlors, 82.1%; confectionery stores, 156.0%; household equipment retailers, 30.0%; furniture stores, 55.0%. The principal decline was in the gasoline and accessory field, where retail volume dropped 35.1%. Retail broadcast advertising during the month is found in Table VII.

TABLE VII

RETAIL BROADCAST ADVERTISING OVER INDIVIDUAL STATIONS

Type of Sponsoring Business	1935 Gross November	Time Sales December
Automobiles and accessories:		
Automobile agencies and used car dealers	\$97,670	\$78,510
Gasoline stations, garages, etc.....	41,660	37,450
Clothing and apparel shops.....	326,230	340,000
Drugs and toilet goods:		
Drug stores	25,550	28,050
Beauty parlors	7,840	12,200
Food products:		
Grocery stores, meat markets, etc.....	62,070	77,530
Restaurants and eating places.....	20,150	22,800
Beverage retailers	5,000	5,840
Confectionery stores	3,870	7,140
Household goods:		
Household equipment dealers.....	47,540	46,745
Furniture stores	89,355	107,668
Hardware stores	11,670	11,330
Radio retailers	24,750	22,885
Department and general stores.....	169,693	172,125
Tobacco shops	—	1,370
Miscellaneous	112,547	171,430
Total	\$1,045,595	\$1,143,073

FEDERAL COMMUNICATIONS COMMISSION ACTION

Hearing Calendar

Monday, February 3

HEARING BEFORE AN EXAMINER

WRVA—Larus & Brothers Co., Inc., Richmond, Va.—C. P., 1110 kc., 50 KW, unlimited time. Present assignment: 1110 kc., 5 KW, unlimited time.

NEW—The Monocacy Broadcasting Co., Rockville, Md.—C. P., 1140 kc., 250 watts, daytime.

Wednesday, February 5

HEARING BEFORE AN EXAMINER

NEW—C. G. Hill, Geo. D. Walker, Susan H. Walker, Winston-Salem, N. C.—C. P., 1250 kc., 250 watts, daytime.

Thursday, February 6

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-55:

NEW—J. C. & E. W. Lee (Riverside Broadcasting Co.), Riverside, Calif.—C. P., 820 kc., 250 watts, daytime.

Examiner's Report No. I-114:

NEW—Metro Broadcasting Co., Los Angeles, Calif.—C. P., 820 kc., 250 watts, limited with WHAS.

Examiner's Report No. I-117:

NEW—Wayne Broadcasting Co., Hamtramck, Mich.—C. P., 1370 kc., 100 watts, daytime.

Examiner's Report No. I-111:

WILL—University of Illinois, Urbana, Ill.—Modification of license, 580 kc., 1 KW, daytime. Present assignment: 890 kc., 250 watts, 1 KW LS, shares with KUSD and KFNF.

APPLICATIONS GRANTED

WOW—Woodmen of the World Life Ins. Assn., Omaha, Nebr.—Granted license to cover C. P. authorizing changes in equipment, installation of new antenna, and transmitter site; 590 kc., 1 KW night, 5 KW day, unlimited.

WJAR—The Outlet Co., Providence, R. I.—Granted modification of C. P. extending completion date from 2-4-36 to 6-4-36.

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—Granted license to cover C. P. authorizing changes in equipment and increase in day power to 250 watts; 1310 kc., 100 watts night, unlimited.

WBBM—WBBM Broadcasting Corp., Chicago, Ill.—Granted extension of experimental authority to continue to operate synchronously with station KFAB from LS to midnight for period 2-1-36 to 8-1-36.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Granted extension of special experimental authority to continue to operate synchronously with station WBBM from LS to midnight for period 2-1-36 to 8-1-36.

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Granted extension of special experimental authority to operate on 1060 kc., with power of 10 KW, simultaneously with station KTHS from 6 a. m. to sunset at Hot Springs, and alone from sunset at KTHS to 9 p. m., EST; to operate synchronously with station WJZ on 760 kc., with power of 2½ KW from 9 p. m., EST, to midnight, employing directional antenna, for period 2-1-36 to 8-1-36.

WESG—Cornell University, Elmira, N. Y.—Granted extension of special experimental authority to operate daytime to sunset at New Orleans on 850 kc. with power of 1 KW.

WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn.—Granted extension of special experimental authority to operate unlimited time simultaneously with station KRLD on 1040 kc., with power of 50 KW, for period 2-1-36 to 8-1-36.

KRLD—KRLD Radio Corp., Dallas, Tex.—Granted extension of special experimental authority to operate simultaneously with station WTIC for period 2-1-36 to 8-1-36.

KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Granted extension of special experimental authority to operate on frequency 1060 kc., with power of 10 KW, simultaneously with station WBAL from 6 a. m. to LS from 2-1-36 to 8-1-36, sharing after sunset (KTHS operates unlimited 8 p. m. to midnight. Normally licensed 1040 kc., 10 KW, S-KRLD).

WCAZ—Superior Broadcasting Service, Inc., Carthage, Ill.—Granted modification of license to increase hours of operation from S.H. daytime to unlimited daytime.

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Granted authority to determine operating power by direct measurement of antenna input in compliance with the terms of Rule 137.

KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Granted consent to the transfer of control of Oklahoma Broadcasting Co., Inc., from R. S. James, Elizabeth E. Hibbert and Marcia A. Shaffer to Hale V. Davis.

WCAU—WCAU Broadcasting Co., Philadelphia, Pa.—Granted renewal of license, 1170 kc., 50 KW, unlimited time. Also granted renewal for auxiliary, 1170 kc., 1 KW.

WLS—Agricultural Broadcasting Co., Chicago, Ill.—Granted extension of present license for period of 90 days.

WLS—Agricultural Broadcasting Co., Chicago, Ill.—Same for auxiliary purposes.

WCFL—Chicago Federation of Labor, Chicago, Ill.—Granted extension of present license for period of 30 days.

WCFL—Chicago Federation of Labor, Chicago, Ill.—Same for auxiliary.

WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—Granted extension of present license for period of 90 days. Also granted same for auxiliary.

KMMJ—The M. M. Johnson Co., Clay Center, Nebr.—Granted extension of present license for period of 90 days.

KLPM—John B. Cooley, Minot, N. Dak.—Granted renewal of license for the regular period; 1240 kc., 250 watts, S.H.

WHO—Central Broadcasting Co., Des Moines, Iowa.—Granted extension of present license for period of 90 days.

WIL—Missouri Broadcasting Corp., St. Louis, Mo.—Granted renewal of license for the regular period; 1200 kc., 100 watts night, 250 watts day, unlimited.

WJBW—Charles C. Carlson, New Orleans, La.—Granted extension of present license for period of 30 days.

WJR—WJR, The Goodwill Station, Detroit, Mich.—Granted extension of present license for period of 90 days.

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted extension of special experimental authority to operate from local sunset to 8 p. m., PST, with 1 KW power, period 2-1-36 to 8-1-36. Also granted extension of special experimental authority for auxiliary to operate from LS to 8 p. m., PST, with power of 1 KW, for period 2-1-36 to 8-1-36.

WBRE—Louis G. Baltimore, Wilkes-Barre, Pa.—Granted renewal of license for the regular period.

WHB—WHB Broadcasting Co., Kansas City, Mo.—Granted renewal of license for the regular period.

WABY—Adirondack Broadcasting Co., Inc., Albany, N. Y.—Granted renewal of license for the regular period.

WATL—J. W. Woodruff and S. A. Cislser, Jr., d/b as Atlanta Broadcasting Co., Atlanta, Ga.—Granted extension of present license for period of 60 days.

KIRO—Queen City Broadcasting Co., Seattle, Wash.—Granted extension of special experimental authority to operate on 710 kc., with 500 watts, unlimited time.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses on a temporary basis subject to whatever action Commission may take on pending applications:

KNX, Los Angeles; KOB, Albuquerque, N. Mex.; KWJJ, Portland, Ore.; KWKH, Shreveport, La.; KXA, Seattle, Wash.; WBAP, Fort Worth, Tex.; WCCO, Minneapolis, Minn.; WESG, Elmira, N. Y.; WFAA, Dallas, Tex.; WHDH, Boston, Mass.; WJAG, Norfolk, Nebr.; WNYC, New York City; WOI, Ames, Iowa; WOV, New York City.

WPG—City of Atlantic City, Atlantic City, N. J.—Granted renewal of license on a temporary basis subject to whatever action may be taken by the Commission upon their pending application for renewal.

WWL—Loyola University, New Orleans, La.—Granted renewal of license on a temporary basis, subject to whatever action may be taken by the Commission upon their pending application for renewal.

KFBI—The Farmers & Bankers Life Ins. Co., Abilene, Kans.—Granted renewal of license on a temporary basis only to conform to the Commission's action of January 10, 1936, with reference to this station's application for renewal of license.

WMSD—Muscle Shoals Broadcasting Corp., Sheffield, Ala.—Granted renewal of license for the period ending July 1, 1936.

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Present license extended on a temporary basis only from February 1 to March 1, pending receipt and action on renewal application.

WJR—WJR, The Goodwill Station, Inc., Detroit, Mich. (auxiliary).—Present license extended on a temporary basis only, from February 1 to March 1, pending receipt and action on renewal application.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Present license extended on a temporary basis only, to March 1, 1936, pending further action on renewal application.

WCBF—WCBF, Inc., Waukegan, Ill.—Present license extended on a temporary basis only, to March 1, 1936, pending further action on renewal application.

KGMB—Honolulu Broadcasting Co., Ltd., Honolulu, T. H.—Present license further extended upon a temporary basis only, to March 1, 1936, pending further action on renewal application.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Present license further extended upon a temporary basis only, to March 1, 1936, pending further action on renewal application.

WINS—Hearst Radio, Inc., New York City.—Present license further extended upon a temporary basis only, to March 1, 1936, pending further action on renewal application.

The following stations were granted renewal of licenses for the regular period:

KGU, Honolulu, T. H.; WBBM and auxiliary, Chicago, Ill.; WEEU, Reading, Pa.; WOAI and auxiliary, San Antonio, Tex.; WSAB, Huntington, W. Va.

KILU—Arkansas Radio & Equipment Co., Portable.—Present license extended for a period of 1 month from February 1, 1936, to March 1, 1936, on a temporary basis, subject to such action as may be taken upon application for renewal of license pending before it.

WLEZ—The Norfolk Daily News, Portable.—Present license extended for a period of 1 month from February 1, 1936, to March 1, 1936, on a temporary basis, subject to such action as may be taken upon application for renewal of license pending before it.

ACTION ON EXAMINERS' REPORTS

NEW—Ex. Rep. 1-135: George E. Heiges, Sharon, Pa.—Denied C. P. for new broadcast station to operate on 1370 kc., 100 watts night, 250 watts day, unlimited time; Examiner R. L. Walker sustained. Order effective March 31, 1936.

WJAR—Ex. Rep. 1-155: The Outlet Company, Providence, R. I.—Granted modification of C. P. to make changes in equipment; move transmitter; install directional antenna; and change hours of operation from 250 watts night, 500 watts LS, to 1 KW; 890 kc., unlimited time; Examiner P. W. Seward sustained. Order effective March 31, 1936.

MISCELLANEOUS

WWRL—Long Island Broadcasting Corp., Woodside, N. Y.—Denied petition asking Commission to reconsider action of December 10, 1935, in setting application for hearing and grant said application. Applicant seeks to change specified hours to include certain hours after midnight four days per week. Rule 88 provides "a specified hour station shall not broadcast any commercial or sponsored programs from midnight to 6 a. m."

KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Granted regular renewal license and dismissed application from the hearing docket.

WSJS—Winston-Salem Journal Co., Winston-Salem, N. C.—Granted petition to intervene and be a party to hearing of application of C. G. Hill, Geo. D. Walker and Susan H. Walker for a C. P. for radio broadcasting station at Winston-Salem.

WWL—Loyola University, New Orleans, La.—Extended for 30 days from February 1, 1936, temporary authorization on same conditions, subject to such action as may be had by the Commission upon application for extension now pending, which has been heard, including question of alleged interference with WLWL, New York City, and the petition of WLWL in opposition thereto.

KWKH—International Broadcasting Corp., Shreveport, La.—Extended for 30 days from February 1, 1936, temporary authorization on same conditions, subject to such action as may be had by the Commission upon application for extension now pending, which has been heard, including question of alleged interference with WLWL, New York City, and the petition of WLWL in opposition thereto.

SET FOR HEARING

NEW—Southwest Broadcasting Co., Prescott, Ariz.—Application for C. P. for new station, 1500 kc., 100 watts night, 250 watts day, unlimited (requests facilities of KPJM which was deleted effective 11-26-35).

WHAT—Independence Broadcastng Co., Inc., Philadelphia, Pa.—Application for C. P. to move transmitter site from Philadelphia to location to be determined in Pennsylvania; install new equipment; change frequency from 1310 kc. to 1220 kc.; increase power from 100 watts to 1 KW and hours of operation from S-WTEL to unlimited.

WHBF—Rock Island Broadcasting Co., Rock Island, Ill.—Application for C. P. to move transmitter locally to a site to be determined; make changes in equipment; install directional antenna; change frequency from 1210 kc. to 1450 kc.; change power from 100 watts night, 250 watts day, to 1 KW night, 1 KW day.

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Application for C. P. to move transmitter locally; make changes in equipment; change frequency from 1200 kc. to 1210 kc.

NEW—Ellwood W. Lippincott, Bend, Ore.—Application for C. P. for new station, 1500 kc., 100 watts, daytime, site to be determined.

NEW—John Perkins Rabb, Lenoir, N. C.—Application for C. P. for new station, 1370 kc., 100 watts, daytime.

WAAW—Omaha Grain Exchange, Omaha, Nebr.—Consent to voluntary assignment of license to the Nebraska Broadcasting Co. Also application for renewal of license, 660 kc., 500 watts daytime, and temporary license granted pending hearing.

WHB—WHB Broadcasting Co., Kansas City, Mo.—Application for C. P. to install new equipment, directional antenna; change frequency from 860 kc. to 1120 kc., time of operation from daytime to unlimited, using 500 watts night, 1 KW day.

NEW—Voice of Marshall, Marshall, Tex.—Application for C. P. for new station, 1500 kc., 100 watts, daytime, specified hours.

NEW—Earle Yates, Las Cruces, N. Mex.—Application for C. P. for new station; 930 kc., 1 KW day, daytime only.

APPLICATIONS DENIED

KOOS—Pacific Radio Corp., Coosbay, Ore.—Denied request for authority to operate on frequency 1390 kc., with power of 250 watts daytime, at the present location, employing present antenna system.

WGST—Georgia School of Technology, Atlanta, Ga.—Denied authority to operate with a power of 1 KW, unlimited time, for a period not to exceed 30 days, employing the present antenna system.

APPLICATIONS RECEIVED

First Zone

WSYR-WSYU—Central New York Broadcasting Corp., Syracuse, N. Y.—License to cover construction permit (B1-P-813) to install new equipment.

NEW—The Niagara Falls Gazette Publishing Co., Niagara Falls, N. Y.—Construction permit to erect a new broadcast station to be operated on 630 kc., 250 watts power, daytime.

NEW—E. Anthony & Sons, Inc., Pawtucket, R. I.—Construction 1200 permit for a new station to be operated on 1200 kc., 100 watts, 250 watts day, unlimited time. Requests facilities of Station WNRI.

KGMB—Honolulu Broadcasting Co., Ltd., Honolulu, T. H.—1320 License to cover construction permit (B5-P-303) as modified to move transmitter and studio, install new equipment, and increase power.

NEW—Auburn Publishing Co., Auburn, N. Y.—Construction permit for a new station to be operated on 1420 kc., 100 watts, unlimited time.

NEW—The Northern Corporation, Chelsea, Mass.—Construction permit for a new general experimental station to be operated on 31600, 35600, 38600, 41000 kc., 100 watts.

Second Zone

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Extension 610 of special experimental authorization to operate with 1 KW power from 3-1-36 to 9-1-36.

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Extension of 880 special experimental authorization to operate with 250 watts additional power from 3-1-36 to 9-1-36.

WEST—Associated Broadcasters, Inc., Easton, Pa.—Modification of 1200 construction permit (B2-P-472) for move of transmitter and studio; make changes in antenna, requesting change in hours of operation from share-WKBO to unlimited day and share-WKBO night; and extend commencement and completion dates 30 days and 6 months, respectively.

NEW—Hershel Talbot Walton, East Liverpool, Ohio.—Construction permit for a new station to be operated on 1420 kc., 100 watts, unlimited time.

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Authority to determine operating power by direct measurement of antenna power.

NEW—Allen T. Simmons, Village of Tallmadge, Ohio.—Construction permit for a new general experimental station for 30100, 34600, 40100 kc., 100 watts. Amended to show 31600, 35600, 38600, 41000 kc.

Third Zone

NEW—The Tribune Co., Tampa, Fla.—Construction permit for a new station to be operated on 550 kc., 1 KW night, 5 KW day, unlimited time.

NEW—The Constitution Publishing Co., Atlanta, Ga.—Construction permit for a new station to be operated on **590 kc.**, 1 KW, unlimited time.

WJAX—City of Jacksonville, Jacksonville, Fla.—Modification of **900** license to increase power from 1 KW night, 5 KW day, to 5 KW day and night.

KPRC—Houston Printing Co., Houston, Tex.—Authority to determine operating power by direct measurement of antenna power.

NEW—Theodore E. Johnson, Houston, Tex.—Construction permit **1210** for a new station to be operated on **1210 kc.**, 100 watts, unlimited time.

WMFJ—W. Wright Esch, Daytona Beach, Fla.—Construction permit **1210** to install a new transmitter and vertical antenna.

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—License to **1370** cover construction permit (B3-P-18) for changes in equipment, increase in power, and move of transmitter.

NEW—Isadore Goldwasser, Tuscaloosa, Ala.—Construction permit **1370** for a new broadcast station to be operated on **1370 kc.**, 100 watts, unlimited time.

KNET—John C. Welch, Wm. M. Keller, and Bonner Frizzell, d/b as Palestine Broadcasting Association, Palestine, Tex.—License to cover construction permit (B3-P-216) as modified for a new station to be operated on **1420 kc.**, 100 watts power, daytime operation.

KRLH—Clarence Scharbauer, Midland, Tex.—License to cover **1420** construction permit (B3-P-675) as modified for new station on **1420 kc.**, 100 watts power, daytime operation.

Fourth Zone

WCBD—WCBD, Inc., Waukegan, Ill.—Authority to transfer control of corporation from Wilbur Glenn Voliva, Ernest E. Harwood, M. J. Mintern to L. E. Moulds, W. F. Moss, Gene T. Dyer, E. M. Ringwald, 100 shares of common stock

NEW—Frank M. Dunham, Fort Dodge, Iowa.—Construction permit **1210** for a new station to be operated on **1500 kc.**, power not given, unlimited time. Amended to change frequency from **1500 kc.** to **1210 kc.**, giving power as 100 watts; change studio site from 908 First Ave. S. to 22 S. 10th St., Fort Dodge, Iowa.

NEW—Stanley Reid and Charles Withnell Boegel, Jr., Cedar Rapids, **1310** Iowa.—Construction permit for a new station to be operated on **1310 kc.**, 100 watts power, unlimited time.

KRNT—Iowa Broadcasting Co., Des Moines, Iowa.—Construction **1320** permit to install new equipment and increase power from 500 watts, 1 KW day, to 1 KW, 5 KW day, using directional antenna. (Consideration under Rule 6 (g)).

KSCJ—Perkins Brothers Co. (The Sioux City Journal), Sioux City, **1330** Iowa.—Construction permit to make equipment changes. Amended: Antenna and equipment changes; move transmitter from First and Bluff Sts., Sioux City, Iowa, to Sioux City, Iowa; increase power from 1 KW night, 2½ KW day, to 1 KW night, 5 KW day; and change time from simultaneous day WTAQ, specified hours night, to unlimited. Amended: Omit request for increase in power and changes in equipment.

NEW—Telegraph Herald, Dubuque, Iowa.—Construction permit to **1340** erect new station to be operated on **1340 kc.**, 500 watts power, daytime.

Fifth Zone

KIRO—Queen City Broadcasting Co., Seattle, Wash.—Extension **710** of special experimental authorization to operate on **710 kc.**, 500 watts, unlimited time, from 2-1-36 to 8-1-36.

KIEV—Cannon System, Ltd., Glendale, Calif.—License to cover **850** construction permit (5-P-B-3268) as modified for new equipment and increase in power.

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Modification **920** of construction permit (B5-P-536) for new equipment, increase in day power, move transmitter, requesting extension of completion date from 2-25-36 to 4-25-36.

NEW—Lyman Peters Corp., Pasadena, Calif.—Construction permit **1160** for a new station to be operated on **1160 kc.**, 250 watts, daytime.

KWSC—The State College of Washington, Pullman, Wash.—Construction permit **1220** to make changes in equipment and increase power from 1 KW, 2 KW day, to 1 KW, 5 KW day.

KTW—First Presbyterian Church, Seattle, Wash.—Authority to **1220** install automatic frequency control.

KUJ—KUJ, Inc., Walla Walla, Wash.—Construction permit to **1250** change frequency from **1370 kc.** to **1250 kc.**, install new equipment, and move transmitter from Second and Rose Sts. to site to be determined, Walla Walla, Wash. Amended to change power from 1 KW to 250 watts.

KOOS—H. H. Hanseth, Inc., Marshfield, Ore.—Modification of **1390** license to change name from H. H. Hanseth, Inc., to Pacific Radio Corporation.

KOOS—H. H. Hanseth, Inc., Marshfield, Ore.—Construction permit **1390** to make changes in equipment; move transmitter from Hall Bldg., Marshfield, Ore., to ¼ mile from north city limits of Marshfield, Ore. (Filed in new name of Pacific Radio Corporation.)

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.
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DIRECTIONAL ANTENNA PERMITS

The Broadcast Division of the Federal Communications Commission has adopted the following policy in connection with applications for construction permits for broadcast facilities:

No application for a construction permit specifying a directional antenna will be accepted by the Commission unless a definite site and full details of the directional antenna are given with the application. Any application not complete in these details will be returned to the applicant as "incomplete" under Rules 104.1 and 103.9.

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

- A. E. Staley Manufacturing Co., Decatur, Ill. (2-1878, Form A-2)
- Trenton Valley Distillers Corp., Detroit, Mich. (2-1879, Form A-1)
- Fansteel Metallurgical Corp., North Chicago, Ill. (2-1882, Form A-2)
- International Vitamin Corp., New York City. (2-1883, Form A-1)
- Charles H. Frye, Seattle, Wash. (2-1884, Form E-1)
- Hupp Motor Car Corp., Detroit, Mich. (2-1885, Form A-2)
- California Oil & Land Corp., Los Angeles, Calif. (2-1886, Form A-1)
- Chicago and Southern Air Lines, Inc., Roberston, Mo. (2-1888, Form A-1)

RECOMMENDS NEW INDIANA STATION

The North Side Broadcasting Corporation has filed an application with the Federal Communications Commission asking for a construction permit for the erection of a new station at New Albany, Ind., to use 1370 kilocycles, 100 watts and 250 watts LS, and unlimited time.

Examiner George H. Hill, in Report No. I-188, has recommended that so much of the application be granted as to allow such a station to operate daytime hours only and "that the request for night-time hours of operation be denied."

The Examiner found that "the granting of the application for operation during daytime hours would not interfere with the fair and efficient radio service of any other station; however, the operation of the proposed station during night-time hours would result in objectionable interference with other existing stations."

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following companies. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

No. 2690. Unfair competition through misrepresentation of its cosmetics and toilet preparations as being of English origin is alleged in a complaint issued against **Worthall, Ltd.**, 160 Fifth Avenue, New York City.

The respondent is alleged to have labeled its products as "Drury Lane," "English Lavendar," and "Distributed by Worthall, Ltd., London, Montreal, New York," whereas, the complaint charges, the respondent is neither a limited corporation nor an English company.

with offices in London and Montreal, but is a New York corporation. It is also alleged that the respondent's products are manufactured and compounded in the United States, principally of materials produced in this country, and not in England.

The alleged misrepresentation, the complaint says, has a tendency to mislead dealers and purchasers into the belief that the respondent's toilet preparations are genuine English products, when such is not the case, and tends to divert trade from competitors who truthfully represent their products.

Nos. 2691-2693. Alleging unfair methods of competition, complaints have been issued against **Angelo Cataldo**, trading individually and as **Liberty Chocolate Co.** and as **Arcadia Chocolate Co.**, 114 Commercial St., Boston, and against **Massachusetts Chocolate Co., Inc.**, 197 Norfolk Ave., Boston. The complaints charge that the respondents pack and assemble their candy in assortments so as to involve the use of a lottery scheme when sold and distributed to consumers.

Under the respondents' lottery methods, the purchaser, for one cent, always procures a piece of candy, but it is alleged the element of lot or chance enters into the transaction in that the purchaser, if he makes a lucky choice in the selection of a certain piece of candy, receives as a prize, without additional cost, a larger piece.

Many dealers in and consumers of the respondents' candies are induced by the lottery sales plans to purchase these candies, according to the complaint, and trade is diverted to the respondents from competitors who do not use lottery systems held contrary to an established public policy.

Stipulations

The Commission has issued the following cease and desist orders:

No. 01108. **French Clinical Laboratory and Supply Depot, San Antonio, Tex.**, dealing in medicinal products, has entered into a stipulation to cease and desist from the use of false and misleading advertising in the sale of its "FFP No. 22," offered as a remedy for athlete's foot. Under the agreement the respondent will discontinue representing that its medicated foot powder will prevent or cure or that it is a sure and safe remedy for athlete's foot, when such assertions are not true.

No. 2573. **International Sheffield Works, Inc.**, 22 West 27th St., New York City, engaged in the sale of silverware, or silver-plated ware, has been ordered to cease and desist from the use of a trade name which includes the word "Sheffield," until it actually manufactures and sells silver products produced by the copper-rolled plate process, generally known as "Sheffield."

The respondent corporation is directed, under the order, to cease representing in any manner, or suggesting directly or indirectly, that its product is "Sheffield," unless it is manufactured by the copper-rolled plate process which originated in Sheffield, England, and shows the place of origin.

No. 2582. Under an order issued, the **Pratt Food Co.**, 124 Walnut St., Philadelphia, engaged in manufacturing and selling dairy feed, is required to discontinue certain claims regarding "Superiodized B. P. Dairy Feed."

Claims that this particular product decreases the amount of feed necessary, builds up resistance to disease and is highly effective in the treatment of Bang's disease, will cease, under the order, and the respondent is prohibited further from representing that cows, when fed "Superiodized Dairy Feed," produce a richer, purer milk which is beneficial to tubercular patients and to infants.

No. 2616. An order to discontinue representing in advertising matter that "Cal-Aspirin" contains certain therapeutic properties lacking in ordinary aspirin has been issued against **Cal-Aspirin Corporation**, 160 E. Illinois St., Chicago.

The respondent is prohibited, under the order, from representing that "Cal-Aspirin" is less toxic and better tolerated than ordinary aspirin, or is a more prompt and efficient analgesic and anti-pyretic, and that it acts quicker and its effects last longer, also that it is safer and can be used in larger doses.

FEDERAL COMMUNICATIONS COMMISSION ACTION

The Broadcast Division of the Commission held no meeting on its regular meeting day this week but postponed it until later in the week.

HEARING CALENDAR

Monday, February 10

- NEW—Edwin A. Kraft, Fairbanks, Alaska.—C. P., 950 kc., 250 watts, unlimited time.
NEW—John A. Stump, Fairbanks, Alaska.—C. P., 1210 kc., 100 watts, 250 watts LS, unlimited time.
NEW—Northern Commercial Co., Fairbanks, Alaska.—C. P., 550 kc., 250 watts, unlimited time.
KVI—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—C. P., 570 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 570 kc., 1 KW, unlimited time.

Tuesday, February 11

- KOB—New Mexico College of Agriculture and Mechanic Arts, Albuquerque, N. Mex.—Renewal of license, 1180 kc., 10 KW, simultaneous day, share night with KEX.

Thursday, February 13

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-123:

- NEW—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—C. P., 1480 kc., 5 KW, daytime.

Examiner's Report No. I-126:

- NEW—Utah Radio Educational Society, Salt Lake City, Utah.—C. P., 1450 kc., 1 KW, unlimited time.
NEW—Louis H. Callister, Provo, Utah.—C. P., 1200 kc., 100 watts, unlimited time.
NEW—Paul Q. Callister, Salt Lake City, Utah.—C. P., 1370 kc., 100 watts, unlimited time.
NEW—Great Western Broadcasting Assn., Inc., Logan, Utah.—C. P., 1500 kc., 100 watts, unlimited time.
NEW—Great Western Broadcasting Assn., Inc., Provo, Utah.—C. P., 1210 kc., 100 watts, unlimited time.
NEW—Munn Q. Cannon, Logan, Utah.—C. P., 1210 kc., 100 watts, unlimited time.
NEW—Jack Powers, Frank C. Carman, David G. Smith, and Grant Wrathall, d/b as Utah Broadcasting Co., Salt Lake City, Utah.—C. P., 1500 kc., 100 watts, unlimited time.
NEW—Cache Valley Broadcasting Service Co., Logan, Utah.—C. P., 1370 kc., 100 watts, unlimited time.

Friday, February 14

HEARING BEFORE AN EXAMINER (Broadcast)

- NEW—Carl S. Taylor, Dubois, Pa.—C. P., 780 kc., 250 watts, daytime.

APPLICATIONS RECEIVED

First Zone

- WCAO—Monumental Radio Co., Baltimore, Md.—Modification of 600 construction permit (B1-P-824) for changes in equipment, requesting move of transmitter 60 feet from present site at same address, and make changes in antenna.
NEW—North Jersey Broadcasting Co., Inc., Paterson, N. J.—Construction permit to erect a new station to be operated on 620 kc., 250 watts power, daytime.
WAWZ—Pillar of Fire, Zarephath, N. J.—Modification of license to 1350 increase power from 500 watts, 1 KW day, to 1 KW night and day.
W3XEY—The Baltimore Radio Show, Inc., Baltimore, Md.—Modification of construction permit giving exact transmitter site as Hotel Belvedere, southeast corner Chase and Charles Sts., Baltimore, Md.
WIEK—Atlantic Broadcasting Corp., New York, N. Y.—Construction permit to replace transmitter and increase power to 100 watts.
W1XAV—Shepard Broadcasting Service, Inc., Quincy, Mass.—License for 61500 kc., 100 watts.

Second Zone

- WIBM—WIBM, Inc., Jackson, Mich.—Construction permit to make 1370 changes in equipment and install a new vertical antenna system.
W8XWJ—The Evening News Assn., Portable-Mobile.—License to cover construction permit for a new general experimental station.

Third Zone

- WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Extension 580 of special experimental authorization to operate with 750 watts additional day power for period from 3-1-36 to 9-1-36.
WIOD-WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—970 Construction permit to make changes in equipment; move transmitter from Collins Island, Miami Beach, Fla., to 600 Biscayne Blvd., Miami, Fla. Amended (see petition) requesting application be granted on temporary basis, pending final action on application for 970 kc. (B3-P-378).
WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—1120 Construction permit to install new equipment, increase power from 100 watts to 500 watts, change frequency from 1420 kc. to 1120 kc., change hours of operation from unlimited to specified hours. Facilities of WGCM (unlimited time, except from 8 to 9 p. m. on Monday and Friday nights).
WRDW—Augusta Broadcasting Co., Augusta, Ga.—Construction 1240 permit to make changes in equipment; move transmitter from 309 Eighth St., Augusta, Ga., to Satcher Estate on the edge of the city, North Augusta, South Carolina; change frequency from 1500 kc. to 1240 kc.; and increase power from 100 watts to 250 watts night, 1 KW day, using directional antenna at night if necessary. Amended to make equipment changes (mod. equip. to 500 watts maximum power); change height of antenna and omit request for directional antenna; change power from 250 watts, 1 KW day, to 250 watts night, 500 watts day.
KFYO—T. E. Kirksey, tr. as Kirksey Bros., Lubbock, Tex.—Vol-1310 untary assignment of license from T. E. Kirksey, tr. as Kirksey Brothers, to Plains Radio Broadcasting Co.
KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—1370 Authority to transfer control of corporation from Hale V. Davis to Harold V. Hough, 133⅓ shares of common stock.
NEW—C. W. Snider, Wichita Falls, Tex.—Construction permit for a new station to be operated on 1500 kc., 100 watts, unlimited daytime. Amended to request 100 watts, unlimited time.
NEW—Radio Station WSOC, Inc., Portable.—Construction permit for a new general experimental station to be operated on 31100, 34600, 37600, 40600 kc., 7 watts.
NEW—The Constitution Publishing Co., Atlanta, Ga.—Construction permit for a new general experimental station to be operated on 31600, 35600, 38600, 41000 kc., 100 watts.

Fourth Zone

- KMBC—Midland Broadcasting Co., Kansas City, Mo.—License to 950 use old 2½-KW transmitter for emergency purposes only.
WFAM—The South Bend Tribune, South Bend, Ind.—Modification 1200 of license to change time from share with WWAE to unlimited day to local sunset, share with WWAE night.
NEW—Black Hawk Broadcasting Co., Emmons L. Abeles, Secy., 1370 Waterloo, Iowa.—Construction permit for a new station to be operated on 1370 kc., 100 watts, unlimited time.
KWKC—Wilson Duncan, tr. as Wilson Duncan Broadcasting Co., 1370 Kansas City, Mo.—Voluntary assignment of license from Wilson Duncan, tr. as Wilson Duncan Broadcasting Co., to Tom Cleveland.

Fifth Zone

- KIRO—Queen City Broadcasting Co., Seattle, Wash.—Modification 710 of special experimental authorization to operate on 710 kc., unlimited time, 1 KW power instead of 500 watts.
KHJ—Don Lee Broadcasting System, Los Angeles, Calif.—Modification of license to change power from 1 KW to 5 KW day and night (5 KW granted on C. P.).
KGEK—Elmer G. Beehler, Sterling, Colo.—Modification of license 1200 to change specified hours to include 1:30 p. m. to 2:00 p. m. Saturdays.
KRE—First Congregational Church of Berkeley, Berkeley, Calif.—1370 Voluntary assignment of license from First Congregational Church of Berkeley to Central California Broadcasters, Inc.

KFBK—James McClatchy Co., Sacramento, Calif.—Authority to 1490 determine operating power by direct measurement of antenna power.

NEW—Don Lee Broadcasting System, Portable.—Construction permit for general experimental station for 31600, 35600, 38500, 41000 kc., 100 watts.

No Zone

NEW—Foreign Lands Corp., Honolulu, Hawaii.—Construction permit for a new station to be operated on 600 kc., 1 KW, unlimited time. Amended to give transmitter site to be determined, Honolulu, Hawaii.

STATE OF WASHINGTON VS. ASCAP

In response to numerous demands from NAB members for copies of the proceedings in the case of State of Washington vs. ASCAP, there are printed below copies of the original Complaint filed in the Superior Court of the State of Washington; Temporary Restraining Order and Order to Show Cause, motion for Restraining Order and affidavits in support thereof; memorandum decision by Judge Cushman of the United States District Court remanding the case; Receiver's Report to the Superior Court of the State of Washington and Supplemental Order of this Court.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR THURSTON COUNTY

No. 16114—SUMMONS

STATE OF WASHINGTON, EX REL, G. W. HAMILTON, Attorney-General, *Plaintiff*,

v.

AMERICAN SOCIETY OF COMPOSERS, AUTHORS AND PUBLISHERS, an unincorporated association; GENE BUCK, its President; LOUIS BERNSTEIN, its Vice-President; JEROME KERN, its Vice-President; JOSEPH YOUNG, its Secretary; ROBERT CRAWFORD, its Assistant Secretary; SAUL H. BORNSTEIN, its Treasurer; SIGMUND RUMBERG, its Assistant Treasurer; NATHAN BURKAN, its counsel; E. C. MILLS, General Manager; JOHN L. STANLEY; KXRO, Inc., a corporation; KVOS, Inc., a corporation; KGY, Inc., a corporation; SEATTLE BROADCASTING CO., a corporation; RADIO SALES CORPORATION, a corporation; KVL, Inc., a corporation; SPOKANE BROADCASTING CORPORATION, a corporation; SYMONS BROADCASTING CO., a corporation; LOUIS WASMER, Inc., a corporation; KMO, Inc., a corporation; KUJ, Inc., a corporation; WESTCOAST BROADCASTING CO., a corporation; CARL E. HAYMOND d/b/a Radio Station KIT, a corporation, *Defendants*.

THE STATE OF WASHINGTON, To the said American Society of Composers, Authors and Publishers, an unincorporated association; Gene Buck, its President; Louis Bernstein, its Vice-President; Jerome Kern, its Vice-President; Joseph Young, its Secretary; Robert Crawford, its Assistant Secretary; Saul H. Bornstein, its Treasurer; Sigmund Rumberg, its assistant treasurer; Nathan Burkan, its Counsel; E. C. Mills, General Manager; John I. Stanley; KXRO, Inc., a corporation; KVOS, Inc., a corporation; KGY, Inc., a corporation; SEATTLE BROADCASTING CO., a corporation; RADIO SALES CORPORATION, a corporation; KVL, Inc., a corporation; SPOKANE BROADCASTING CORPORATION, a corporation; Symons Broadcasting Co., a corporation; Louis Wasmer, Inc., a corporation; KMO, Inc., a corporation; KUJ, Inc., a corporation; Westcoast Broadcasting Co., a corporation; Carl E. Haymond D/B/A Radio Station KIT, a corporation, *Defendants*:

You are hereby summoned to appear, within twenty days after the service of this summons upon you, exclusive of the day of service, and defend the above entitled action in the court aforesaid, and answer the complaint of the Plaintiff, and serve a copy of your answer upon the undersigned attorneys for Plaintiff, at their office below stated; and in case of your failure so to do, judgment will be rendered against you according to the demand of the complaint, which will be filed with the clerk of said court (a copy of which is herewith served upon you).

G. W. HAMILTON,
Attorney-General.
E. P. DONNELLY,
Assistant Attorney-General.

Postoffice Address: Temple of Justice, Olympia, Thurston County, Washington.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR THURSTON COUNTY

No. 16114—COMPLAINT

STATE OF WASHINGTON, EX REL, G. W. HAMILTON, Attorney-General, *Plaintiff*,

v.

AMERICAN SOCIETY OF COMPOSERS, AUTHORS AND PUBLISHERS, an unincorporated association; GENE BUCK, its President; LOUIS BERNSTEIN, its Vice-President; JEROME KERN, its Vice-President; JOSEPH YOUNG, its Secretary; ROBERT CRAWFORD, its Assistant Secretary; SAUL H. BORNSTEIN, its Treasurer; SIGMUND ROMBERG, its Assistant Treasurer; NATHAN BURKAN, its counsel; E. C. MILLS, General Manager; JOHN L. STANLEY; KXRO, Inc., a corporation; KVOS, Inc., a corporation; KGY, Inc., a corporation; SEATTLE BROADCASTING CO., a corporation; RADIO SALES CORPORATION, a corporation; KVL, Inc., a corporation; SPOKANE BROADCASTING CORPORATION, a corporation; SYMONS BROADCASTING CO., a corporation; LOUIS WASMER, Inc., a corporation; KMO, Inc., a corporation; KUJ, Inc., a corporation; WESTCOAST BROADCASTING CO., a corporation; CARL E. HAYMOND d/b/a Radio Station KIT, a corporation, *Defendants*.

Comes now G. W. HAMILTON and respectfully represents that he is the duly elected, qualified and acting Attorney General of the State of Washington, and that he prosecutes this suit in behalf of the State of Washington and respectfully informs the Court as follows:

I.

That the State of Washington is one of the sovereign States of the United States of America.

II.

That defendant, AMERICAN SOCIETY OF COMPOSERS, AUTHORS AND PUBLISHERS, hereinafter referred to as the "Society," is an unincorporated membership association of music composers, authors and publishers which has an office at 1501 Broadway, Borough of Manhattan, New York City, State of New York, but is actually engaged in and transacting business in the form and manner of a corporation in the State of Washington, with its principal Washington office at 652 Skinner Building, Seattle, Washington; that under the Laws of New York, Code of Civil Procedure, Section 1919, the President of an unincorporated association, such as the Society, is expressly authorized to maintain and defend actions at law and suits in equity on behalf of such association; that the Defendant, John L. Stanley, has been and is authorized by the Society, to represent the Society in the State of Washington in the transaction of its business and in the maintenance and defense of actions at law and in equity and is authorized under by the Laws of the State of New York, to defend this action on behalf of such association.

III.

That the Defendant Society transacts business under a form of organization substantially the same as that of a corporation, and acts through officials duly elected and qualified as though they were the officers of a corporation. That the membership of the Society comprises approximately 100 publishers and approximately 780 composers, all of whom are made Defendants in this suit, and the names of the membership of the Society is hereto attached, marked Plaintiff's Exhibit "A", and by this reference is made a part hereof.

IV.

That the Defendant, John L. Stanley, is the duly qualified and acting District Manager of the Society, domiciled in the State of Washington, in the City of Seattle therein, and that as said District Manager, the said John L. Stanley is the Agent of the Society authorized to and actually transacts the business of the Society in the State of Washington, with his principal office as hereinbefore alleged.

V.

That Defendant, KXRO, Inc., a corporation organized under the Laws of the State of Washington, operates a radio station with the call letters KXRO at Seattle; that the Defendant, KVOS, Inc., a

corporation organized under the Laws of the State of Washington, operates a radio station with the call letters KVOS at Bellingham; that the Defendant, KGY, Inc., a corporation organized under the Laws of the State of Washington, operates a radio station with the call letters KGY at Olympia; that Defendant, SEATTLE BROADCASTING COMPANY, a corporation organized under the Laws of the State of Washington, operates a radio station with the call letters KOL at Seattle; that Defendant, RADIO SALES CORPORATION, a corporation organized under the Laws of the State of Washington, operates a radio station with the call letters KRSC at Seattle; that Defendant, KVL, Inc., a corporation organized under the Laws of the State of Washington, operates a radio station with the call letters KVL at Seattle; that Defendant, SPOKANE BROADCASTING CORPORATION, a corporation organized under the Laws of the State of Washington, operates a radio station with call letters KFIO at Spokane; that Defendant, SYMONS BROADCASTING COMPANY, a corporation organized under the Laws of the State of Washington, operates a radio station with the call letters KFPY at Spokane; that Defendant, LOUIS WASMER, Inc., a corporation organized under the Laws of the State of Washington, operates two radio stations with the call letters KGA and KHQ at Spokane; that Defendant, KMO, Inc., a corporation organized under the Laws of the State of Washington, operates a radio station with the call letters KMO at Tacoma; that Defendant, KUJ, Inc., a corporation organized under the Laws of the State of Washington, operates a radio station with the call letters KUJ at Walla Walla; that Defendant, WESTCOAST BROADCASTING COMPANY, a corporation organized under the Laws of the State of Washington, operates a radio station with the call letters KPQ at Wenatchee; that Defendant, CARL E. HAYMOND d/b/a radio station KIT at Yakima, Washington, individually, and not as a corporation.

VI.

That in or about the year 1918, the Defendant Society and its members organized said Society into a combination which includes approximately fifty per cent of the leading publishers of copyrighted musical compositions in the United States who control and own approximately ninety-five per cent of the copyrighted *acceptable* and popular musical compositions published in the United States; that said popular and *acceptable* music is that music which appeals to the great mass of the population in the State of Washington, as distinguished from standard church, educational, or other musical compositions.

VII.

That said Defendant Society and its members, acting through its Agents, its Board of Governors and Trustees, and its individual members, and sundry other persons including hired agents and representatives, have for several years last past, within the confines of the State of Washington, and continuously since that time, been engaged in and is now engaged in a nefarious combination and conspiracy to restrain trade and commerce in the State of Washington, and have been functioning actually as an illegal monopoly and trust within said State in violation of the Constitution and the Laws of the State of Washington.

VIII.

That every member agent and representative of said Society and all of those persons acting by, through, or under them, whether knowingly or unknowingly, has created, maintained and utilized said Defendant Society and its membership as an instrumentality for business suppression, business coercion, business compulsion, and for promoting and maintaining an illegal combination and conspiracy, in collaboration with others, for the purpose of fixing the price and limiting the production of musical compositions and the public performing thereof, within the State of Washington and its confines.

IX.

That all the members of the said Defendant Society have transferred, combined and pooled with said Defendant Society their rights under copyrights and other proprietary rights, including performing rights, for profit or otherwise, in said Society, or in those rights which any member during the term of his agreement and contract with said Society may write, compose, acquire for publication or copyright, whether alone or in collaboration with others, for the sole and exclusive purpose of permitting said Defendants and each of them, particularly the member officers and agents of said Society, to fix and control the price of said musical compositions and the performing rights therein, within the State of Washington.

X.

That said Defendant Society has for many years prior hereto, and has now, a complete monopoly of the right to license for public performance for profit all of the musical compositions of all of its members, aggregating an unknown number of musical compositions, which Defendant has at all times herein refused and still refuses to furnish a list to its licensees or to any person so that competition and trade may be free and untrammelled.

XI.

That all competition and free and wholesome bargaining between the members of said Society and the public at large has been eliminated and stifled by this said illegal combination, conspiracy and monopoly herein described; that the public at large has been unable to negotiate for the purchase of the right to use any particular copyrighted musical composition with the individual members of said Defendant Society separately and individually, but have been and are now obliged, compelled, coerced and forced to acquire from said Defendant Society, upon terms and conditions arbitrarily and viciously fixed by it, a general license to perform publicly all of said copyrighted musical compositions whether the public likes them all or not; that said pool and combination exists, among other purposes, in order to force the licensees and the public to take musical numbers of no value on the same terms as must be paid for those compositions of great value.

XII.

That the members of said Society, its Agents, its hired representatives of every name and description, have illegally agreed and conspired among themselves to establish and maintain, pursuant to secret agreements among themselves, and by means of pooling their individual copyrights, monopolies and trusts, non-competitive prices and royalties, for licenses to publicly perform copyrighted musical compositions owned and controlled by said Defendants, their members, or their Agents, which combination and pool represents, as Complainant believes, ninety-five per cent of the *acceptable* music in the world.

XIII.

That by reason of the said combination herein outlined, it is utterly impossible for any member of the public, or any person not a member of said Society, to acquire control over the public performance rights of any copyrighted musical composition, without paying the defendants' arbitrary price.

XIV.

That all members of defendant Society have adopted the means and engaged in the activities aforesaid, with the intent, purpose, and effect of unreasonably and unlawfully maintaining enhanced, uniform, and oppressive prices, and have otherwise restrained trade and commerce in the State of Washington.

XV.

That all members of defendant Society, through the mutual and identical agreements hereinbefore described, have actively and effectively restricted their own activities, have eliminated competition among themselves, and have created, maintained and utilized defendant Association as instrumentalities to dominate and restrict, directly and indirectly, the activities of others in commerce, as heretofore described.

XVI.

The members of defendant Society, through the combination and illegal pooling of their respective individual copyright monopolies hereinbefore described, have created in defendant Society an instrumentality which has the power to and does dictate to and dominate the radio industry, the hotel industry, and entertainment enterprises and other business industries within the confines of the State of Washington in violation of the Constitution and Laws of said State.

XVII.

That Defendants propose to carry on said combinations and conspiracies in the manner heretofore described unless restrained.

XVIII.

That every member of defendant Society has created, maintained and utilized defendant Society as an instrumentality for promoting and maintaining the illegal combination and conspiracy herein described. They have created defendant Society as such instrumentality with a self-perpetuating board of directors, have vested in the twenty-four persons constituting such board the exclusive con-

trol and operation of the activities of defendant Society and have restricted membership in defendant Society to such composers, authors and publishers as may be approved by the Board of Directors. All members of defendant Society have transferred to and pooled in defendant Society for the period ending December 31, 1935, the sole and exclusive right to perform publicly all musical compositions of which they are the copyright proprietors, or which any member, either alone or jointly or in collaboration with others, wrote, composed, published, acquired or owned, or in which any member has any right, title, interest or control whatsoever, in whole or in part, or which any member, during the term of the agreement, may write, compose, acquire, own, publish, or copyright, either alone, jointly, or in collaboration with others, or in which any member may at any time, during the term of the agreement, have any right, title, interest or control, either in whole or in part. All members of defendant Society have vested in defendant Society absolutely until and including December 31, 1935, the sole and exclusive right to license others to perform publicly for profit all their musical compositions. Defendants intend to continue such pool of public performance rights by an extension of the existing agreements or by new agreements.

XIX.

That Defendant Society since September 1, 1932, and for many years prior thereto, has had and now has a complete monopoly of the right to license for public performance for profit all the musical compositions of all its members, aggregating an unknown number of musical compositions; defendant Society has at all times herein mentioned refused and now refuses to furnish to its licensees lists of such musical compositions. All competition among members of defendant Society in the sale of rights to perform publicly their respective musical compositions, which, but for the illegal combination and conspiracy herein described, would have existed, has been eliminated by said illegal combination and conspiracy; that radio broadcasting stations, advertisers desiring to utilize the service of such stations to promote the sale of their merchandise, orchestras, theatres, and others desiring the right to perform publicly the copyrighted musical compositions of members of defendant Society, have been unable to negotiate for the purchase of the rights to use such copyrighted musical compositions with members of defendant Society, separately and individually, but have been and are obliged and compelled to acquire from defendant Society, upon terms and conditions arbitrarily fixed by it, a general license to perform publicly the copyrighted musical compositions of all members of defendant Society.

XX.

That the members of defendant Society have agreed to establish and maintain, and pursuant to such agreement have established and maintained, by means of the pooling of their individual copyright monopolies, enhanced and non-competitive prices or royalties for licenses to perform publicly copyrighted musical compositions owned and controlled by individual defendants. Competition between members of defendant Society in the sale of licenses to perform publicly their individual musical compositions has been eliminated, and because of the combined power obtained by them through the unlawful pooling of their individual copyright monopolies, the members of defendant Society have concertedly refused and still refuse, through defendant Society, to license the public performance by radio broadcasting stations or otherwise of any copyrighted musical composition owned and controlled by a member of defendant Society, except on the basis of a general license covering any and all musical compositions of all members and except upon the basis of an arbitrary royalty for such general license, fixed and determined by the aforesaid self-perpetuating board of directors of defendant Society. By reason of the facts herein alleged defendant Society has acquired control over the public performance of so great a number of copyrighted musical compositions that it is impossible for a radio broadcasting station to operate without using at some time some musical composition so controlled by members of defendant Society. Broadcasting stations must either accept a license from defendant Society upon any terms and conditions imposed by defendant Society, or subject themselves to numerous infringement suits in which they may be compelled to pay not less than the minimum damages of Two Hundred Fifty (\$250) Dollars for each infringement, provided for in the copyright laws of the United States.

XXI.

That each year for a number of years prior to September 1, 1932, members of defendant Society, through it, have concertedly demanded and have received from radio broadcasting stations increased amounts as royalties for licenses to perform publicly copyrighted musical compositions owned and controlled by members of defendant

Society. That on or about April 11, 1932, members of defendant Society, through defendant Society, notified all radio broadcasting stations in the State of Washington that, on and after June 1, 1932, defendant Society would issue to broadcasting stations only a general license covering all musical compositions of all members of defendant Society, which license would require the payment annually as royalty of a sum approximately equal to the annual royalty theretofore paid by them, and in addition thereto, five per cent of the gross income of the broadcasting station from whatever source derived. That this represented an increase of approximately 400 per cent in so-called "Royalty" payments over the aggregate royalty demanded for the previous year. That protests were made by the broadcasting stations to defendant Society and the then existing licenses were temporarily extended to September, 1932. Thereupon efforts were made by the broadcasting stations to obtain licenses providing for royalty payments by each station based on the number of performances by such station of copyrighted musical compositions owned and controlled by defendant members of defendant Society. The members of defendant Society, through defendant Society, refused to agree to royalty payments based upon the actual use made of their musical compositions. Other proposals submitted by the broadcasting stations were also rejected by defendants. Each broadcasting station, in order to use the copyrighted musical compositions controlled by defendant Society and to avoid a multiplicity of infringement suits, was compelled to accede to the demands of defendant Society and to accept from defendant Society a three-year blanket license agreement, commencing in or about September, 1932, covering all musical compositions of all members of defendant Society, upon then basis of a royalty payment approximately equal to the fixed annual royalty paid for the preceding year, plus three per cent of the station's net receipts during the first year of the agreement, four per cent of such receipts during the second year, and five per cent of such receipts during the third year. As defined in said agreement, "net receipts" constitute the full amount paid to the station for the use of its broadcasting facilities, after deducting commissions not exceeding fifteen per cent, if any, paid to an independent advertising agent or agency; that members of defendant Society threaten further increases in the royalty amounts to be demanded from broadcasting stations after August 31, 1935. The percentage of income demanded by members of defendant Society from radio broadcasting stations represents a percentage of the entire income received by such broadcasting stations for the sale to advertisers of their operating time on the radio; that such demand for the payment of these percentages constitutes a charge upon income received by radio broadcasting stations from their time devoted to the broadcasting of lectures, dramatizations, sporting events, and other programs, which employ none of the copyrighted musical compositions of the members of defendant Society.

XXII.

That Defendant Society has created a distinction and discrimination between the license agreements exacted of radio broadcasting stations owned at least 51 per cent by newspapers, and license agreements exacted from radio broadcasting stations not so owned in other sections of the nation; that the license agreement exacted by defendant Society from broadcasting stations owned 51 per cent by newspapers does not require payment to defendant Society of a percentage of the station's income derived from all advertisers, but only requires the payment of 3 per cent of the income of the station received from advertisers whose programs include musical compositions owned or controlled by members of defendant Society; that such three per cent is payable until the total amount paid by the station equals an amount agreed upon between the station and defendant Society in the agreement. Thereafter the station is required to pay 5 per cent of all additional income received by it from programs in which musical compositions owned or controlled by members of defendant Society are used. The terms of all the license agreements permit the copyright owner, through defendant Society, to withdraw at will from the operation of the license any musical composition and thereby prevent its broadcast by the broadcasting station. By this means members of defendant Society are enabled to and do frequently so withdraw any musical compositions in great demand by the general public. Special and additional compensation is required for the granting of permission to broadcast musical compositions so withdrawn. Withdrawal of the right under the licenses to broadcast particular compositions is often used by members of defendant Society particularly to compel radio broadcasting stations to broadcast other and less popular music compositions for which publicity is desired. Radio broadcasting stations are obliged to accept all terms and conditions imposed by members of defendant Society for the right to broadcast popular musical compositions which have been withdrawn from their general license because a

station's continued existence depends upon the popularity of the programs it broadcasts.

XXIII.

That by reason of the combination and conspiracy and the concerted action of members of defendant Society, as a result of which radio broadcasting stations are obliged to accept a blanket license as heretofore stated upon terms and conditions imposed by defendant Society, the members of defendant Society have secured the exclusive use of radio broadcasting as a means of conveying musical compositions to the ear of the public-at-large. By the means described the members of defendant Society have destroyed the incentive of broadcasting stations to use the musical compositions of composers, authors, and publishers who are not members of defendant Society and have prevented non-members of defendant Society from receiving the compensation for the rights at public performance of their musical compositions, which they would otherwise receive, and have limited and restricted the popular demand of the listening public to musical compositions controlled by defendant Society.

XXIV.

That the members of defendant Society, through defendant Society, have been and are enabled to enforce, and have been and are now enforcing, acceptance of their arbitrary and non-competitive demands for royalties upon all classes of entertainers using music. Such entertainers must perform those musical compositions demanded by their audiences. The limitation and restriction of popular demand to the musical compositions controlled by defendant Society has forced such entertainers to obtain from defendant Society, a license to perform music controlled by defendant Society so demanded by the public. The members of defendant Society, through defendant Society, have concertedly refused to grant such entertainers permission to perform individual musical compositions selected by the entertainers, but have insisted and still insist that general licenses be accepted which cover all the musical compositions of all the members of defendant Society, upon payment of a fixed amount therefor, irrespective of whether one or more of such musical compositions are actually performed. By this method of licensing, the members of defendant Society have further restricted the popular demand to those musical compositions owned or controlled by the members of defendant Society, and have prevented the use of musical compositions owned by non-members of defendant Society and who reside in the State of Washington.

XXV.

That by reason of the concerted action of the members of defendant Society in refusing to issue licenses for the public performance of musical compositions owned or controlled by them, except upon the terms and conditions above set forth, the members of defendant Society have prevented and are preventing the sale of musical scores owned by composers, authors and publishers who are not members of defendant Society in the State of Washington.

XXVI.

That Defendant Society has adopted and maintained a comprehensive system for the acquiring of detailed and complete information relative to the musical compositions used by broadcasting stations, by means of which information the members of defendant Society have been and are enabled to conduct their operations through defendant Society so as to prevent the development of competition between members of defendant Society and owners of copyrighted musical compositions who are not members of defendant Society, and have been and are enabled to maintain their combined power to compel radio broadcasting stations and all others requiring music in the conduct of their business to obtain licenses from defendant Society for the public performance of musical compositions owned or controlled by the members of defendant Society upon such terms and conditions as may be demanded by defendant Society.

XXVII.

That the members of defendant Society have agreed to restrict and withdraw at the will of the copyright owner, from radio broadcasting stations licensed by defendant Society the right to perform by broadcasting any individual musical composition and have so restricted and withdrawn musical compositions from broadcasting in order to enforce their demands for royalties from others. By this means members of defendant Association, through defendant, John L. Stanley, acting as agent and trustee for such members and others, has maintained and utilized defendant Society as an instrumentality of oppression, monopoly and trust.

XXVIII.

That the Defendant Association as pleaded aforesaid has avoided and breached the laws and Constitution of the State of Washington, and continues so to do by transacting its business in this State with the citizens thereof, among them the Defendant Radio Stations as hereinbefore named, and without submitting to the control and regulation of the Laws of this State.

XXIX.

That the Defendant Radio Stations, among other citizens of the State of Washington, have at all times hereinbefore mentioned, continued to aid, abet and contribute to the illegal and unlawful monopoly and trust of said defendant Society and its members as hereinbefore pleaded; that each and every radio station named as a Defendant in this action by voluntarily submitting to and becoming a party to the said illegal combination and trust, whether by contract or license, has made it possible and now makes it possible for Defendant Society to control and fix prices and limit free trade and competition in the sale of the performing rights of all musical compositions, to the detriment of the citizens of the State of Washington, and against the peace and dignity of said state, and with the result of effectually enabling Defendant Society and its agents, members and officers, to avoid the control which the duly constituted officers and authorities of the State of Washington should assert over them, and, therefore, are parties to the successful conclusion of the illegal combination, monopoly and trust, as is operated by said Society and its members.

XXX.

That as a result of the participation of said Defendants and each of them in the said illegal conspiracy, monopoly and trust, defendant Society has been effectually enabled to fix and control prices and limit production, contrary to the intent and meaning of the Constitution of the State of Washington, and that unless all of the Defendants are restrained by this Honorable Court, said Society will continue to operate in disobedience to the laws of this State, and said Defendant Radio Stations will continue to aid and abet said illegal monopoly and trust by paying to said Society various and sundry sums of money, all of which is to the detriment of the people of the State of Washington, and with the result of making it possible for the defendant Society to continue to regulate, fix and control prices and limit production and to carry on its said illegal combination, conspiracy, monopoly and trust, as hereinbefore alleged.

XXXI.

That the Complainant has no plain, speedy and adequate remedy at law, and unless a restraining order is granted against the defendants, and each of them, as hereinbefore requested, the people of the State of Washington will be subjected to irreparable harm, damage and injury, and the business of the defendants, and each of them, as conducted, as hereinbefore set forth, will be and is a detriment to the people of the State of Washington, and against public policy and public interest.

WHEREFORE PETITIONER PRAYS:

1. That the combinations, conspiracies, agreements and activities of the defendants described in this petition be declared to be and do constitute a conspiracy and monopoly in restraint of trade and commerce, and are illegal and in violation of the Constitution and Laws of the State of Washington, and that all agreements and licenses between the Society and the Defendant Radio Stations and various and other sundry individuals, firms and corporations, with whom the Society has dealt, and with whom they threaten to deal with in the future, be declared to be illegal and void.

2. That defendants and each of them, and each and all of their respective members, officers, managers, agents, employees, and all persons acting or claiming to act for or on behalf of them, or any of them, be perpetually enjoined individually and collectively,

a. From further engaging in, agreeing to perform, or performing, said conspiracy or any part thereof, or any other conspiracy of like character or effect, or any of the acts, agreements, understandings or concerts of action described in this petition;

b. From entering into any agreements or licenses for the public performance of musical compositions owned and controlled by them, or any of them, providing for the payment of royalty determined upon any basis except such as is predicated upon free and open competition between copyright owners with the royalty on individual musical compositions fixed and determined by the copyright owner thereof acting independently in his or its own discretion;

- c. From joining, becoming a part of, or in any manner becoming associated with, any association, firm or corporation for the issuing of general or blanket agreements, or licenses to perform publicly musical compositions, unless the facilities of such association, firm or corporation are open to all owners of copyrighted musical compositions upon an identical and equal basis and unless the general or blanket agreements or licenses issued or to be issued by such association, firm or corporation shall provide for the payment by the licensee of such royalty as is fixed and determined by the copyright owner of each musical composition publicly performed by such licensee;
- d. From commencing or prosecuting any suits or actions for alleged infringement of copyright against any licensee whose agreements or license may be declared illegal and void herein.

3. That a temporary restraining order be issued and directed to said defendant Society and its members and to Defendant, John L. Stanley, and to each and every one of them, restraining and enjoining them from conducting their business as hereinbefore alleged and that said radio stations be restrained from making any further payments whatever to the Society, or any person acting on its behalf, or from permitting the Society, or any person on its behalf, to have access to the books and records of Defendant Radio Stations, or from making any further agreements whatever with the Society, and from doing any other act according to the terms of any agreement now in existence, except to preserve the status quo thereof, until further order of Court, and that on the return hereof, the Court should grant a temporary injunction, and that after a hearing on the merits, said temporary injunction should be made permanent.

4. That the petitioner have such other, further and general relief as the nature of the case may require and the Court may deem proper in the premises, together with costs.

G. W. HAMILTON,
Attorney General of the State of Washington; and
E. P. DONNELLY,
Assistant Attorney General,
Attorneys for Plaintiff.

State of Washington } ss.
County of Thurston }

G. W. HAMILTON, being first duly sworn, on oath deposes and says: That he is the duly elected, qualified and acting Attorney General of the State of Washington, and makes this verification as such officer. That he has read the foregoing Complaint, knows the contents thereof, and believes the same to be true.

G. W. HAMILTON.

SUBSCRIBED and sworn to before me this 24 day of June 1935.

JENNIE M. TATTERSALL,
Notary Public in and for the State of Washington, residing at Olympia.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR THURSTON COUNTY

NO. 16114—TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE

STATE OF WASHINGTON, EX REL, G. W. HAMILTON, Attorney-General, *Plaintiff,*

v.

AMERICAN SOCIETY OF COMPOSERS, AUTHORS AND PUBLISHERS, an unincorporated association; GENE BUCK, its President; LOUIS BERNSTEIN, its Vice-President; JEROME KERN, its Vice-President; JOSEPH YOUNG, its Secretary; ROBERT CRAWFORD, its Assistant Secretary; SAUL H. BORNSTEIN, its Treasurer; SIGMUND RUMBERG, its Assistant Treasurer; NATHAN BURKAN, its counsel; E. C. MILLS, General Manager; JOHN L. STANLEY; KXRO, Inc., a corporation; KVOS, Inc., a corporation; KGY, Inc., a corporation; SEATTLE BROADCASTING CO., a corporation; RADIO SALES CORPORATION, a corporation; KVL, Inc., a corporation; SPOKANE BROADCASTING CORPORATION, a corporation; SYMONS BROADCASTING CO., a corporation; LOUIS WASMER, Inc., a corporation; KMO, Inc., a corporation; KUJ, Inc., a corporation; WESTCOAST BROADCASTING

CO., a corporation; CARL E. HAYMOND d/b/a Radio Station KIT, a corporation, *Defendants.*

This matter coming on for hearing on the application of the state of Washington for this temporary restraining order and it appearing to the court that the matter is of public importance and the ends of justice require the issuance of this order and it appearing from the affidavits accompanying the motion for this order that the defendant, society, has its principal office in New York and that, therefore, a reasonable time should be given to the said society and other defendants involved to fully present the merits of this controversy and it appearing that no bond is required of the state of Washington and that the importance of this case is such as to justify the taking of oral testimony on oath in open court in addition to such affidavits as counsel for any party may wish to file on the return of this order NOW THEREFORE

IN THE NAME OF THE STATE OF WASHINGTON, IT IS BY THE COURT ORDERED, ADJUDGED AND DECREED, That you, American Society of Composers, Authors and Publishers, and each and every director, officer, member, manager or agent thereof and particularly you, John L. Stanley, be and each of you hereby are restrained until further order of this court from making any new agreements whatever with any individual or corporation in the state of Washington for the use of copyrighted music controlled by you; From making any collections or receiving any money from any person or corporation in the state of Washington on any agreement now in existence whereby the society is to receive money for the use of copyrighted music controlled by it and particularly you are restrained from having any access to the books of defendant broadcasting stations named in this action from making any other or further agreement with said broadcasting stations regarding the use of copyrighted music; from receiving or accepting any moneys whatever from said radio broadcasting stations and from taking any action in any court whatever in any way effecting the use of copyrighted music of said radio broadcasting stations and from doing any other thing which may in any way hinder the true presentment of the facts as to your method of doing business on the return of this order and specifically are you and each of you restrained from taking any step whatever to embarrass defendant radio broadcasting stations in the conduct of their business either by attempting to collect money from them or by attempting to prohibit the use of copyrighted music, until further order of this court.

IN THE NAME OF THE STATE OF WASHINGTON, IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That you, KXRO, Inc., a corporation; KVOS, Inc., a corporation; KGY, Inc., a corporation; SEATTLE BROADCASTING CO., a corporation; RADIO SALES CORPORATION, a corporation; KVL, Inc., a corporation; SPOKANE BROADCASTING CORPORATION, a corporation; SYMONS BROADCASTING CO., a corporation; LOUIS WASMER, Inc., a corporation; KMO, Inc., a corporation; KUJ, Inc., a corporation; WEST-COAST BROADCASTING CO., a corporation; CARL E. HAYMOND d/b/a Radio Station KIT, a corporation; and each of you be and you hereby are restrained until further order of this court from in any manner making any further payments to defendant society or any of its members, directors, officers, agents or legal representatives, until further order of this court and that you and each of you hereby are restrained from allowing any of the members, agents or representatives of said society to have any access to your books until further order of this court and you are likewise restrained from making any new agreement whatever with said society or any of its members or representatives and you are restrained until further order of this court from doing any act or series of acts other than to continue the use of the copyrighted music controlled by the society, keeping a record of what music is used without making any payments whatever on existing agreements or contracts and without making any new agreements or contracts until the legality of said agreements and contracts and the legality of the business methods of the society, is determined in this action.

IN THE NAME OF THE STATE OF WASHINGTON, IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That each of the defendants named in the caption of this action and in this restraining order, be and appear in this court on the 22d day of July at 10 o'clock A.M., then and there to show cause if any, they or any of them may have, why this temporary restraining order should not be continued in force and effect until the trial of this action on the merits and that at said time and place you and each of you be prepared with such a showing as you may desire, by way of affidavit or oral testimony, and you and each of you are hereby notified that on account of the public importance of the issues presented and the fact that the interests of defend-

ants in other states are effected, the court has given in its opinion sufficient time to allow for a complete presentation of the pertinent facts on the return of this order. This order shall be effective without the requirement of a bond by virtue of chapter 122, Laws of Washington for 1935.

Done in open court this 24th day of June, 1935.

D. F. WRIGHT,
Judge.

IN THE SUPERIOR COURT OF THE STATE OF
WASHINGTON FOR THURSTON COUNTY

NO. 16114—MOTION AND AFFIDAVIT FOR RESTRAIN-
ING ORDER

STATE OF WASHINGTON, EX REL, G. W. HAMILTON, Attorney-
General, *Plaintiff*,

v.

AMERICAN SOCIETY OF COMPOSERS, AUTHORS AND PUBLISHERS, an unincorporated association; GENE BUCK, its President; LOUIS BERNSTEIN, its Vice-President; JEROME KERN, its Vice-President; JOSEPH YOUNG, its Secretary; ROBERT CRAWFORD, its Assistant Secretary; SAUL H. BORNSTEIN, its Treasurer; SIGMUND RUMBERG, its Assistant Treasurer; NATHAN BURKAN, its counsel; E. C. MILLS, General Manager; JOHN L. STANLEY; KXRO, Inc., a corporation; KVOS, Inc., a corporation; KGY, Inc., a corporation; SEATTLE BROADCASTING CO., a corporation; RADIO SALES CORPORATION, a corporation; KVL, Inc., a corporation; SPOKANE BROADCASTING CORPORATION, a corporation; SYMONS BROADCASTING CO., a corporation; LOUIS WASMER, Inc., a corporation; KMO, Inc., a corporation; KUJ, Inc., a corporation; WESTCOAST BROADCASTING CO., a corporation; CARL E. HAYMOND d/b/a Radio Station KIT, a corporation, *Defendants*.

Comes now plaintiff above entitled and on the affidavits hereto attached and the complaint on file herein, moves this honorable court for an order restraining defendants from further participation in the unlawful and illegal manner of conducting their business as alleged in plaintiff's complaint.

G. W. HAMILTON,
Attorney-General.
E. P. DONNELLY,
Assistant Attorney-General.
Attorneys for Plaintiff.

IN THE SUPERIOR COURT OF THE STATE OF
WASHINGTON FOR THURSTON COUNTY

No. 16114—AFFIDAVIT OF SENATOR GEORGE A. LOVEJOY

STATE OF WASHINGTON, EX REL, G. W. HAMILTON, Attorney-
General, *Plaintiff*,

v.

AMERICAN SOCIETY OF COMPOSERS, AUTHORS AND PUBLISHERS, an unincorporated association; GENE BUCK, its President; LOUIS BERNSTEIN, its Vice-President; JEROME KERN, its Vice-President; JOSEPH YOUNG, its Secretary; ROBERT CRAWFORD, its Assistant Secretary; SAUL H. BORNSTEIN, its Treasurer; SIGMUND RUMBERG, its Assistant Treasurer; NATHAN BURKAN, its counsel; E. C. MILLS, General Manager; JOHN L. STANLEY; KXRO, Inc., a corporation; KVOS, Inc., a corporation; KGY, Inc., a corporation; SEATTLE BROADCASTING CO., a corporation; RADIO SALES CORPORATION, a corporation; KVL, Inc., a corporation; SPOKANE BROADCASTING CORPORATION, a corporation; SYMONS BROADCASTING CO., a corporation; LOUIS WASMER, Inc., a corporation; KMO, Inc., a corporation; KUJ, Inc., a corporation; WESTCOAST BROADCASTING CO., a corporation; CARL E. HAYMOND d/b/a Radio Station KIT, a corporation, *Defendants*.

State of Washington }
County of King, } ss:

GEORGE A. LOVEJOY, being first duly sworn on oath deposes and says: That he is a Senator from the 36th District, King county,

state of Washington, and a citizen of said state; that I have read the petition herein and know that the defendants as therein alleged are perpetrating a great wrong on the people of this state by said illegal combination and monopoly; that I have no interest, one way or another, in the outcome of this action except to see that the Constitution and the laws of the state of Washington are complied with and that all monopolies and trusts are forever broken and dissolved;

That from my sources of information, the acts of the defendants, as alleged in the attorney-general's position, are odious and detrimental to the people of this state and that their business constitutes a combination and a conspiracy to fix and control prices which is in restraint of trade and stifles free and untrammelled competition within this state in the sale of musical compositions and the rights to performing rights therein.

That the best interests of the people of this state would be better preserved if this business combination of defendants were forever divorced and severed by law, and that a restraining order should issue pending the outcome of this suit so that the defendant society, or any of its agents, should not reap any of its ill-gotten gains in the interim.

GEORGE A. LOVEJOY.

Subscribed and sworn to before me this 22nd day of June, 1935.

JENNIE M. TATTERSALL,
*Notary Public in and for the state of
Washington, residing at Olympia.*

State of Washington, }
County of Thurston, } ss:

E. P. DONNELLY, being first duly sworn on oath deposes and says: That he is a duly appointed, qualified and acting assistant attorney general of the state of Washington and that he has been heretofore delegated to investigate the business activities of defendants in this action; that he has made such investigation as is possible in the State of Washington and from such investigation believes and states:

That defendant, American Society of Composers, Authors and Publishers, referred to in this action as the "society," was and now is an unincorporated association organized and existing under and by virtue of the laws of the state of New York with its principal place of business in the city of New York.

That under the laws of New York the society, to all intents and purposes, carries on business as though it were a corporation in that it has a board of directors who manage the affairs of the society through regular officers and that its president, vice-presidents secretary, assistant secretary, treasurer, assistant treasurer, counsel and general manager, are correctly named in the caption hereof.

That all of said officials reside outside of the state of Washington but that defendant, John L. Stanley, is the local agent and manager of the society which has its Washington office in the city of Seattle, Washington; that John L. Stanley, as such agent, represents the society in Washington in the transaction of its said business and is apparently fully authorized so to do.

That the membership of the society is admittedly composed of more than 800 authors, publishers and composers of musical works, representing all popular and acceptable music and that the society actually owns, by assignment, the copyrights of each and every member thereof and controls all rights relative to the public performance for profit of all musical works and compositions of said members.

That the society is ostensibly organized to protect the members thereof but that its real purpose and the end which it has actually accomplished is to effectually and actually fix the prices to be paid by persons desiring to use, for profit, any of the musical productions of any of the members; that the society has effectually controlled and fixed the prices to be paid in the state of Washington by theatres, motion picture theatres, restaurants, hotels, cabarets, inns, circuses, carnivals, dance halls, concerts, reviews, music halls and radio broadcasting stations among others.

That said society has such a monopoly in the distribution of the right to use the acceptable and popular copyrighted music that for many years, and admittedly since August 1, 1933, no person, firm or corporation other than the society, has received or collected any royalties or other compensation for the public production, for profit, in the state of Washington, of any copyrighted musical work whatever.

That the society does and has, for many years, deprived the individuals in the state of Washington, desiring to use copyrighted music for profit, of the right to bargain for the particular copy-

righted music desired, but as a result of the illegal combination and monopoly has been able to and has forced each and every person and individual desiring to use any copyrighted music to pay an arbitrary price fixed by the society for all copyrighted music controlled by the society.

That as a result there is, in the state of Washington, at this time, no right whatever on the part of any person to bargain or deal with any individual, writer or composer for his individual output and that all competition is effectually done away with.

That among the persons in the state of Washington frequently having occasion to use in public, for profit, copyrighted music, are radio broadcasting stations; that the radio broadcasting stations named as defendants in this action, among other stations in the state of Washington, have entered into agreements with defendant society whereby in effect in return for the right to use the entire output of the society publicly for profit, they pay to the said society a percentage of their earnings as well as a fixed sum payable at stated intervals.

That the radio corporations, named as defendants in this action by said practices, have made it possible for the society to control the entire field of the distribution of copyrighted musical works in the state of Washington and have made it impossible for smaller individuals or organizations, such as hotels and small organizations, to do anything else than to submit to the terms dictated by defendant society.

That as a result, at this time, the society is enjoying a complete monopoly in the distribution of the right to use copyrighted music in the state of Washington for profit, and enjoying this monopoly the society has necessarily decreased the use thereof and increased the price thereof to the detriment of the people generally.

That the society is so organized and managed by persons with years of legal experience that it is apparently without existence as an entity in this or other states and that society so conducts its business as to make it practically impossible to prove the true method of transacting its business without the members thereof and the individuals who conspire and contribute to the accomplishment of the illegal monopoly being restrained until the validity of the agreement or understanding and the method of transacting business is determined.

That the society has in the past and now continues to hold over the heads of different individuals desiring to use copyrighted music for profit, the threats of prosecutions unless a fixed and stipulated sum is paid for all copyrighted music controlled by the society and that in order to obtain a decision as to legality of the acts in business carried on by the society in the manner in which it is carried on in the state of Washington, it is necessary that the said society be restrained until further order of this honorable court from the bringing of any action whatever based upon any agreements heretofore made; it is necessary also that said society be restrained from making any other or different agreements until further order of this court and until the legality of said agreements and said method of doing business is determined in this action.

That this action is brought on behalf of the state of Washington and that affiant is duly authorized to represent the state in this action and makes this showing to the best of his knowledge and belief supporting the state's application for the issuance of a temporary restraining order.

That no bond is required of the state of Washington in order to support said restraining order by virtue of chapter 122, Laws of 1935.

E. P. DONNELLY.

Subscribed and sworn to before me this 24th day of June, 1935.

JENNIE M. TATTERSALL,
Notary Public in and for the state of
Washington, residing at Olympia.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
SOUTHERN DIVISION

No. 564.—MEMORANDUM DECISION ON MOTION TO
REMAND.

Filed Dec. 12, 1935

STATE OF WASHINGTON, EX REL, G. W. HAMILTON, Attorney-
General, *Plaintiff*,

vs.

AMERICAN SOCIETY OF COMPOSERS, AUTHORS AND
PUBLISHERS, an unincorporated association; GENE BUCK,
its President; LOUIS BERNSTEIN, its Vice-President; JEROME
KERN, its Vice-President; JOSEPH YOUNG, its Secretary;
ROBERT CRAWFORD, its Assistant Secretary; SAUL H.
BORNSTEIN, its Treasurer; SIGMUND ROMBERG, its As-
sistant Treasurer; NATHAN BURKAN, its Counsel; E. C.
MILLS, General Manager; JOHN L. STANLEY; KXRO, Inc.,
a corporation; KVOS, Inc., a corporation; KGY, Inc., a corpora-
tion; SEATTLE BROADCASTING CO., a corporation; RADIO
SALES CORPORATION, a corporation; KVL, Inc., a corpora-
tion; SPOKANE BROADCASTING CORPORATION, a corpora-
tion; SYMONS BROADCASTING CO., a corporation;
LOUIS WASMER, Inc., a corporation; KMO, Inc., a corpora-
tion; KUJ, Inc., a corporation; WESTCOAST BROADCASTING
CO., a corporation; CARL E. HAYMOND d/b/a Radio Station
KIT, a corporation, *Defendants*,
GREENHALGH AMUSEMENT CORPORATION, a corporation,
Intervener.

G. W. HAMILTON, *Attorney-General*, and
E. P. DONNELLY, *Assistant Attorney-General*, Olympia, Wn.,
Attorneys for Plaintiff,

PALMER, ASKREN, BRETHORST and H. W. HAUGHLAND, and
RYAN, ASKREN & RYAN, Northern Life Tower, Seattle, Wn.,
*Attorneys for defendant American Society of Composers,
Authors and Publishers, an unincorporated association,
specially appearing*,

BYERS, WESTBERG & JAMES, 310 Marion Bldg., Seattle, Wn.,
*Attorneys for defendants KGY, Inc., and Seattle Broadcast-
ing Company*,

KENNETH C. DAVIS, 1514 Northern Life Tower, Seattle, Wn.,
*Attorney for defendants KVOS, Inc., a corporation; Spokane
Broadcasting Co., a corporation; KUJ, Inc., a corpora-
tion; Westcoast Broadcasting Co., a corporation; Carl E.
Haymond d/b/a Radio Station KIT; KMC, Inc., a corpora-
tion; KVL, Inc., a corporation and KXRO, Inc., a
corporation*,

POST, RUSSELL, DAVIS & PAINE, Box 2193, Spokane, Wn.,
*Attorneys for defendant Symons Broadcasting Co., a cor-
poration*,

SHERWOOD & HEIMAN, 1411 Fourth Ave. Bldg., Seattle, Wn.,
*Attorneys for Greenhalgh Amusement Corporation, Inter-
vener*.

The voluminous transcript in this cause doubtless affords material for an extended statement but one does not appear necessary.

The State of Washington, upon relation of its Attorney General, brought suit in the Superior Court of the State for Thurston County, against the defendants alleging that the American Society of Composers, Authors and Publishers is organized and exists under the laws of the State of New York as an unincorporated association of music composers, authors and publishers; that it is actually engaged in and transacting business in the form and name of a corporation in the State of Washington; that the defendant John L. Stanley is authorized to represent the defendant society in such State; that he is domiciled in and transacts therein its business.

It is alleged that the membership of the defendant society comprises approximately one hundred publishers and approximately eight hundred composers. They are made defendants but, on account of the large number of members, the named officers and agents of the society are sued as their representatives. Other defendants are alleged to operate radio stations in the State of Washington—a number in this district and others in the Eastern District of Washington —. Owners and operators of theaters are also named as parties defendant.

For the sake of brevity the defendant operators of radio stations and the owners and operators of theatres will be herein designated as "users."

The complaint alleges the existence of a conspiracy on the part of the defendants and others to restrain trade and commerce in the State of Washington, and contains a prayer, in part, that defendants

be enjoined from further conspiring and from performing the conspiracy and for general relief.

After the entry of a default against the defendant society, the filing of an amended complaint and the granting of an injunction, upon petition of the Attorney General for the appointment of a receiver to preserve the jurisdiction of the Court and the assets of the defendant society, the Court, on August 13th, 1935, appointed a temporary receiver to take possession of the business and property of the defendant society in the State of Washington.

Ten days later the defendant society petitioned the Superior Court for the removal of the cause to this court. The petition was refused.

A transcript of the proceedings in the State Court was filed in this Court, the defendant society notified the plaintiff of such filing, following which the plaintiff, by its attorney general, moved that the cause be remanded—among others—upon the ground that the action was begun by the State in its sovereign capacity to enforce by injunction its criminal laws. See Article XII, Sec. 22 of the Washington Constitution and Sec. 2382, sub-sections 6 and 7, Remington's Revised Statutes of Washington.

PLAINTIFF cites: Sec. 2382, sub-section 6, Remington's Revised Statutes of Washington; Article 12, Section 22, Constitution of the State of Washington; Article 12, Section 5, Constitution of the State of Washington; Sec. 226, sub-section 9, Remington's Revised Statutes of Washington; *Georgia Trust Co. v. State of Georgia*, 109 Ga. 736, 35 S. E. 323; 41 Corpus Juris 198; *State v. Racine*, 63 Tex. Civ. Appeals 663, 134 S. W. 400; 41 Corpus Juris 127; *State ex rel Dunbar v. American University*, 140 Wash. 625, 633; *United States v. American Society of Composers, Authors and Publishers*, Cause No. —, United States District Court for the Southern District of New York; 11th Amendment to the Constitution of the United States; *Hartford Insurance Co. v. Chicago, Milwaukee & St. Paul Railway Company*, 175 U. S. 91; *Howard v. Fleming*, 191 U. S. 126; *Pratt v. Paris Gas Light & Coke Company*, 168 U. S. 255; *Randall v. Brigham*, 74 U. S. 523; *Boyd v. Alabama*, 94 U. S. 645; *In re Jordan*, 49 Fed. 238; *Carl Laemmle Music Co. v. Stern, et al.*, 209 Fed. 129; *Germania Insurance Company v. Wisconsin*, 119 U. S. 473; *Terrace v. Thompson*, 263 U. S. 197; *Waverly Stone & Gravel Co. v. Waterloo, C. F. & N. Ry. Co., et al.*, 239 Fed. 561-564; *Pullman Palace Car Company v. Speck, et al.*, 113 U. S. 84; *Schipper, et al., v. Consumer Cordage Co., Ltd.*, 72 Fed. 803; *Kansas City Railroad v. Daugherty*, 138 U. S. 298-303; *Wisconsin v. Pelican Insurance Company*, 127 U. S. 265-268-270; *City of Montgomery, Ala., v. Postal Telegraph Cable Co., et al.*, 218 Fed. 471-475; *Huntington v. Attrill*, 146 U. S. 657-672; *State of Iowa v. Chicago, B. & Q. R. Co.*, 37 Fed. 497; *Shehane v. Smith*, 257 Fed. 823-5; *Straus v. American Publishers' Association*, 231 U. S. 222; Sec. 2384 and Sec. 2610, Remington's Revised Statutes of Washington; *Daugherty v. Sharpe, et al.*, 171 Fed. 466; *MacGinnis v. Boston Copper and Silver Mining Company*, 119 Fed. 96; *Heller v. Ilwaco Mill and Lumber Co.*, 178 Fed. 111; *Southern Pac. Co. v. Stewart*, 245 U. S. 363; *Maloney, Attorney General v. American Tobacco Co.*, 72 Fed. 801; *City of Montgomery v. Postal Telegraph Co.*, 218 Fed. 471; *State of Arkansas v. St. Louis Ry. Co.*, 173 Fed. 572; *Wisconsin v. Pelican Insurance Co.*, 127 U. S. pp. 290, 291, 294; *State of Iowa v. Chicago, B. & Q. Ry. Co.*, 37 Fed. 497; *Huntington v. Attrill*, 146 U. S. 668; *State of Indiana v. Alleghany Oil Co.*, 85 Fed. 870; *Ferguson v. Ross*, 38 Fed. 161; *State of Indiana v. Tolleston Club of Chicago*, 53 Fed. 18; *State of Alabama v. Wolfe*, 18 Fed. 836; *Grinnell v. Johnson*, 28 Fed. 2; *Postal Telegraph Cable Co. v. State of Alabama*, 155 U. S. 482; *Germania Insurance Company v. Wisconsin*, 119 U. S. 473; *Arkansas v. Kansas City & Texas Coal Co.*, 183 U. S. 185; *State v. Morey*, 105 Pac. 501; *National Harrow Co. v. Hench*, 83 Fed. 36; *Hoit v. Bates*, 81 Fed. 641; *Carl Laemmle Music Co. v. Stern*, 209 Fed. 129; *Charroin v. Romort Manufacturing Co.*, 236 Fed. 1011; *Straus v. American Publishers' Association*, 231 U. S. 222 at 234; *Motor Truck Ass'n of Western Mass. v. Daley*, 8 Fed. Supp. 672; *Huntington v. Pinney*, 126 Fed. 237; *Thompson v. Chicago, St. Paul Railroad Co.*, 60 Fed. 773; *Murphy v. Johnson*, 49 Fed. (2d) 410; *Blytheville Ry. Co. v. St. Louis-San Francisco Ry. Co.*, 33 Fed. (2d) 481; *Von Herberg v. City of Seattle*, 27 Fed. (2d) 457; *Maloney v. Cressler*, 210 Fed. 105; *Miller v. Clifford*, 133 Fed. 880; *Gates Iron Works v. James E. Pepper & Co.*, 98 Fed. 449; *McMillan v. Noyes*, 146 Fed. 926; *Regis v. United Drug Co.*, 180 Fed. 201; *Gullidge v. Director General of Railroads*, 270 Fed. 276; *Chicago & Rock Island v. Whitaker*, 36 S. Ct. Rptr. p. 152; *Alabama Great Southern Ry. v. Thompson*, 26 S. Ct. Rptr. p. 163; *Egyptian Novaculite Co. v. Stevenson*, 8 Fed. (2d) 576; *Vener v. Great Northern*, 209 U. S. 24, 32; Sec. 2690, Remington's Revised Statutes of Washington; *State of Texas v. Day Land and Cattle Company*, 49 Fed. 593.

REMOVING DEFENDANT cites: *Powers v. Chesapeake & Ohio R. Co.*, 169 U. S. 91, 42 L. Ed. 673; *Brashear v. Louisville & N. R. Co.*, 32 Fed. (2d) 373; *Kincheloe v. Hopkins*, 4 Fed. Supp. 196; *Berry v. St. Louis & S. F. R. Co.*, 118 Fed. 911; *Allen v. New York P. & N. R. Co.*, 15 Fed. (2d) 532; *Gable v. Chicago, M., St. P. & P. R. Co.*, 8 Fed. Supp. 944; *Nicum v. Northern Assurance Company*, 17 Fed. (2d) 160; *Bedell v. B. & O. R. Co.*, 245 Fed. 788; *McKinlay v. Puget Sound Bridge & Dredging Co.*, 6 Fed. Supp. 114; *Meyer v. Del. R. R. Con. Co.*, 100 U. S. 457, 25 L. Ed. 598; *Boatmen's Bank v. Fritzlen, et al.*, 135 Fed. 650; *Hutton v. Joseph Bancroft & Sons Co.*, 77 Fed. 481; *Baker v. Duwamish Mill Co.*, 149 Fed. 612; *Consolidated Textile Corporation v. Iserson*, 294 Fed. 289; *Evers v. Watson*, 156 U. S. 527; *Carson v. Hyatt*, 118 U. S. 279; *Simkins Federal Practice*, Revised Edition, Sec. 1168; *Barney v. Latham*, 103 U. S. 205, 26 L. Ed. 514; *Warax v. Cincinnati, etc., R. R. Co.*, 72 Fed. 637; *Gulf, etc., Co. v. Gulf Refining Co.*, 260 Fed. 262; 35 Stat. 1075, 1088, Title 17, U. S. C. A., Sec. 1; *West Publishing Co. v. Edward Thompson Co.*, 169 Fed. 833; *State of California v. Southern Pac. Ry. Co.*, 118 U. S. 109, 30 L. Ed. 103; *Ames v. Kansas*, 111 U. S. 449; 54 C. J. 234, Sec. 53; *State of Oregon v. Three Sisters Irr. Co.*, 158 Fed. 346; *The Mill Co. v. Casey*, 189 NYS 275; *Stevens v. Gladding and Proud*, 58 U. S. 447; 15 L. Ed. 155; *Feibleman v. Packard*, 109 U. S. 426, 27 L. Ed. 984; *Barnette v. Wells-Fargo National Bank*, 270 U. S. 438, 70 L. Ed. 669; *Hopkins v. Walker*, 244 U. S. 486, 61 L. Ed. 1270; *First National Bank v. Williams*, 252 U. S. 504, 64 L. Ed. 692; *Littlefield v. Perry*, 88 U. S. 205, 22 L. Ed. 577; *Excelsior Wooden Pipe Co. v. Pacific Bridge Co.*, 185 U. S. 281, 46 L. Ed. 1911; *Woods Sons Company v. Valley Iron Works*, 166 Fed. 770; *Wooster v. Crane & Co.*, 147 Fed. 515; *Hartford Fire Insurance Co. v. Kansas City, etc., R. Co.*, 251 Fed. 332; *State ex rel Dept. of Public Works v. Northern Pacific R. R. Co.*, 172 Wash. 37; *Ex Parte Nebraska*, 209 U. S. 436, 52 L. Ed. 876; 25 C. J. 741; *State of Indiana v. Glover*, 155 U. S. 513, 39 L. Ed. 243; *Maryland v. Baldwin*, 112 U. S. 490, 28 L. Ed. 822; *State v. Frost*, 89 N. W. 915, 113 Wis. 623; *Gruetter v. Cumberland, etc., Co.*, 181 Fed. 248; *State of Ohio v. Swift & Co.*, 270 Fed. 141; *Ward, et al., v. Congress Const. Co.*, 99 Fed. 598; *Boyd v. Bradish, et al.*, 10 Fed. 406; *Simkins Federal Practice*, Revised Edition, page 1036, Sec. 1177; *Kanouse v. Martin*, 15 How. 198, 14 L. Ed. 660; Note 202, U. S. Code Annotated; *Straus v. American Publishers' Association*, 231 U. S. 222.

CUSHMAN, District Judge:

On account of the conclusion reached it is not now necessary to determine whether the petition for removal was timely filed or not.

The complaint alleges, in effect, that the defendant society dominates, in the State of Washington, commerce in compositions of the character described, controlling and owning approximately ninety-five per cent of the copyrighted acceptable and popular musical compositions published in the United States.

While the compositions owned and controlled by the defendant society may be copyrighted, a suit to enjoin a conspiracy to restrain commerce and trade in such compositions is not one arising under the copyright laws of the United States. *Straus v. American Publishers' Association*, 231 U. S. 222-234. See also *Standard Oil Co. v. United States*, 283 U. S. 163.

The allegations made in the petition for removal are not of a nature to bring the case within Section 31 of the Judicial Code (Title 28, U. S. C. A., Sec. 74).

In the petition for removal are allegations of collusion and the fraudulent bringing of the suit ostensibly in the name of the Attorney General but for and on behalf of the defendant users.

If it be conceded that it has been shown that the Attorney General consented to the assertion in this litigation of claims by certain of the defendant users against the defendant society, or that he sought the granting of more favorable terms by the defendant society to such users,—if done by him with the purpose of protecting the public of the State, it would not amount to fraud upon his part, and, if he failed to disclose such purpose at once, that fact would not be a concealment of a fraudulent character.

From time immemorial the Attorney General, using the testimony of an accomplice—even an accomplice of a murderer—would implicitly promise that accomplice immunity. *Whiskey Cases*, 99 U. S. 594-605-606; *Saunders v. Lowry*, 58 Fed. (2d) 158.

Nothing has been shown that would impute to the Attorney General any purpose beyond that of protecting the public by such means.

So, in this case it may be conceded that the fraudulent prosecution by the Attorney General of a suit such as this—whether fraud was actual or constructive—would, in law, insofar as such suit was concerned, strip him of such official character, reducing him to the

status of an individual litigant, and change the state's case from one brought as a sovereign to one of a civil nature, which, other requirements existing, would be removable.

In such a case the court would, it may further be conceded, be concerned with a realignment of parties plaintiff and defendant, the existence of a separable controversy and diversity of citizenship, but, absent such fraud, such a case—being one by the State—is not removable. *Minnesota v. Northern Securities Co.*, 194 U. S. 48-63; *Postal Telegraph Cable Co. v. Alabama*, 155 U. S. 482-487; *Ames v. Kansas*, 111 U. S. 449; *Stone v. South Carolina*, 117 U. S. 430; *Germania Insurance Co. v. Wisconsin*, 119 U. S. 473.

It has been further contended on behalf of the removing defendant that by requesting the appointment of a receiver to take over the public performing rights in musical numbers, the copyrights of which are held by the defendant society, and its members, and the request that the receiver be authorized to extend existing contracts and make new contracts, thereby there was presented a federal question. Such action and that of the Court taken pursuant to it did not render the cause removable. Such action was incidental to the main suit.

Insofar as the decision in *State of Ohio v. Swift & Co.*, 270 Fed. 141, is similar to the present suit, it supports the motion to remand rather than the petition for removal. The validity of no state law nor state court construction thereof violative of the Constitution of the United States are in question in the present suit.

The motion to remand will be granted.

Any order or orders embodying the rulings herein made will be settled upon notice.

The Clerk is directed to notify the attorneys for the parties of the filing of this decision.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR THURSTON COUNTY

No. 16114—RECEIVER'S REPORT

STATE OF WASHINGTON ex rel. G. W. HAMILTON, Attorney General, *Plaintiff*,

vs.

AMERICAN SOCIETY OF COMPOSERS, AUTHORS AND PUBLISHERS, an unincorporated association, et al., *Defendants*,

GREENHALGH AMUSEMENT CORPORATION, a corporation, *Intervenor*.

To: The Honorable D. F. Wright, Judge of the Above Entitled Court.

Comes now TRACY E. GRIFFIN, the duly qualified and acting temporary Receiver of the American Society of Composers, Authors and Publishers, an unincorporated association, and shows to this Court as follows:

I.

That pursuant to order of this Honorable Court, dated August 13th, 1935, your Receiver, having duly qualified, took into his possession all of the assets of the American Society of Composers, Authors and Publishers as shown by previous reports on file herein; that the principal asset of the American Society of Composers, Authors and Publishers, as shown by the evidence and as found by the Court, was the title to copyrighted music which had, together with the public performing rights thereof, been exclusively vested in the American Society of Composers, Authors and Publishers by assignments from the various members of said Society, a partial list of such membership being attached hereto and marked Exhibit "A" and by this reference made a part hereof.

II.

That although title to said copyrighted musical compositions vested in your Receiver as of August 13th, 1935, by order of this Honorable Court, your Receiver has given no notice thereof, but has confined his efforts to preserving the property of the Society of American Society of Composers, Authors and Publishers and has maintained in full force and effect all previous contracts for the use of said music between the American Society of Composers, Authors and Publishers and the users thereof in the State of Washington, as was authorized by order of this Honorable Court on August 24th, 1935.

III.

That Defendant American Society of Composers, Authors and Publishers heretofore filed in this cause and court a petition for removal of this action to the United States District Court for the Western District of Washington, Southern Division; that said petition was by this court refused, but pursuant to law, a transcript of the proceedings in this cause was filed in the said United

States District Court; that the State of Washington thereupon filed a motion to remand said cause back unto this court; that said motion to remand came on for hearing, was argued and taken under advisement. That on the 12th day of December, 1935, the Honorable Edward E. Cushman, United States District Judge, made and entered his memorandum decision granting the State of Washington motion to remand; that notice of said memorandum decision remanding this cause to this court has been given to all counsel by the Clerk of the said United States Court.

IV.

That your Receiver respectfully represents and shows to this Court that in his opinion it is necessary that notice be given that the title to the copyrighted works of each and every member of the American Society of Composers, Authors and Publishers, as listed in Exhibit "A", has been vested in your Receiver by order of this Court, dated August 13th, 1935.

WHEREFORE, your Receiver prays that this report be considered and that the Court take oral evidence as to the necessity of the Receiver's recommendations herein and that your Receiver be properly instructed as to his duties and rights in the premises.

E. P. DONNELLY,
*Assistant Attorney-General,
Attorney for the Receiver.*

STATE OF WASHINGTON }
COUNTY OF THURSTON } ss.

TRACY E. GRIFFIN, being first duly sworn on oath, deposes and says: That he is the duly qualified and acting receiver in this case; that he is familiar with the contents of the foregoing report; that he has read the same, knows the contents thereof, and believes the same to be true.

TRACY E. GRIFFIN.

SUBSCRIBED and SWORN to before me this 13th day of December, 1935.

WALTER REDDEN,
*Notary Public in and for the State
of Washington, residing at Olympia.*

EXHIBIT A. PUBLISHERS

Abrahams, Maurice, Inc.
Ager, Yellen & Bornstein, Inc.
Alfred Music Co., Inc.—Feature Music Syndicate, Lowe-Goulston, Inc., Manus Music Co., Inc., Piantadosi, Al., Music Publisher, Song Creators.
Allen, Thornton W., Co.
Artmusic, Inc.—Empire Music Co., Inc., York Music Co., The.
Ascher, Emil, Inc.
Austin, Gene, Inc.
Belwin, Inc.—Berg, S. M., Cinema Music Co.
Berlin, Irving, Inc.
Berlin, Irving, Standard Music Corp.
Bibo-Lang, Inc.
Birchard, C. C., & Co.—H. F. W. Deans Catalogue (Year Book Press)
Bloom, Harry, Inc.
Bond, Carrie Jacobs, & Son
Boston Music Company—Hatch Music Company
Bosworth & Company
Broadway Music Corporation
Brown, Nacio Herb, Inc.
Browne, Ted, Music Co.
Century Music Pub. Co.
Chappell-Harms, Inc.
Church, John Co., The
Composers' Music Corp.
Conrad, Con, Music Pub., Ltd.
Curtis, L. B., Music Pub.—Van Alstyne & Curtis
Davis, Joe, Inc.—Triangle Music Pub. Co.
Denton & Haskins Music Pub. Co., Inc.
De Sylva, Brown & Henderson, Inc.
Ditson, Oliver Co.
Donaldson, Douglas & Gumble, Inc.
Evans Music Company
Famous Music Corporation—Spier & Coslow, Inc.
Feist, Leo, Inc.
Fischer, Carl, Inc.
Fisher, J., & Bro.
Flammer, Harold, Inc.—Luckhardt & Belder
Forster Music Publisher, Inc.
Fox, Sam, Publishing Co.—Pallma Music Publishers, Inc., Red Star Music Co., Inc.

Gamble Hinged Music Co.,
 Goodman Music Co., Inc.—Handman & Goodman, Inc., Hand-
 man, Kent & Goodman, Inc., Universal Music Co., Ltd.
 Gordon, Hamilton S., Inc.
 Gray, H. W., Company
 Handy Bros. Music Co., Inc.
 Harms, Inc.
 Harms, T. B., Company
 Harris, Charles K., Est.
 Haviland, F. B., Pub. Co.
 Huntzinger, R. L., Inc.
 Jacobs, Walter, Inc.—Abt, Valentine, Bates & Bendix, Bendix,
 Theodore, Farrand, Van L., Jaques, Percy, Musiclovers Co., Partee,
 C. L., Music Co., Shattuck, B. E., Williams, Ernest S.
 Jenkins, J. W., Sons' Music Co.
 Jungnickel, Ross, Inc.
 Kalmus, E. F., Inc.
 Kay & Kay Music Pub. Corp.—Franklin, John, Music Co.
 Keit-Engel, Inc.—Davis, Coots & Engel, Inc.
 Kendis Music Corporation
 Kornheiser-Gottler, Inc.—Kornheiser, Phil, Inc.
 Leslie, Edgar, Inc.
 Lewis Music Publishing Co.
 Marks, Edw. B., Music Co.—Apollo Verlag, Berlin; Berliner, Leo.
 E., Pub. Co.; Chilton, Forrest S.; Dresser, Paul, Pub. Co.; Evans
 (George Honeyboy Evans); Globe Music Publishing Co.; Graham,
 Roger; Halle, R. L.; International Music Co., Brussels; Jordan,
 Julian, Music Co.; Lecuona Music Co.—Cuba; Lyceum Music Co.;
 Metz, Theodore, Music Co.; Miller, Roy M.; Musin, Ovide; Penn,
 Wm. H.; Petrie, H. W., Catalog; Primrose & West Music Co.;
 Recker, Robert, Music Co.; Shields, Ren; Stern, Jos. W., & Co.;
 Willis-Woodward Music Co.
 Marlo Music Corporation
 McKinley Music Co.
 Melrose Bros. Music Co., Inc.
 Miller Music, Inc.—Youmans, Vincent, Inc.
 Mills Music, Inc.—American Composers, Inc., Clark, Frank,
 Music Co., Daly, Joseph, Music Pub. Co., Edwards, Gus, Music

Pub. Co., Fisher, Fred, Inc., Gordon & Rich, Inc., Gotham Music
 Service, Inc., Jerome & Schwartz Pub. Co., Kalmar, Puck & Abra-
 hams, Consolidated, Nelson, Jack, Music Co., Stark & Cowan, Inc.,
 Sunlight Music Co., Inc., Waterson, Berlin & Snyder Co.; Water-
 son, Henry, Inc., Williams, Harry, Music Co.
 Morris, Joe, Music Co.
 New World Music Corp.
 Olman Music Corporation—Down Home Music Co.
 Paull-Pioneer Music Co.—Rossiter, Harold, Music Co.
 Photo Play Music Co., Inc.—Luz Brothers Music Pub., Music
 Buyers Corporation
 Pond, Wm. A., & Company
 Quincke, W. A., & Company
 Remick Music Corporation
 Robbins Music Corporation—Metro-Goldwin-Mayer Corp.
 Rossiter, Will
 Rubank, Inc.—Carlson, M. L., Finder & Urbanek, Victor Music Co.
 Santly Bros., Inc.
 Schirmer, G., Inc.—Heffelfinger, R. W.; Sanders-Weiss, Inc.
 Schroeder & Gunther, Inc.
 Shapiro, Bernstein & Co., Inc.
 Sherman, Clay & Co.
 Schubert Music Pub. Corp.
 Simon, Walter B., Inc.—Dixon-Lane, Inc.
 Skidmore Music Co., Inc.
 Sonnemann Music Co., Inc.—Feature Music Co.
 Southern Music Pub. Co., Inc.
 Stept & Powers, Inc.—Freed & Powers, Ltd.
 Victoria Publishing Co.
 Villa Moret, Inc.
 Von Tilzer, Harry, Music Pub. Co.
 Weil, Milton, Music Co., Inc.
 White-Smith Music Pub. Co.
 Williams, Clarence, Music Pub. Co.
 Willis Music Company
 Witmark, M., & Sons
 Wood, B. F., Music Co.

COMPOSERS AND AUTHORS

Aarons, Alfred E.
 Abrahams, Maurice, Est. of
 Achron, Joseph
 Adamson, Harold
 Ager, Milton
 Ahlert, Fred E.
 Akst, Harry
 Allen, Thornton W.
 Alter, Louis
 Anderson, Frank H., Jr.
 Anderson, Lily Strickland
 Archer, Harry
 Arlen, Harold
 Armstrong, Harry
 Arndt, Felix, Est. of
 Arnheim, Gus
 Atteridge, Harold
 Auer, Leopold, Est. of
 Austin, Gene
 Axt, William
 Ayres, Frederic, Est. of
 Baer, Abel
 Bainbridge, Katharine
 Baker, Phil
 Ball, Ernest R., Est. of
 Ballard, Pat
 Barnett, Alice
 Baron, Maurice
 Barris, Harry
 Barron, Ted S.
 Bartholomae, Philip H., Est. of
 Bartholomew, Marshall
 Baskette, Billy
 Bassett, Carolyn Wells, Est. of
 Baxter, Phil
 Bayha, Charles A.
 Beach, Mrs. H. H. A.
 Bennett, George J.
 Berg, David
 Berg, Harold
 Bergh, Arthur
 Berlin, Irving
 Bibb, Irving

Black, Ben
 Black, Frank J.
 Blake, Eubie
 Blaufuss, Walter
 Bloch, Ernest
 Bloom, Marty
 Bloom, Rube
 Blossom, Henry, Est. of
 Bond, Carrie Jacobs
 Borch, Gaston, Est. of
 Borissoff, Josef
 Bornschein, Franz C.
 Botsford, George
 Boutelje, Phil
 Bowers, Robert Hood
 Bradford, James C.
 Bratton, John W.
 Breau, Lew, Est. of
 Brennan, James A.
 Brennan, J. Keirn
 Breuer, Ernest
 Bridges, Ethel
 Brockman, James
 Brooks, Shelton
 Broones, Martin
 Brown, Al. W., Est. of
 Brown, A. Seymour
 Brown, Bertrand—
 Brown, Lew
 Brown, Nacio Herb
 Browne, J. Lewis
 Bruhns, George F. W.
 Bryan, Alfred
 Bucharoff, Simon
 Buck, Gene
 Burke, Johnny
 Burke, Joseph A.
 Burleigh, Harry T.
 Burns, Annelu
 Burnside, R. H.
 Burtnett, Earl
 Burton, Val
 Buzzi-Peccia, A.

Byrnes, James A.
 Caddigan, Jack J.
 Cadman, Charles Wakefield
 Caesar, Irving
 Caine, Sidney C.
 Callahan, J. Will
 Carlo, Monte
 Carmichael, Hoagy
 Carpenter, John Alden
 Carroll, Earl
 Carroll, Harry
 Charig, Philip
 Chase, Newell
 Chattaway, Thurland
 Chenoweth, Wilbur
 Clare, Sidney
 Clark, Amy Ashmore
 Clarke, Grant, Est. of
 Claypoole, Edward B.
 Cleary, Michael H.
 Clifford, Gordon
 Cobb, Will D., Est. of
 Coburn, Richard
 Cohan, George M.
 Cohen, Henry R.
 Cohn, Chester
 Collins, Will
 Confrey, Edw. E.
 Conrad, Con
 Connor, Pierre
 Cook, Philip D.
 Cook, Will Marion
 Cool, Harold
 Coombs, C. Whitney
 Cooper, Bud
 Cooper, Joe
 Coots, J. Fred
 Coslow, Sam
 Costello, Bartley
 Cowna, Rubey
 Cox, Ralph
 Creamer, Henry, Est. of
 Crist, Bainbridge

Crosby, Bing
 Crumit, Frank
 Cunningham, Paul
 Curran, Pearl G.
 Curtis, Billy
 Curtis, Loyal
 Daly, William
 Daniels, Charles N.
 Dash, Irwin
 David, Benjamin
 David, Lee
 Davis, Benny
 Davis, John Carlyle
 Davis, Lou
 Dawson, Eli
 De Costa, Harry
 De Costa, Leon
 De Francesco, L. E.
 DeKoven, Reginald, Est. of
 Deleath, Vaughn
 Delf, Harry
 Denniker, Paul
 Deppen, Jessie L.
 De Rose, Peter
 DeSylva, Bud
 Dett, R. Nathaniel
 De Voll, Cal
 Dietz, Howard
 Dillon, Will
 Dixon, Harold
 Dixon, Mort
 Donaldson, Walter
 Donaldson, Will
 Donnelly, Andrew
 Donnelly, Dorothy, Est. of
 Dougherty, Dan
 Dreyer, Dave
 Drumm, George
 Dubin, Al
 Duncan, Wm. C.
 Dunn, James P.
 Dyson, Hal
 Eberhart, Nelle Richmond

Edelheit, Harry
 Edmonds, Shepard N.
 Edwards, Clara
 Edwards, Gus
 Edwards, Leo
 Egan, John C.
 Egan, Raymond B.
 Ehrlich, Sam. Est. of
 Elie, Justin, Est. of
 Eliscu, Edward
 Elman, Mischa
 English, Granville
 Erdman, Ernie
 Fain, Sammy
 Farley, Roland, Est. of
 Fazioli, Billy, Est. of
 Federlein, Gottfried H.
 Fields, Buddy
 Fields, Dorothy
 Fiorito, Ted
 Fisher, Fred
 Fisher, Mark
 Fisher, William Arms
 Flatow, Leon
 Fleeson, Neville
 Forster, Dorothy
 Forsyth, Cecil
 Fowler, B. Sherman
 Fox, Oscar J.
 Franklyn, Blanche
 Franko, Nahan, Est. of
 Freed, Arthur
 Freer, Eleanor Everest
 Frey, Hugo
 Fried, Martin
 Friedland, Anatol
 Friend, Cliff
 Friml, Rudolf
 Frisch, Billy
 Gahm, Joseph
 Gaines, Samuel Richard
 Gardner, William H., Est. of
 Garrett, Lloyd Fry
 Gaskill, Clarence
 Gaul, Harvey B.
 Gay, Byron
 Gensler, Lewis E.
 Gerard, Richard Hirsch
 Gerber, Alex
 Gershwin, George
 Gershwin, Ira
 Gilbert, L. Wolfe
 Gillespie, Haven
 Gillespie, Marian E.
 Ginsberg, Sol
 Glick, Jesse G. M.
 Glougau, Jack
 Godowsky, Leopold
 Goetz, Coleman, Est. of
 Goetz, E. Ray
 Gold, Joe
 Golden, Ernie
 Golden, John
 Goldman, Edwin Franko
 Goodhart, Al
 Goodman, Alfred
 Goodman, Frank
 Goodman, Lillian Rosedale
 Goodwin, Joe
 Goold, Sam, Est. of
 Gorney, Jay
 Gottler, Archie
 Grainger, Percy Aldridge
 Grant, Bert
 Grant, Charles N.
 Green, Bud
 Green, John W.
 Greene, Schuyler, Est. of
 Greer, Jesse
 Grey, Clifford
 Grey, Frank H.
 Grofe, Ferde
 Grossman, Bernie

Grunberg, Jacques
 Grunn, Homer
 Guion, David W.
 Gumble, Albert
 Gurewich, Jascha
 Gusman, Meyer
 Hadley, Henry
 Haenschen, Walter G.
 Hageman, Richard
 Hagen, Milt
 Hager, Clyde
 Hahn, Carl, Est. of
 Hajos, Karl
 Hamblen, Bernard
 Hammerstein, Oscar, 2nd
 Handman, Lou
 Handy, William C.
 Hanley, James F.
 Hanlon, Bert
 Harbach, Otto A.
 Harburg, E. Y.
 Harling, W. Franke
 Harris, Charles K., Est. of
 Harris, Harry
 Harris, Victor
 Harrison, C. F.
 Hart, Lorenz
 Hartmann, Arthur
 Hawley, C. B., Est. of
 Hazzard, John E.
 Heagney, William H.
 Hein, Silvio, Est. of
 Henderson, Charles E.
 Henderson, Ray
 Herbert, Victor, Est. of
 Herscher, Louis
 Hersom, Frank E.
 Hess, Cliff
 Heyman, Edward
 Hill, William J.
 Hirsch, Louis A., Est. of
 Hirsch, Walter
 Hobart, George V., Est. of
 Hoffman, Al
 Holden, Sidney
 Hollingsworth, Thekla
 Holzmman, Abraham
 Homer, Sidney
 Hooker, Brian
 Hoschna, Karl, Est. of
 Hosmer, Lucius
 Howard, John Tasker
 Howard, Joseph E.
 Hubbell, Raymond
 Huerter, Charles
 Hughes, Rupert
 Huhn, Bruno
 Hupfield, Herman
 Jacobi, Frederick
 Jaffe, Moe
 James, Billy
 James, Paul
 James, Philip
 Janis, Elsie
 Janssen, Werner
 Jentes, Harry
 Jerome, M. K.
 Jerome, William, Est. of
 Johnson, Arnold
 Johnson, Horace
 Johnson, Howard E.
 Johnson, J. C.
 Johnson, James P.
 Johnson, J. Rosamond
 Johnson, James Weldon
 Johnstone, Gordon, Est. of
 Johnstone, Thomas A.
 Johnstone, Will B.
 Jolson, Al
 Jones, Isham
 Jones, Stephen
 Kahl, Irving
 Kahn, Grace Le Boy

Kahn, Gus
 Kalmar, Bert
 Kassel, Art
 Kaufman, Mel B., Est. of
 Keithley, E. Clinton
 Kempinski, Leo A.
 Kendis, James
 Kenny, Nick A.
 Kern, Jerome
 Kernell, Wm. B.
 Kernochan, Marshall
 Kerr, Harry D.
 Kilenyi, Edward
 King, Robert A., Est. of
 Klages, Raymond W.
 Klein, Lou
 Klemm, Gustav
 Klenner, John
 Klickmann, R. Henri
 Knox, Helen
 Koehler, Ted
 Kortlander, Max
 Kountz, Richard
 Kramer, A. Walter
 Kreisler, Fritz
 Kriens, Christiaan
 Lada, Anton
 La Forge, Frank
 Lake, Mayhew Lester
 Lampe, J. Bodewalt, Est. of
 Lane, Eastwood
 Lange, Arthur
 Lange, Henry W.
 Lannin, Paul
 Laska, Edward
 Lawlor, Chas. B., Est. of
 Layton, Turner
 Lee, Norah
 Lerner, Sammy
 Leslie, Edgar
 Levant, Oscar
 Levenson, Boris
 Levey, Harold
 Lewis, Al
 Lewis, Roger
 Lewis, Samuel M.
 Lief, Max
 Lief, Nathaniel
 Link, Harry
 Little, George A.
 Little, Jack
 Livingstone, Mabel
 Lockhart, Eugene
 Leob, John Jacob
 Logan, Fred'k Knight, Est. of
 Logan, Virginia K.
 Lombardo, Carmen
 Lyman, Abe
 MacBoyle, Darl
 MacDermid, James G.
 MacDonald, Ballard
 MacDonough, Glen, Est. of
 Mack, Andrew, Est. of
 Madden, Edward—
 Maduro, Charles
 Maganini, Quinto
 Magidson, Herbert
 Magine, Frank
 Mahoney, Jack
 Maley, Florence Turner
 Malie, Tommie, Est. of
 Malneck, Matt
 Mana-Zucca, Mme.
 Manney, Charles F.
 Manning, Kathleen L.
 Marion, Jr., George
 Marks, Gerald
 Marshall, Henry I.
 Martens, Frederick H.
 McCarthy, Joseph
 McConnell, George B.
 McHugh, Jimmie
 McKee, Frank W.

McKenna, William
 McLaughlin, John
 McPherson, R. C.
 Melrose, Walter
 Mencher, Murray
 Mendoza, David
 Merele, George
 Meskill, Jack
 Metz, Theo. A.
 Meyer, George W.
 Meyer, Joseph
 Meyers, Billy
 Miles, Walter E.
 Miller, Ned
 Mills, F. A.
 Mills, Irving
 Moll, Billy
 Mitchell, Sidney D.
 Monaco, James V.
 Moore, Elizabeth Evelyn
 Moore, Leslie F.
 Moore, McElbert
 Morgan, Carey
 Morris, Edward
 Morris, Melville
 Morse, Arthur Cleveland
 Morse, Dolly
 Morse, Theodore, Est. of
 Motzan, Otto
 Murchison, Kenneth M.
 Murphy, Owen
 Murphy, Stanley, Est. of
 Murray, Jack
 Myers, Richard
 Nelson, Ed. G.
 Nevin, Arthur
 Nevin, Ethelbert, Est. of
 Nevin, George B.
 Newman, Charles
 Norworth, Jack
 O'Dea, Anne Cladwell
 O'Flynn, Charles
 O'Hara, Geoffrey
 O'Keefe, James
 O'Keefe, Lester
 Olcott, Chauncey, Est. of
 Olman, Abe
 Oppenheim, David
 Orlob, Harold
 Osborne, Nat
 Osgood, H. O., Est. of
 Otvos, Adorjan
 Owens, Harry
 Paley, Herman
 Palmer, Jack
 Parenteau, Zoel
 Parish, Mitchell
 Paskman, Dailey
 Pasternack, Josef
 Paull, E. T., Est. of
 Pease, Harry
 Peck, Raymond W.
 Penn, Arthur A.
 Perkins, Ray
 Perry, Sam A.
 Peters, Wm. Frederick
 Petkere, Bernice
 Phillips, Fred
 Piantadosi, Al
 Pinkard, Maceo
 Pirani, Eugenio Di
 Pochon, Alfred
 Polla, W. C.
 Pollack, Lew
 Ponce, Phil
 Porter, Cole
 Powell, John
 Price, Georgie
 Prival, Max
 Pryor, Arthur
 Rachmaninoff, Sergei
 Rainger, Ralph
 Rapee, Erno

Rapoport, Ruth
 Rasback, Oscar
 Raskin, William
 Razaf, Andy
 Reddick, William
 Repper, Charles
 Rice, Lieut. Gitz
 Rich, Max
 Richman, Harry
 Riesenfeld, Hugo
 Ringle, Dave
 Robe, Harold
 Roberts, Charles J.
 Roberts, Lee S.
 Robin, Leo
 Robinson, J. Russel
 Robison, Willard
 Robyn, Alfred G.
 Rodgers, Richard
 Rogers, James H.
 Rolfe, Walter
 Roma, Caro
 Romberg, Sigmund
 Ronell, Ann
 Rose, Billy
 Rose, Ed
 Rose, Fred
 Rose, Vincent
 Rosemont, Walter L.
 Rosey, George
 Rosey, Joe
 Rosoff, Charles
 Rourke, M. E.
 Rubens, Maurie
 Ruby, Harry
 Ruby, Herman
 Rupp, Carl
 Russell, Alexander
 Russell, Benec
 Russo, Dan
 Ryan, Ben
 Ryder, Sturkow, Mme.
 Saar, Louis Victor
 Saenger, Gustav
 St. Clair, Floyd J.
 Salter, Mary Turner
 Saminsky, Lazare
 Samuels, Frank
 Sanders, Alma M.
 Sanders, Joe L.
 Santly, Henry W.
 Santly, Joseph H.
 Santly, Lester

Savino, Domenico
 Schad, Walter C.
 Schafer, Bob
 Schmid, Adolf
 Schmidt, Edwin R.
 Schoebel, Elmer
 Schonberg, Chris.
 Schonberger, John
 Schuster, Ira
 Schuster, Joseph
 Schwartz, Arthur
 Schwartz, Jean
 Schwarzwald, Milton
 Scott, John Prindle
 Selden, Edgar, Est. of
 Severn, Edmund
 Seymour, Tot
 Shapiro, Ted
 Shay, Larry
 Shelley, Harry Rowe
 Sherman, Al
 Shields, Ren., Est. of
 Shilkret, Nathaniel
 Siegel, Monty
 Silberta, Rhea
 Silver, Abner
 Silvers, Louis
 Silvers, Sid
 Simon, Edward G.
 Simon, Walter C.
 Simons, Seymour B.
 Sissle, Noble
 Sizemoure, Arthur L.
 Skilton, Charles S.
 Sloane, A. Baldwin, Est. of
 Smith, Chris
 Smith, Clay, Est. of
 Smith, Edgar
 Smith, Harry B.
 Smith, H. Wakefield
 Smith, Robert B.
 Smith, Walter Wallace
 Snyder, Ted
 Solman, Alfred
 Sousa, John Philip, Est. of
 Sowerby, Leo
 Spaeth, Sigmund
 Spalding, Albert
 Speaks, Oley
 Spencer, Fleta Jan Brown
 Spencer, Herbert
 Spencer, Otis
 Spencer, Robert E.

Spier, Larry
 Spitalny, Maurice
 Spross, Charles Gilbert
 Squires, Harry D.
 Stamper, Dave
 Stanley, Jack
 Stanton, Frank L., Est. of
 Steiger, Jimmy, Est. of
 Stein, Jules K.
 Stept, Sam H.
 Sterling, Andrew B.
 Stern, Henry R.
 Stern, Jack
 Stevens, David
 Stickle, William
 Stoddard, George E.
 Stone, Billy, Est. of
 Stothart, Herbert
 Straight, Charley
 Stults, R. N.
 Sturm, Murray
 Suesse, Dana
 Sullivan, Alexander C.
 Sullivan, Henry
 Swannstrom, Arthur
 Sweatmen, Wilbur C.
 Swift, Kay
 Taylor, Deems
 Terry, Robert Huntington
 Thompson, Harlan
 Thornton, James
 Tierney, Harry
 Tobias, Charles
 Tobias, Harry
 Tobias, Henry H.
 Tracey, Wm. G.
 Trent, Jo'
 Trinkaus, George J.
 Tucker, John Aloyseus
 Turk, Roy
 Twohig, Daniel S.
 Tyers, Wm. H., Est. of
 Vallee, Rudy
 VanAlstyne, Egbert
 Vanderpool, Frederick W.
 Verges, Joe
 Vicars, Harold, Est. of
 Vincent, Nathaniel H.
 Von Der Goltz, Eric, Jr.
 Von Tilzer, Albert
 Von Tilzer, Harry
 Waller, Thomas
 Walsh, J. Brandon

Ward, Sam
 Warford, Claude
 Warren, Harry
 Washington, Ned
 Wayne, Mabel
 Webb, Kenneth S.
 Webb, Roy
 Webster, Paul Francis
 Weeks, Harold
 Weidt, A. J.
 Weill, Irving
 Weinberg, Chas.
 Wells, John Barnes
 Wendling, Pete
 Wenrich, Percy
 Weslyn, Louis
 West, Eugene
 Westphal, Frank C.
 White, Clarence Cameron
 Whithorne, Emerson
 Whiting, George
 Whiting, Richard A.
 Wiedoeft, Rudy
 Wilkie, Bud
 Williams, Clarence
 Williams, Sam
 Williams, Spencer
 Williams, W. R.
 Wilson, Al
 Wilson, Irving M.
 Wilson, Mortimer, Est. of
 Winne, Jesse M.
 Winternitz, Felix
 Witmark, Jay
 Wood, Cyrus D.
 Wood, Leo, Est. of
 Woodin, W. H.
 Woodman, R. Huntington
 Woods, Harry M.
 Wright, Frank A.
 Wynn, Ed
 Yellen, Jack
 Yon, Pietro A.
 Youmans, Vincent
 Young, Joseph
 Young, Victor
 Zamecnik, J. S.
 John Doe and Jane Doe,
 Hannah Roe and Richard Roe
 and all other members of said
 society whose true given names
 are unknown.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR THURSTON COUNTY

No. 16114—SUPPLEMENTAL ORDER RE INVOLUNTARY
 ASSIGNMENT OF MUSICAL COMPOSITIONS

STATE OF WASHINGTON, ex rel., G. W. HAMILTON, Attorney
 General, *Plaintiff*,

vs.

AMERICAN SOCIETY OF COMPOSERS, AUTHORS AND
 PUBLISHERS, an unincorporated association; et al., *Defendants*,

GRENHALGH AMUSEMENT CORPORATION, a corporation,
Intervenor.

The Court having considered the Report of TRACY GRIFFIN, Receiver of the American Society of Composers, Authors, and Publishers, dated December 13th, 1935, and having listened to the evidence offered in support thereof, and having found that in order to preserve the jurisdiction of the proper Court that it is necessary that notice be given of the fact that the legal and equitable title to all musical compositions copyrighted and held in the name of each and every member of the American Society of Composers, Authors and Publishers, as partially listed and named in Exhibit "A", attached hereto and to the Receiver's Report, has been heretofore legally vested in said Receiver by order of this Court, dated August 13th, 1935, and the Court being further advised in the premises, it is now

ORDERED, ADJUDGED, AND DECREED that TRACY E. GRIFFIN, the duly qualified and acting Receiver of the American Society of Composers, Authors and Publishers be and he is hereby authorized and directed to file with the Register of Copyrights at Washington, D. C., a certified copy of this order together with a copy of the Receiver's Report, in lieu of the prior order of this Court of August 23d, 1935, and that notice shall be given that the Receiver herein is exclusively entitled to the control and possession of all of the joint property of the American Society of Composers, Authors, and Publishers for the purpose of preserving it pendente lite, and that the title to each and every copyrighted musical composition, together with the public performing rights thereof, of each and every member of the American Society of Composers, Authors and Publishers, is and has been exclusively vested in TRACY E. GRIFFIN, as the Receiver of said Society, for all purposes, and said Receiver shall possess and control said property and the affairs of said Society during the continuation of this receivership, or until further order of the Court.

DONE IN OPEN COURT this 14th day of DECEMBER, 1935.
 D. F. WRIGHT,

Judge.

Presented by
 E. P. DONNELLY,
*Assistant Attorney General
 of the State of Washington.*

Exhibit A attached to the supplemental order is a duplicate of Exhibit A which appears in connection with the Receivers Report and is, therefore not reproduced here.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

NAB REPORTS

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FEBRUARY 7, 1936

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BROADCAST ADVERTISING IN 1935

Highlights of the Year

Broadcast advertising volume reached a new high level during 1935. Gross time sales of the medium totalled \$87,523,848, a gain of 20.0% over the preceding year.

The most pronounced gains were experienced in the regional network and national non-network fields. Following a slight recession in 1934, local broadcast advertising rose materially and more than offset the losses of the previous year.

Local stations continued to show the greatest gains, while non-network business rose most rapidly in the southern and far western parts of the country.

Live talent programs, produced in station studios, showed the greatest increase of the year in the non-network field, due principally to the marked gain in the use of this type of rendition by national advertisers in their non-network broadcasting. Transcription volume experienced the most pronounced rise in the local broadcast advertising field.

Gains in broadcast advertising volume were general throughout all product and service groups employing the medium. Automotive, clothing, housefurnishing and tobacco advertising gained particularly. Financial advertising alone experienced any recession, declining 0.2% from the previous year's level. A general tendency toward more diversified sponsorship manifested itself throughout the year, as is evidenced partly by the statistical summaries as to radio advertising sponsorship and even more by examination of individual station accounts.

Total Broadcast Advertising

The volume of broadcast advertising placed over the various subdivisions of the medium during 1934 and 1935 is presented in Table I.

TABLE I

TOTAL BROADCAST ADVERTISING

Class of Business	Gross Time Sales	
	1934	1935
National networks	\$42,647,081	\$50,067,686 ¹
Regional networks	717,117	1,110,739
National non-network	13,541,770	17,063,688
Local	15,981,201	19,281,735
Total	\$72,887,169	\$87,523,848

¹ This includes the Mutual Network formed during the year.

Total broadcast advertising volume in 1935 increased 20.0% over the preceding year's level. It is particularly interesting to note that the rate of increase was maintained fairly steadily throughout the entire year.

National network advertising increased 17.4%. Regional network volume experienced the greatest gain over the preceding year, rising 54.7%. National non-network advertising rose 26.0%. Following a decrease in 1934 of 3.2% from the estimated previous year's level, local broadcast advertising rose materially during the year. Broadcast advertising of this type registered a gain of 20.6% over 1934.

It is interesting to note that gross time sales of the medium exceeded estimated 1931 volume by 25.0%, and the estimated depression low of the medium, \$57,000,000 in 1933, by 53.5%.

National network volume exceeded 1933 by 59.0%. Data are available with regard to other portions of the medium only for the latter half of that year. A comparison of revenues for that period with those of the corresponding months of 1935 showed the following

gains: Regional networks 160.4%, national non-network business 66.3%, and local broadcast advertising 22.0%.

Composition of Broadcast Advertising

The composition of the total broadcast advertising has remained very much the same as during the preceding year. National network advertising accounted for 57.2% of the industry's gross revenues during the year under review as compared to 58.5% in 1934, 55.2% in 1933, and an estimated 51.2% in 1931. The increasing proportion of total volume represented by national network advertising was due to the more rapid recovery of this portion of the medium from the effects of the depression. The situation over the past two years, however, seems to have become fairly well stabilized.

The marked rise in regional network volume is reflected in the growing proportion of total radio advertising which it represents. Regional network advertising accounted for 1.2% of total gross time sales in 1935 as compared to 0.9% in 1934 and 0.7% in 1933. National non-network advertising represented 19.5% of the gross volume of the medium in 1935 as against 18.6% in 1934 and 17.5% in 1933.

The relative importance of local broadcast advertising remained unchanged during the past year as compared with 1934. Advertising of this type accounted for 22.1% of total volume in 1935.

Comparison with Other Media

Broadcast advertising continued to make the most rapid forward strides of any medium during 1935. Compared to the 20.0% increase in gross time sales, national magazine volume rose 5.9% as against 1934. National farm paper advertising increased 7.0%, while newspaper lineage increased 5.8%. Newspaper department store advertising increased 3.4% as compared to a rise of 30.9% in radio department store volume.

Advertising volume by major media during the year of 1935 is found in Table II.

TABLE II

ADVERTISING BY MAJOR MEDIA

Advertising Medium	Gross Time and Space Sales	
	1934	1935
Radio broadcasting	\$72,887,169	\$87,523,848
National magazines ¹	116,268,492	123,093,289
National farm papers ²	5,200,067	5,565,059
Newspapers ²	485,481,718	517,513,000
Total	\$679,837,446	\$733,695,196

¹ Publishers' Information Bureau.

² Estimated.

Non-network Broadcast Advertising

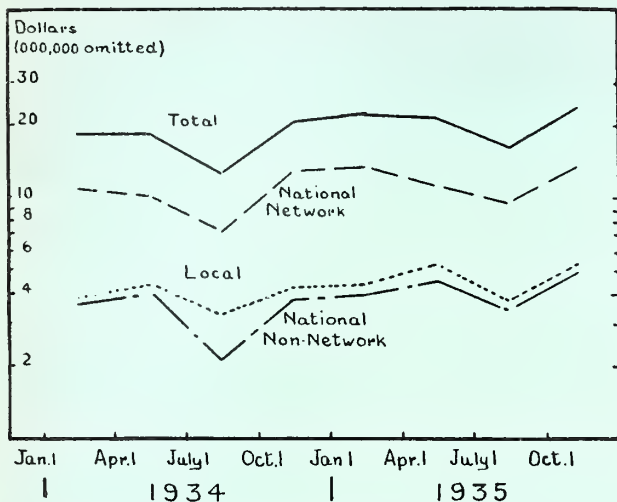
Non-network advertising rose 23.3% as compared to the preceding year. Local station volume continued to show the strength exhibited during the latter portion of 1934 and experienced a gain of 31.9% over that year. Clear channel and high-powered regional station non-network advertising increased 23.6% as compared to 1934, while regional station volume rose 19.9%.

When comparison is made with the latter half of 1933, representing the depression low point of the industry, regional and local station non-network advertising is revealed to have made the most pronounced gains. Regional station non-network volume for the corresponding period of 1935 exceeded the 1933 level by 49.3%, while local station volume rose 76.5%. Clear channel and high-powered regional station non-network advertising experienced an increase of 18.6% over the level of two seasons ago.

Non-network broadcast advertising by power of station is presented in Table III.

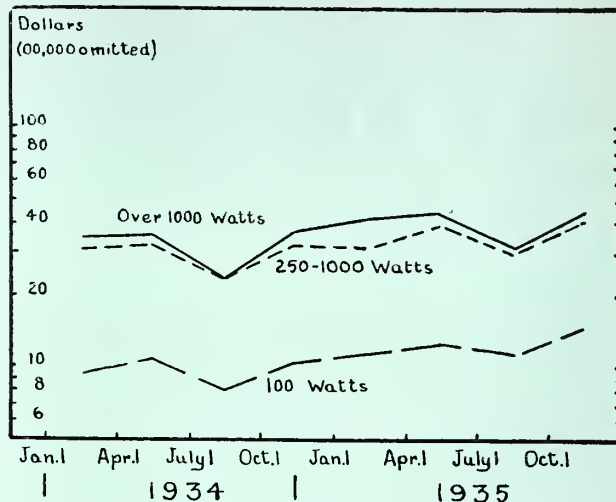
RADIO BROADCAST ADVERTISING VOLUME BY QUARTERS

January, 1934 to December, 1935



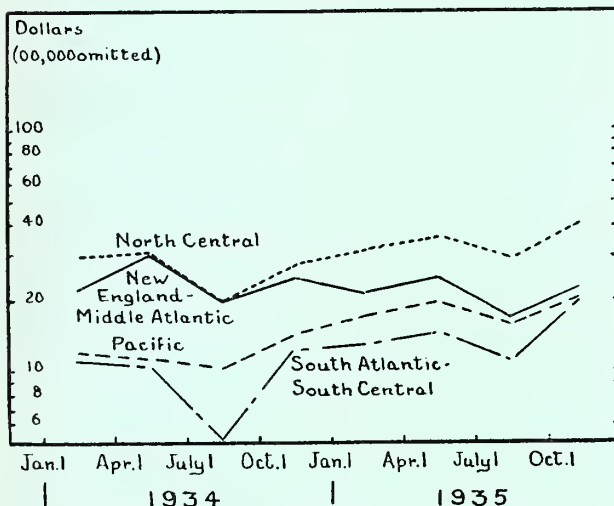
NON-NETWORK ADVERTISING BY STATION POWER (QUARTERLY)

January, 1934 to December, 1935



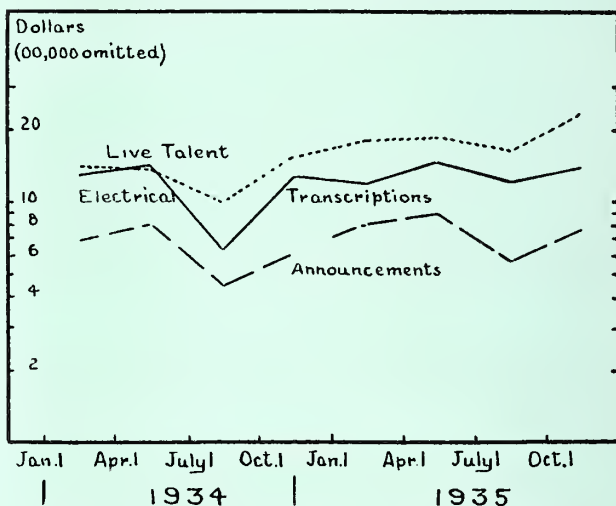
NON-NETWORK ADVERTISING BY GEO- GRAPHICAL DISTRICTS (QUARTERLY)

January, 1934 to December, 1935



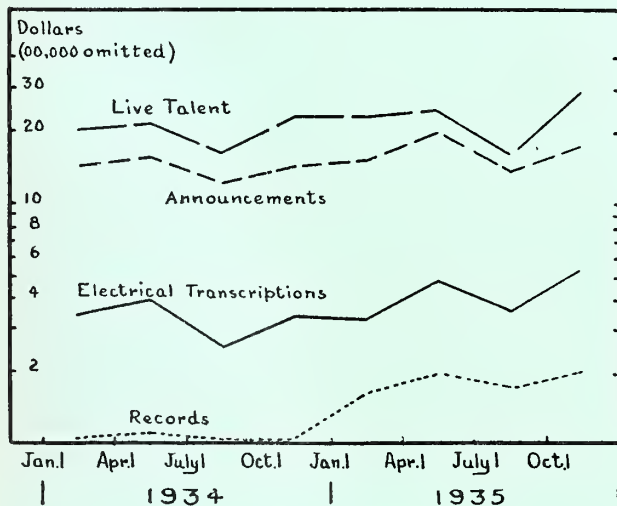
NATIONAL NON-NETWORK ADVERTISING BY TYPE OF RENDITION (QUARTERLY)

January, 1934 to December, 1935



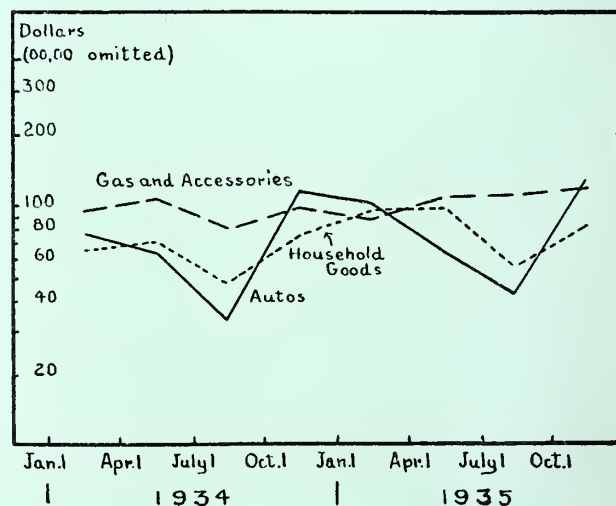
LOCAL ADVERTISING BY TYPE OF RENDITION (QUARTERLY)

January, 1934 to December, 1935

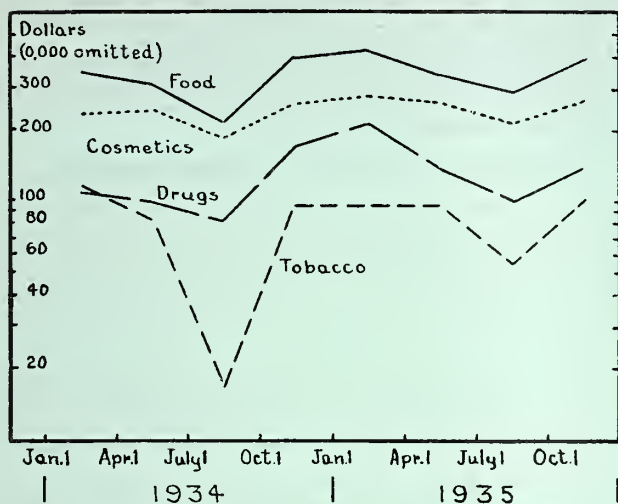


NATIONAL NETWORK ADVERTISING BY PRODUCT CLASSES (QUARTERLY)

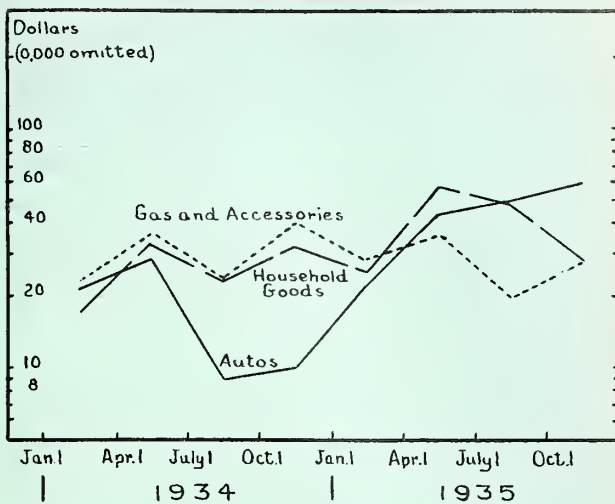
January, 1934 to December, 1935



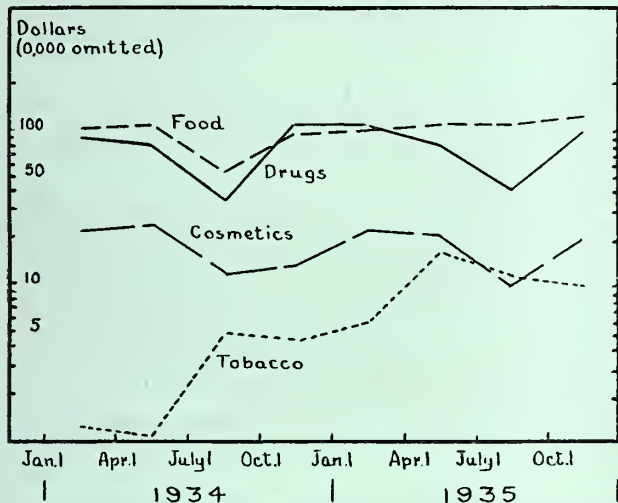
**NATIONAL NETWORK ADVERTISING BY
PRODUCT CLASSES (QUARTERLY)**
January, 1934 to December, 1935



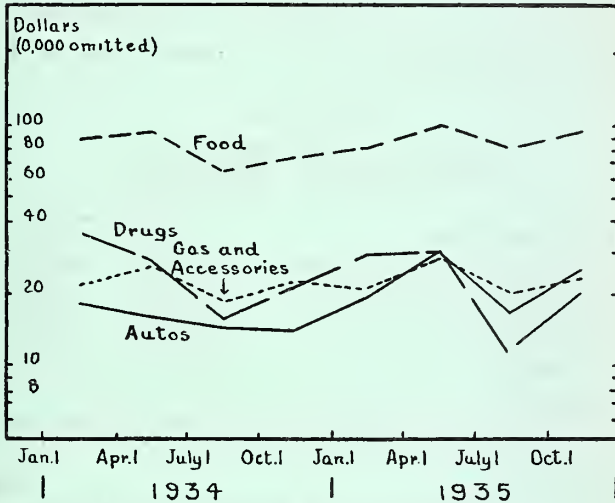
**NATIONAL NON-NETWORK ADVERTISING BY
PRODUCT CLASSES (QUARTERLY)**
January, 1934 to December, 1935



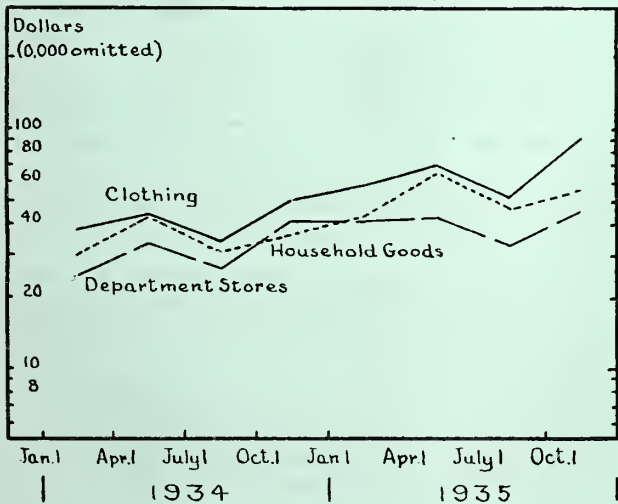
**NATIONAL NON-NETWORK ADVERTISING BY
PRODUCT CLASSES (QUARTERLY)**
January, 1934 to December, 1935



**LOCAL ADVERTISING BY PRODUCT CLASSES
(QUARTERLY)**
January, 1934 to December, 1935



**LOCAL ADVERTISING BY PRODUCT CLASSES
(QUARTERLY)**
January, 1934 to December, 1935



**BROADCAST ADVERTISING BY RETAIL
ESTABLISHMENTS (QUARTERLY)**
January, 1934 to December, 1935

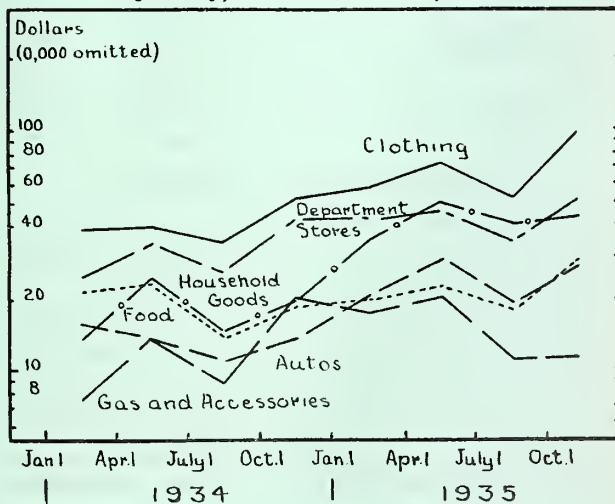


TABLE III
NON-NETWORK BROADCAST ADVERTISING BY
POWER OF STATION

<i>Power of Station</i>	<i>Gross Time Sales</i>	
	<i>1934</i>	<i>1935</i>
Over 1,000 watts.....	\$13,408,584	\$16,564,505
250-1,000 watts.....	12,132,301	14,523,795
100 watts.....	3,982,086	5,257,213
Total.....	\$29,522,971	\$36,345,513

There has been little change in the proportion of non-network advertising placed over stations of varying power as compared with 1934. Clear-channel and high-powered regional stations accounted for 45.5% of non-network volume during 1935. Regional stations represented 40.0% of the total, and local stations 14.5%. The proportion represented by regional stations declined approximately 1.0% from the previous year, while the percentage accounted for by local stations rose a corresponding amount.

The southern and far western portions of the country experienced the most important increases in non-network volume during the year. Non-network advertising in the South Atlantic and South Central States increased 52.8% as compared with 1934, while Mountain and Pacific State volume rose 49.3%. Non-network broadcast advertising in the North Central States experienced a gain of 28.6%, while volume in the New England and Middle Atlantic States rose 9.7%. The comparatively small gain in the last-mentioned region is probably due to the relatively large proportion of total station facilities affiliated with the so-called basic networks of the national network companies. The decided rise in network business has thus acted as an automatic brake on non-network growth by absorbing much of the desirable time.

Non-network broadcast advertising in various sections of the country is set forth in Table IV.

TABLE IV
NON-NETWORK ADVERTISING BY
GEOGRAPHICAL DISTRICTS

<i>Geographical District</i>	<i>Gross Time Sales</i>	
	<i>1934</i>	<i>1935</i>
New England-Middle Atlantic Area...	\$9,815,695	\$8,945,782
South Atlantic-South Central Area....	3,944,650	6,060,358
North Central Area.....	10,822,445	13,941,087
Pacific and Mountain Area.....	4,940,181	7,398,286
Total.....	\$29,522,971	\$36,345,513

The rise in non-network volume in the west and south has materially affected the relative proportion of total advertising of this

type accounted for by each section of the country. Whereas the New England and Middle Atlantic States accounted for 33.2% of total non-network volume in 1934, they represented but 24.5% in the following year. Non-network advertising represented by the South Atlantic and South Central States amounted to 16.6% during the year under review as compared to 13.5% in 1934.

The increase in the proportion accounted for by the Mountain and Pacific States was from 16.9% to 20.7%. Whereas the North Central States were responsible for 36.4% of total non-network advertising in 1934, they accounted for 38.2% in 1935.

Non-network Advertising by Type of Rendition

Live talent programs, produced in station studios, experienced the greatest increase of any major type of rendition during the year, gaining 25.1% over the 1934 level. Transcription volume rose 18.9%, while announcement business increased 19.6%. Records, representing but a small proportion of total non-network advertising volume by type of rendition, registered a gain of 83.7% over the previous year.

The marked gain in live talent business was due principally to a decided trend toward the use of this type of rendition by national advertisers in their non-network broadcasting. National non-network live talent advertising rose 38.2% during the year, as compared to a rise of 15.3% in transcription volume and of 19.1% in announcement business.

Compared to the last six months of 1933, for which data alone are available, national transcription advertising for the corresponding period of 1935 rose 59.6%, live talent volume increased 146.0%, and announcement revenues declined 9.6%.

Local broadcast advertising presented a somewhat different picture as to trends in the use of various types of rendition. Largely because of a marked rise during the latter portion of the year, local transcription volume showed a gain of 33.5% over 1934. Record volume rose 82.4%, live talent business 15.5%, and announcement revenues 20.3%.

Comparing the latter half of the year under review to the corresponding period of 1933 emphasizes, even more clearly, the local transcription trend during the past two seasons. Transcription volume is found to have gained 54.9%, live talent 10.3%, records 12.1%, and announcements 13.9%.

The proportion of total non-network broadcast advertising represented by various types of rendition differed very little from that of the previous year, both in the national and local fields. With regard to total non-network advertising, transcriptions represented 20.9%, live talent 48.3%, records 2.3%, and announcements 28.5%.

In the case of national non-network advertising, transcriptions accounted for 37.7% of total volume, live talent 42.9%, records 0.4%, and announcements 19.0%. Transcription volume amounted to 9.0% of the local broadcast advertising total, live talent 50.0%, records 3.8%, and announcements 37.2%.

Broadcast advertising by type of rendition is represented in Table V.

TABLE V
NON-NETWORK BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS

<i>Type of Rendition</i>	<i>National Non-network</i>		<i>Gross Time Sales</i>		<i>Total</i>	
	<i>1934</i>	<i>1935</i>	<i>Local</i>	<i>1934</i>	<i>1934</i>	<i>1935</i>
Electrical transcriptions.....	\$5,090,925	\$5,870,614		\$1,308,265	\$6,399,190	\$7,614,508
Live talent programs.....	5,798,723	8,015,119		8,356,675	14,155,399	17,679,530
Records.....	55,847	103,914		407,280	463,127	849,071
Announcements.....	2,596,275	3,074,131		5,908,980	8,505,255	10,202,404
Total.....	\$13,541,770	\$17,063,778		\$15,981,201	\$29,522,971	\$36,345,513

Broadcast Advertising Sponsorship

With the exception of financial advertising, which declined 0.2% as compared to the preceding year, all forms of broadcast advertising sponsorship experienced gains during 1935. Automotive advertising increased 49.6% as against 1934. Automotive volume rose on all portions of the medium, national non-network business leading with a gain of 148.8%. Clothing advertising volume rose 52.8%, due principally to an increase in the local field. Housefurnishings advertising exceeded the 1934 level by 47.7%, local volume again being responsible in the main. Department store advertising increased 35.3%; national non-network volume, composed of advertising by the retail branches of mail order houses, rose 93.8%.

Other increases as compared to 1934 were as follows: Amusements, 1.4%; gasoline and accessories, 5.6%; drugs and pharmaceuticals,

18.3%; cosmetics, 9.0%; foodstuffs, 20.6%; beverages, 1.0%; confectionery, 30.0%; soap and kitchen supplies, 3.8%; radio sets, 66.0%; tobacco products, 26.5%; and miscellaneous advertisers, 11.8%.

Foodstuffs again lead the sponsor field, accounting for 19.0% of the total broadcast advertising volume of the year. This was the same as in 1934. The combined food, beverage and confectionery group represented 26.7% of the year's radio advertising volume, as compared to 27.4% in 1934.

Cosmetics ranked second, with 13.1% of the medium's total as compared to 14.4% in the previous year. Drugs and pharmaceuticals ranked third with 12.1% in 1935 and 12.3% in the year prior to that. The miscellaneous group again ranked fourth, accounting for 10.2% of the total revenues of the medium during the year under review,

and 11.3% in 1934. Accessories placed fifth, as in the preceding year, accounting for 7.6% in 1935 and 8.6% in 1934.

The most marked change in proportion of total broadcast advertising represented by it occurred in the automotive field, which, though

remaining in sixth place, rose from 5.7% of the medium's revenues to 7.1%.

Broadcast advertising in 1934 and 1935 by different product and service groups is found in Tables VI (A) and VI (B).

TABLE VI(A)
BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS
(1935)

Type of Sponsoring Business	National Networks		Regional Networks		Gross Time Sales National Non-network		Local		Total	
1a. Amusements	—	—	—	—	\$53,740	.3%	\$504,515	2.6%	\$558,255	.6%
1-2. Automobiles and accessories:										
1. Automobiles	\$3,466,379	6.9%	\$8,174	.7%	1,795,853	10.5%	949,056	4.9%	6,219,462	7.1%
2. Accessories, gas and oils	4,311,909	8.6%	156,937	14.1%	1,152,268	6.6%	966,093	5.0%	6,587,207	7.6%
3. Clothing and apparel	456,743	.9%	54,103	4.9%	367,420	2.2%	2,757,916	14.3%	3,636,182	4.2%
4-5. Drugs and toilet goods:										
4. Drugs and pharmaceuticals	6,145,306	12.3%	76,627	6.9%	3,480,850	20.5%	918,934	4.8%	10,621,717	12.1%
5. Toilet goods	10,294,126	20.6%	33,769	3.0%	851,281	5.0%	276,395	1.4%	11,455,571	13.1%
6-8. Food products:										
6. Foodstuffs	10,456,847	20.9%	272,317	24.5%	3,513,948	20.6%	2,405,326	12.5%	16,648,438	19.0%
7. Beverages	3,016,912	6.0%	31,963	2.9%	658,622	3.9%	1,063,642	5.5%	4,771,139	5.5%
8. Confections	1,317,113	2.6%	48,122	4.3%	431,733	2.5%	126,307	.7%	1,923,275	2.2%
9-10. Household goods:										
9. Household equipment and furnishings	566,610	1.1%	83,212	7.5%	670,221	3.9%	2,096,064	10.9%	3,416,107	3.9%
10. Soaps and kitchen supplies	2,816,578	5.6%	51,246	4.6%	940,083	5.5%	87,743	.5%	3,895,650	4.5%
11. Insurance and financial	442,425	.9%	5,350	.5%	208,429	1.2%	673,867	3.5%	1,330,071	1.5%
12. Radios	1,081,460	2.2%	—	—	129,565	.8%	191,543	1.0%	1,402,568	1.6%
13. Retail establishments	59,119	.1%	860	.1%	109,008	.6%	1,659,122	8.6%	1,828,109	2.1%
14. Tobacco products	3,528,790	7.1%	169,565	15.3%	457,380	2.7%	79,611	.4%	4,235,346	4.8%
15. Miscellaneous	2,107,369	4.2%	118,494	10.7%	2,243,287	13.2%	4,525,601	23.4%	8,994,751	10.2%
Total	\$50,067,686	100.0%	\$1,110,739	100.0%	\$17,063,688	100.0%	\$19,281,735	100.0%	\$87,523,848	100.0%

TABLE VI(B)
BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS
(1934)

Type of Sponsoring Business	National Networks		Regional Networks		Gross Time Sales National Non-network		Local		Total	
1a. Amusements	—	—	—	—	\$35,742	.3%	\$514,986	3.2%	\$550,728	.8%
1-2. Automobiles and accessories:										
1. Automobiles	\$2,785,685	6.2%	\$5,853	.9%	721,743	5.3%	644,545	4.1%	4,157,826	5.7%
2. Accessories, gas and oils	3,827,158	8.6%	222,266	31.0%	1,287,053	9.5%	901,302	5.6%	6,237,779	8.6%
3. Clothing and apparel	372,776	.8%	15,723	2.2%	301,563	2.2%	1,690,076	10.6%	2,380,138	3.2%
4-5. Drugs and toilet goods:										
4. Drugs and pharmaceuticals	4,804,381	11.1%	23,922	3.2%	3,134,909	23.1%	1,012,440	6.3%	8,975,652	12.3%
5. Toilet goods	9,400,764	24.2%	7,883	1.1%	795,945	5.8%	305,868	1.9%	10,510,460	14.4%
6-8. Food products:										
6. Foodstuffs	8,450,701	20.1%	178,726	25.1%	2,778,730	20.5%	2,404,898	15.1%	13,813,055	19.0%
7. Beverages	3,358,805	7.5%	71,319	10.0%	517,721	3.8%	774,948	4.8%	4,722,793	6.4%
8. Confections	1,081,363	2.4%	9,210	1.3%	335,975	2.4%	46,514	.3%	1,473,062	2.0%
9-10. Household goods:										
9. Household equipment and furnishings	417,168	.9%	20,502	2.8%	535,848	3.9%	1,345,497	8.4%	2,319,015	3.2%
10. Soaps and kitchen supplies	2,210,178	5.1%	796	.1%	515,415	3.7%	94,403	.6%	2,820,791	3.8%
11. Insurance and financial	611,822	1.3%	21,904	3.0%	201,369	1.5%	497,758	3.1%	1,332,853	1.8%
12. Radios	656,090	1.4%	—	—	50,382	.4%	138,938	.9%	845,410	1.0%
13. Retail establishments	—	—	—	—	56,256	.5%	1,295,026	8.1%	1,351,282	1.9%
14. Tobacco products	3,181,988	7.1%	3,835	.5%	125,544	.9%	35,853	.2%	3,347,220	4.6%
15. Miscellaneous	1,488,202	3.3%	135,178	18.8%	2,147,575	16.2%	4,278,149	26.8%	8,049,105	11.3%
Total	\$42,647,081	100.0%	\$717,117	100.0%	\$13,541,770	100.0%	\$15,981,201	100.0%	\$72,887,169	100.0%

National Network Advertising in 1935

With but two exceptions, all fields of national network advertising increased as compared to 1934. The exceptions in question were a decline of 27.7% in network financial advertising and a decrease of 10.2% in the beverage field.

The most important gains in the national network field were an increase of 24.4% in automotive advertising, a rise of 23.7% in food sponsorship, and one of 27.9% in the drug and pharmaceutical field. Network drug advertising declined toward the end of the year, how-

ever, as the new policies with regard to this type of advertising began to take effect. The miscellaneous group showed a rise of 41.6% during the year, indicating a widening sponsorship of broadcast advertising over networks. Radio set advertising, representing a somewhat less important segment of the network total, experienced the most pronounced relative increase over the previous year, rising 64.8%.

Other increases in the national network field were as follows: Accessories and gasoline, 12.7%; clothing, 22.5%; cosmetics, 9.5%; confectionery, 21.8%; household equipment, 35.8%; soap and

kitchen supplies, 27.5%; tobacco, 10.9%. National network retail volume represents mail order advertising. None of this class was broadcast in 1934.

Foodstuffs lead the national network field in 1935, accounting for 20.9% of the total volume. Cosmetics, which ranked first in 1934 with 24.2% of the year's total, moved to second place, accounting for 20.6% of 1935 revenues. Drugs were third with 12.3%; accessories and gasoline fourth with 8.6%; tobacco fifth with 7.1%; and automotive advertising sixth with 6.9%. With the exception of the decline in relative importance of cosmetics, the proportion of total volume represented by the leading sponsor groups changed but little from 1934.

Regional Network Advertising

The outstanding development of the year in the regional network field was the increasing diversity of products utilizing this form of broadcast advertising. In addition to several comparative newcomers among the users of regional network advertising, there was a general increase in many sponsoring groups.

Tobacco advertising, principally cigars, rose from \$3,835 in 1934 to a total of \$169,565 during the year under consideration. Soap and kitchen supply advertising increased from \$796 in the previous year to \$51,246 in 1935.

Other fields to experience marked gains included the following: Clothing, 244.1%; cosmetics, 328.8%; drugs and pharmaceuticals, 220.3%; confectionery, 422.5%; and household equipment, principally paints, 305.9%. Foodstuffs, the most important sponsoring group in the regional network field, registered an increase of 52.4% over the 1934 level. Automotive volume rose 39.7%.

Decreases in the remainder of the sponsor group were as follows: Accessories and gasoline, 29.4%; beverages, 55.2%; financial, 75.6%; and miscellaneous, 12.3%. Of these, only gasoline and the miscellaneous group represented important segments of the regional network total.

The important developments in the regional network field with respect to advertising sponsorship brought with them a marked realignment of product groups with regard to their relative importance. Foodstuffs remained in first place, and accounted for 24.5% of the regional total, as compared to 25.1% in 1934. Tobacco climbed from fifteenth in 1934 to second during the year under review and accounted for 15.3% of the regional network total. Gasoline and accessories dropped from first in 1934, when they amounted to 31.0% of the total, to third in 1935, with 14.1%.

The miscellaneous group represented 10.7% in 1935 and ranked fourth. This group accounted for 18.8% of regional revenues in the previous year. Household equipment ranked fifth with 7.5% and drugs sixth with 6.9%. In 1934 drugs ranked fifth with 3.2% and household equipment sixth with 2.8%.

National Non-network Advertising

National non-network advertising experienced increases with regard to all sponsoring product and service groups with but a single exception, gasoline and accessories, which decreased 10.5%. The decline in this field occurred principally since August 1935.

Several highly important gains were recorded during the year. Tobacco advertising, principally cigars and pipe tobacco, increased 264.3% during the year. Automotive advertising rose 148.8%, soap and kitchen supply advertising 82.4%, and mail order retail store advertising 93.8%. The automotive rise began in February 1935 and continued steadily since that time.

Other increases in the national non-network field were as follows: Amusements, 50.4%; clothing, 21.8%; drugs, 11.0%; cosmetics, 7.0%; foodstuffs, 26.3%; beverages, 27.2%; confectionery, 28.5%; household equipment, 25.1%; financial, 3.5%; radios, 57.2%; miscellaneous, 4.5%.

As in the case of national and regional network advertising, foodstuffs comprised the largest single class of national non-network advertising, accounting for 20.6% of the total volume in 1935. This was the same proportion as in the preceding year. However, in 1934, drugs ranked first and represented 23.1% of national non-network revenues. This class of goods dropped to second place, with 20.5%, during the year just closed.

The miscellaneous group ranked third in the national non-network field, comprising 13.2% and 16.2% of total revenues in 1935 and 1934, respectively. Automotive advertising ranked fourth in 1935, with 10.5% of the total, as against sixth in 1934 with 5.3%. Gasoline and accessories ranked fifth in the year just completed with 6.6% as compared to fourth, with 9.5%, in the preceding year. Soap and kitchen supplies ranked sixth in 1935 with 5.5% of the national non-network total. This class of commodity was ninth in the previous year with 3.7%.

Local Broadcast Advertising

Increases again were fairly general in the local broadcast advertising field, though in practically no instance were they as spectacular as in other portions of the medium. Automotive, clothing and house furnishing advertising, fields enjoying considerable growth in sales during the past year, gained especially. Local automotive advertising exceeded the 1934 level by 47.2%. Clothing volume rose 63.2%, while house furnishing advertising increased 55.8%. Local department store sponsorship gained 28.1% over the previous year.

Other gains included the following: Gasoline and accessories, 7.2%; beverages, 37.3%; confectionery, 171.5%; financial, 35.3%; radio sets, 37.9%; tobacco products, 22.0%; and miscellaneous, 5.8%.

Several decreases occurred during the year in the local field. Amusement advertising declined 2.0%, drug volume 9.2%, cosmetic advertising 9.6%, and soap and kitchen supplies 7.0%. Foodstuff volume remained practically unchanged from the previous year's level.

As in 1934, the miscellaneous group comprised the largest single classification in the local broadcast advertising field, accounting for 23.4% of the total revenues of this type. Clothing volume ranked second, and comprised 14.3% of the local total. In 1934 this class of local advertising ranked third and represented 10.6% of local business.

Foodstuffs ranked third in 1935, with 12.5% of the total. House furnishings ranked fourth with 10.9%, automotive advertising fifth with 8.6%, and beverages sixth with 5.5%.

Retail Broadcast Advertising

Broadcast advertising by retail establishments of various types is set forth in Table VII. It will be noted from the table that broadcast advertising by retail establishments increased 48.1% over the previous year.

TABLE VII
RETAIL BROADCAST ADVERTISING OVER
INDIVIDUAL STATIONS

Type of Sponsoring Business	Gross Time Sales			
	1934		1935	
Automobiles and accessories:				
Automobile agencies and used car dealers.....	\$594,400	8.3%	\$991,595	9.3%
Gasoline stations, garages, etc.	525,997	7.3%	638,195	6.0%
Clothing and apparel shops	1,681,573	23.3%	2,810,962	26.4%
Drugs and toilet goods:				
Drug stores	180,220	2.5%	245,428	2.3%
Beauty parlors	59,358	.8%	108,393	1.0%
Food products:				
Grocery stores, meat markets, etc.	568,157	7.9%	587,265	5.5%
Restaurants and eating places	222,461	3.1%	245,506	2.3%
Beverage retailers	11,187	.2%	42,739	.4%
Confectionery stores, etc.	23,535	.3%	26,459	.3%
Household goods:				
Household equipment retailers	413,340	5.7%	652,914	6.1%
Furniture stores	612,223	8.5%	1,045,802	9.9%
Hardware stores	134,525	1.8%	220,838	2.0%
Radio retailers	145,805	2.0%	172,219	1.6%
Department and general stores	1,351,282	18.7%	1,768,990	16.6%
Tobacco shops	8,896	.1%	8,702	.1%
Miscellaneous	650,109	9.5%	1,074,192	10.2%
Total	\$7,183,069	100.0%	\$10,640,199	100.0%

The most spectacular increase in the field was with regard to beverage retailers, the advertising volume of which rose 282.0% as compared to the preceding year. This class of retail trade, however, is comparatively unimportant and represents but 0.4% of the total retail radio advertising volume.

The most significant increases in retail broadcast advertising included the following: Automotive, 66.8%; clothing, 67.2%; household equipment dealers, principally electrical appliances, 57.9%; furniture stores, 70.8%; hardware retailers, 64.2%; miscellaneous retail establishments, 65.2%; and department stores, 30.9%.

Gasoline and accessory retail advertising rose 21.3%, drug store volume 36.2%, that of beauty parlors 82.6%, grocery stores 3.4%, restaurants 10.4%, confectionery shops 12.4%. Retail tobacco shop business alone declined, dropping 2.2%. This class, however, is quite negligible.

As will be noted from the percentages appearing on Table VII, clothing store volume led the retail field with 26.4% of the entire radio volume. Department stores ranked second with 16.6%, miscellaneous third with 10.2%, furniture stores fourth with 9.9%, automotive fifth with 9.3%, and household equipment dealers sixth with 6.1%.

Comparison with Latter Half of 1933

Since the year of 1933 represented the low point of broadcast advertising during the depression, a comparison of 1935 sponsorship with that period will be of interest. Since complete data are available only for the second half of the former year, all comparisons have been made on the basis of that period and the corresponding months of the year just closed.

Interesting shifts are to be observed in the national network field. The miscellaneous group showed the greatest gain as compared to 1933, rising 162.6%, again pointing to an increasing diversity of broadcast advertising sponsorship.

Soap and kitchen supply volume rose 158.0%, while automotive

advertising increased 156.8%. Other gains were as follows: Radio sets, 111.3%; drugs, 81.4%; cosmetics, 99.4%; and foodstuffs, 78.8%. Advertising in several fields declined. Clothing dropped 14.2%, beverage volume 7.5%, house furnishings 49.0%, tobacco 5.0%, and financial 59.0%.

In the regional network field comparison with 1933 merely confirmed the trends noted in the past year. There were no important decreases.

Marked gains were indicated throughout the entire national non-network field. Automotive volume more than tripled. Tobacco advertising increased more than thirty times the 1933 figure, while radio set volume rose sevenfold. House furnishing and beverage advertising doubled. Clothing and food advertising rose materially, as did drug sponsorship.

Principal decreases in the national non-network field were a decline of 31.2% in gasoline and accessory volume as compared with the latter half of 1933, a drop of 41.0% in cosmetic advertising and of 27.7% in confectionery business.

In the case of local broadcast advertising volume, most gains were comparatively slight as compared to the latter half of 1933. Outstanding increases were as follows: Clothing, 73.1%; house furnishings, 88.0%; beverage and radio set advertising, more than doubled. Food advertising remained at the 1933 level. Amusement volume declined 34.6%, drug advertising 70.0%, and soap and kitchen supply business 54.7%.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

NAB REPORTS

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PRATT NEW NAB ATTORNEY

Elmer W. Pratt, for some years attorney and Examiner for the Federal Radio Commission, has been appointed attorney for the NAB.

Mr. Pratt was born at Salt Lake City, Utah, on October 28, 1900, educated in the grade and high schools and a business college of that city and graduated from the National University Law School, this city.

He was employed by former Senator Reed Smoot of Utah for five years, the last two years of which he was private secretary to Senator Smoot as well as clerk of the Senate Finance Committee of which the Senator was chairman.

Mr. Pratt was the first attorney to enter the employ of the old Federal Radio Commission as well as the first Examiner. He was employed by the Commission for five years and left on June 30, 1933, since which time he has been engaged in the practice of law specializing in radio.

He will devote all of his time to the NAB work and will deal primarily with matters relating to state and municipal taxation. He will, however, be given time to dispose of his present active law cases.

BOARD OF DIRECTORS MEETING

The NAB Board of Directors held a meeting in Chicago, Illinois, February 3rd, on the subject of copyright. The full text of a report on copyright, with conclusions and recommendations of the Managing Director, and the actions taken thereon by the Board, will be furnished to the members in a special edition of NAB Reports which will be mailed about February 18th. The mailing of this report was delayed at the request of a member of the Board in order that he might file a minority report.

ADDITIONAL POWER RECOMMENDED FOR WJAS

Broadcasting Station WJAS, Pittsburgh, Pa., operating on a frequency of 1290 kilocycles applied to the Federal Communications Commission to increase its power from 2,500 to 5,000 watts daytime. It now operates with 1,000 watts night full time.

Examiner Ralph L. Walker in Report No. I-190 recommended that the application be granted. The Examiner found that "there is a need for the additional service proposed" and that "the interest of existing stations will not be adversely affected by reason of interference."

GARDNER NURSERY COMPANY, OSAGE, IOWA

Members are advised to communicate with NAB headquarters before contracting with Gardner Nursery Company, Osage, Iowa.

DUFFY COPYRIGHT BILL

Members are urged to wire or telephone their Congressmen at once urging them to sign petition No. 26 filed February 12, 1936, by Congressman Marion A. Zioncheck to report the Duffy Copyright Bill (S. 3047) to the House. It is necessary that 218 signatures be affixed to the petition.

RULE RELAXED TEMPORARILY

At a general session of the Federal Communications Commission it was decided to relax until February 15, Rule 100.6 pending further study. This rule now reads:

"Subject to the provisions of Sections 4 (j), 412 and 606 of the Act, the files of the Commission shall be open to inspection as follows:

- Tariff schedules required to be filed under Section 203 of the Act and annual and monthly reports required to be filed under Section 219 of the Act.
- Hearing dockets, only as to applications, licenses, and other instruments of authorizations, notices, appearances, motions, petitions, and other pleadings, depositions, transcripts of testimony, exhibits, examiners' reports, exceptions, and orders of the Commission.
- Other files, in the discretion of the Commission, upon written request describing in detail the document to be inspected, and the reasons therefor."

R. R. MINTON

The Managing Director is desirous of learning the present address of R. R. Minton, who has been putting on "BY-NOW" programs.

NEW SACRAMENTO STATION RECOMMENDED

Application was filed by the Golden Empire Broadcasting Company with the Federal Communications Commission for a construction permit for a new station at Sacramento, Cal., to use 1310 kilocycles, 100 watts unlimited time. Royal Miller also applied for a permit for a station to be located at the same place to use 1210 kilocycles, 100 watts power and daytime power.

Chief Examiner Davis G. Arnold in Report No. I-199 recommends that the application of Royal Miller be granted but that of the Golden Empire Broadcasting Company be denied. The Examiner found that there is not need for two additional radio stations at Sacramento. The Examiner states that Mr. Miller has been "for more than twenty years a resident of the city of Sacramento and is in a better position to know, and to render, the class and character of the radio service need in the area proposed to be served."

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

- American Centrifugal Corporation, New York City (2-1890, Form A-1).
American Lime & Stone Company, Bellefonte, Pa. (2-1891, Form A-2).
James Talcott, Inc., New York City (2-1893, Form A-2).
Holland Furnace Company, Holland, Mich. (2-1894, Form A-2).
Rome Cable Corporation, Rome, N. Y. (2-1896, Form A-1).

Washington Garden, Inc., Washington, D. C. (2-1897, Form A-1).

General Finance Corporation, Detroit, Mich. (2-1898, Form A-1).

RECOMMENDS DENYING NEW CALIFORNIA STATION

F. W. Atkinson, applied to the Federal Communications Commission for authority to erect a new broadcasting station at Watsonville, Cal., to use 1310 kilocycles, 250 watts power and daytime operation.

Examiner John P. Bramhall in Report No. 191 recommended that the application be denied. He found that the area proposed to be served is already receiving ample radio service. The Examiner states also that there are now two applications pending before the Commission which might cause interference. "The interference which might be created," says the Examiner, "by the granting of this application with the proposed station would be only slight, since the required separation is 74 miles and the actual separation is 70 miles." He found, however, that granting the application will not serve the public interest.

INCREASED POWER AND TIME SUGGESTED

Broadcasting Station KRSC, Seattle, Wash., filed an application with the Federal Communications Commission asking that its power be increased from 100 to 250 watts and that its operation be increased from daytime to unlimited. The station operates on a frequency of 1120 kilocycles.

Examiner P. W. Seward in Report No. I-192 recommends that the application be granted. He found that a need for local service in the area proposed does exist and therefore that granting of the application would be in the public interest.

BROOKLYN HEARING DATE SET

The Federal Communications Commission has extended the present licenses of all Brooklyn radio stations involved in Dockets Nos. 1780, 1936, 2039, 2641, 1882, 2013, 2014, 1967, 2643, 1883, 1968, 2642, for an indefinite period, but not beyond the expiration of the present license period—May 1—and ordered that the cases be opened de novo before the Commission en banc. Hearings will begin in this case on April 6.

NEW GEORGIA STATION RECOMMENDED

E. F. and S. F. Sapp applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Waycross, Ga., to use 1200 kilocycles, 100 watts and unlimited time on the air.

Examiner R. H. Hyde in Report No. I-193 recommended that the application be granted. He states that granting of the application would not cause any interference and that it is "shown that there is no available radio service of primary signal quality in the area proposed to be served, and that there is an active interest on the part of the public in the establishment of local broadcast facilities. From this it is concluded that there is a need for the proposed new station."

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following companies. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

No. 2692. Alleging the use of a sales scheme involving a lottery, a complaint has been issued against **General Concessions Corporation**, 6545 Carnegie Ave., **Cleveland**, manufacturer and distributor of candies.

Every package of candy sold by this company contained a prize but some prizes were of greater value than the ordinary run, in fact, exceeded in value the retail price of the package of candy itself, according to the complaint. Purchasers receiving packages containing the more valuable prizes did so entirely by chance, it is alleged.

No. 2694. Deceptive use of the initials of the International Seamen's Union of America and of names which falsely imply a connection with that union is alleged in a complaint issued against the **I. S. U. Rank and File Group**, and others, of No. 1 Union Square, **New York City**, associations publishing the "I. S. U. Pilot," "I. S. U. Guide," "Union Seaman," and "The Pilot."

Operating from its New York office and from branch offices in Baltimore, New Orleans, Philadelphia, and other cities, the respondents are alleged to be in competition with other associations engaged in the sale of magazines in interstate commerce, including the International Seamen's Union of America, which, according to the complaint, has become known and has been referred to for more than twenty years as the "I. S. U." The International Seamen's Union of America publishes a monthly magazine called the "Seamen's Journal."

Nos. 2695-2696-2697-2698-2699-2702-2704-2705-2706-2707-2708-2709. Unfair methods of competition are alleged in complaints issued against 12 companies engaged in the manufacture and sale of candy. It is charged that the respondents pack their products in assortments so as to involve the use of lottery schemes when the candy is sold and distributed to consumers.

The complaints set out that some of the respondent companies use push boards in their sales plans. Others rely upon lottery schemes by which the purchaser, for a stated price, selects a piece of candy from the assortment and may, if his choice is lucky, win a larger piece of candy, bars of candy, a box of candy, or an article of merchandise. Similar prizes may be won under the push board method, which also involves an element of chance.

The complaints were issued against the following respondents: **Bunte Bros., Inc., Chicago**; **Walter T. Hall and Minnie M. Hall**, individually, and doing business under the name of **Walter T. Hall & Co., Ottumwa, Iowa**; **Woody Candy Co., 609 N. W. 2nd St., Oklahoma City, Okla.**; **Avalon Candy Corporation, 2064 Marengo St., Los Angeles**; **Fine-Reding Candy Manufacturing Co., Inc., 323 N. Queens St., Oklahoma City, Okla.**; **Pearson Candy Co., 108 Glenwood Ave., Minneapolis**; **Williams-Crahan Co., One N. W. First St., Oklahoma City, Okla.**; **Startup Candy Co., Provo, Utah**; **J. G. McDonald Chocolate Co., Salt Lake City**; **Raleigh Candy Co., First and Vine Sts., St. Louis, Mo.**; **Shupo-Williams Candy Co., Wall Avenue and 26th St., Ogden, Utah**; **John H. Dockman & Son, Inc., 32 E. Montgomery St., Baltimore.**

No. 2700. Alleging that **Julius Abrahams**, trading as **Philadelphia Badge Co.**, practiced unfair competition by falsely advertising that his products were purchased by the United States Government, a complaint has been issued against Abrahams, whose address is 942 Market St., **Philadelphia**.

Manufacturing and selling stamp photos, Abrahams is alleged to have advertised that among his nationally known users is the United States Government. This representation, when applied to the respondent's products, is alleged to be false, misleading and deceptive, tending to deceive buyers into believing that Abrahams' commodity is purchased in large quantities by the Government, and, by inference, that it is endorsed by the Government.

No. 2701. A complaint has been issued against **George Landon and M. M. Warner**, of 360 North Michigan Ave., **Chicago**, trading as **Landon & Warner**, charging unfair competition in the sale of an elastic fabricated belt.

Designed for use as an abdominal support, and to provide a means of massaging in reduction of surplus fat, this belt, called the "Director", was advertised as being capable of reducing the waistline from 4 to 6 inches, of eliminating practically all adipose tissue, and doing away with a tired and bloated feeling after meals.

Nos. 2703-2713. Two California wine companies have been served with complaints alleging unfair competition in the designation of their wines for sale in interstate commerce.

E. A. and H. L. Wente, of Livermore, Calif., and Roma Wine Co., Inc., San Francisco, are charged with unfairly using the name "Chateau Yquem" to designate their wines, when, the complaints point out, this name means to the trade and public a specific wine produced from grapes grown on the estate of the Marquis de Lur-Saluze, in the Sauterne country, Province of Bordeaux, France.

The complaints cite findings of the Federal Alcohol Administrator that "Chateau Yquem" is a name of geographic significance known to the consumers and the trade to distinguish the specific wine made of grapes from the Lur-Saluze estate in France.

No. 2710. Alleging unfair representation in advertising matter and radio announcements in aid of the sale of a solution for household uses, a complaint has been issued against **Strong, Carlisle & Hammond Co., 1392 West Third St., Cleveland**, manufacturer of "SIB, Sunshine in Bottles", a sodium hypochlorite solution.

Among representations alleged to have been made are the following: That "SIB, Sunshine in Bottles", will completely and safely remove stains, kill odors instantly, destroy or kill germs, disinfect as it cleans, sterilize dishes, and representations to the effect that it may be taken internally, as "rigid tests prove it safe".

The complaint alleges that these assertions are misleading and that their use constitutes unfair competition with dealers in the same class of products who do not untruthfully advertise them.

No. 2711. Use of false and misleading statements in advertisements is charged in a complaint issued against **Foster-Milburn Co.**, 1280 Main St., **Buffalo, N. Y.**, engaged in the manufacture and sale of Doan's Pills, offered as "a stimulant diuretic to the kidneys".

Claims in the advertisements that the pills contain certain cleansing properties beneficial in kidney disorders, that they restore vigor and vitality, etc., are untrue, according to the complaint.

The complaint alleges such representations are misleading in that they give the impression that the pills are a cure for the conditions described in the advertisements, whereas it is alleged no diuretic is a cure for kidney troubles, and the symptoms enumerated might not indicate a condition for which a diuretic would be prescribed by a qualified physician.

Stipulations

The Commission has issued the following stipulations and cease and desist orders.

No. 2343. An order to cease and desist has been issued against the **Rossett Manufacturing Corporation**, 8 Astor Place, **New York City**, engaged in the sale of hats and caps in interstate commerce, is directed to discontinue representing that it is a manufacturer, by use of the words "manufacture", "manufacturing", or "mills", unless and until it actually does own plants where its products are made.

The order prohibits the respondent from making the assertion "We buy cloth direct from the mills, manufacture caps at our own plant, and sell them direct to you at a small profit—That is the reason we can sell you winter caps at these prices", until such representation is true.

No. 2348. **Universal Extract Co., Inc.**, 380 Throop Ave., **Brooklyn, N. Y.**, has been ordered to discontinue representing by labels, newspaper advertising or radio broadcasts, or by any other method, that it imports or exports the flavoring extracts it manufactures and sells in interstate commerce, or that the ingredients composing the extracts are imported from foreign countries.

The order prohibits use on extract container labels of words in a foreign language or in any language which imply that the respondent is the sole representative in America in the sale of preparations of certain extracts.

No. 2358. **The Blind Weavers, Inc.**, 2215 South Turner Ave., **Chicago**, engaged in selling hand-woven and machine-made chenille rugs, has been directed to cease and desist from representing that it is a charitable institution for the blind, also from representing to purchasers of its merchandise that they are buying products of blind people domiciled in such institutions, instead of the products of a private commercial enterprise.

The respondent, under the order, is to discontinue advertising for sale or selling machine-made chenille rugs without a statement in clear and legible type, in its advertising matter or on tags affixed to the rugs, that such products are not made or woven by the blind.

No. 2457. Simulation of the dress and appearance of containers used by competitors in the sale of toothpaste is forbidden under an order to cease and desist issued against **New England Collapsible Tube Co.**, 170 Broad St., **New London, Conn.**, manufacturer and seller of dentifrices and other merchandise, and against **Robert P. Gust Co., Inc.**, 529 South Franklin St., **Chicago**, manufacturers' sales agent, which sold the dentifrices of the New England firm.

The order requires the respondents to discontinue selling toothpaste or other merchandise in tubes, boxes, cartons or packages which in dress and appearance simulate the containers used by competitors and thus tend to deceive and mislead dealers and the purchasing public into the belief that the respondents' toothpaste and other products are those of competitors.

No. 2464. **Frederick W. Dobe**, of near **Libertyville, Ill.**, doing business as **Dobe School of Drafting** and as **Engineer Dobe**, has been ordered to cease and desist from certain unfair methods of competition in the sale of his correspondence course of instruction in drafting.

Representations that draftsmen are in demand and that jobs in their field are plentiful at times when such is not the case, or that salaries of beginners and experts in the field are other than the salaries actually prevailing at the time the representations are made, are to be discontinued, under the order. The respondent is required by the order to cease representing that he maintains an employment agency for his students, and will refund money paid to him by students if they do not obtain jobs, unless such assertions are truthful.

No. 2584. **Union Pencil Co., Inc.**, 305 Broadway, **New York City**, has been ordered to cease and desist from certain unfair methods of competition in selling its products in interstate commerce.

The respondent is required, under the order, to discontinue representing through advertising, letterheads, or other stationery, that its pencils will outlast other brands in the same price range by three or four times, or that they have been tested by the United States Bureau of Standards, or tested for comparison with competing pencil products by an independent and unbiased agency.

No. 2609. **The Stetson Pants Co.**, 212 East 8th St., **Cincinnati**, has been ordered to cease and desist from making, publishing, or circulating statements falsely creating the belief among potential purchasers that it manufactures the trousers it sells in interstate commerce.

Representations that the respondent company is exclusive owner of a particular form of merchandise or that it holds any patent or copyright on a so-called "Vizulizer", which is an integral part of a sales promotion plan, are prohibited under the order.

No. 2640. An order has been issued against the **American White Cross Laboratories, Inc.**, prohibiting certain unfair competitive methods in the sale of absorbent cotton products. The company has its headquarters at 52 Webster Ave., **New Rochelle, N. Y.**, and a branch plant at **Cape Girardeau, Mo.** It distributes merchandise to chain and syndicate stores, drug stores, surgical supply companies and hospitals.

This company is directed to cease advertising, labeling or otherwise representing packaged cotton as "sterilized" or "sanitary", unless it is sterilized and free from bacteria after it has been packaged and while in its original unbroken package.

No. 2653. **Harry Kapust**, 2557 West North Ave., **Chicago**, has been ordered to discontinue unfair methods of competition in the sale of men's clothing. Kapust is in business under the trade names **Roselle Manufacturing Co.** and **Roselle Clothing Manufacturing Co.**

The order prohibits representation by advertisements or other means that the respondent or his companies are manufacturers of men's suits, until he operates or controls a factory where such merchandise is made.

No. 2659. **H. T. Poindexter & Sons Merchandise Co.**, 801 Broadway, **Kansas City, Mo.**, has been ordered to cease and desist from representing, directly or indirectly, that the cotton print goods it sells in interstate commerce are "tub fast", or that such goods will not fade when washed in the normal course of use, unless and until such goods are in fact dyed with a "tub fast" dye and will not fade when so washed.

No. 2669. **The General Tire & Rubber Co.**, **Akron, Ohio**, is directed to discontinue representing or advertising that its tires are "blow-out proof", until such is a fact, under an order to cease and desist.

The order prohibits the respondent company from phrasing its advertisements so as to cause the public to believe that its tires are "blow-out proof", and from furnishing its dealers and distributors with advertising copy which represents or implies that its tires are "blow-out proof", until and unless they are proof against blow-outs.

No. 2581. **Eton Knitting Corporation**, 13 West 36th St., **New York City**, is directed to discontinue unfair methods of competition in the sale of wearing apparel knitted or crocheted from yarn, under an order to cease and desist.

The order prohibits the respondent from using the word "knitting" as a part of its corporate name, and from advertising or otherwise representing, directly or by implication, that it is a manufacturer or knitter of the wearing apparel it sells, until and unless it owns, operates and controls a factory where its products are actually knitted or crocheted from yarn.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Thursday, February 20

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-130:

NEW—Dudley J. Connolly, Elliot Knight, Roy W. Knight & Fred Sullivan, d/b as Dudley J. Connolly & Co., Chattanooga, Tenn.—C. P., 1200 kc., 100 watts, daytime.

Examiner's Report No. I-136:

KMA—May Seed & Nursery Co., Shenandoah, Iowa—Modification of license, 930 kc., 1 KW, 2½ KW LS, unlimited time. Requests facilities of KGBZ. Present assignment: 930 kc., 1 KW, 2½ KW LS, shares with KGBZ.

KGBZ—KGBZ Broadcasting Co., York, Nebr.—Renewal of license, 930 kc., 1 KW, 2½ KW LS, shares with KMA.

KGBZ—KGBZ Broadcasting Co., York, Nebr.—Modification of license, 930 kc., 1 KW, 2½ KW LS, unlimited time. Requests facilities of KMA. Present assignment: 930 kc., 1 KW, 2½ KW LS, shares with KMA.

KMA—May Seed & Nursery Co., Shenandoah, Iowa—Renewal of license, 930 kc., 1 KW, 2½ KW LS, shares with KGBZ.

Examiner's Report No. I-168:

NEW—W. A. Patterson, Chattanooga, Tenn.—C. P., 1420 kc., 100 watts LS, daytime.

Examiner's Report No. I-108:

NEW—Robert E. Herbst, Moorhead, Minn.—C. P., 1310 kc., 100 watts, unlimited time.

APPLICATIONS GRANTED

KWJJ—KWJJ Broadcast Co., Inc., Portland, Ore.—Granted C. P. to install new antenna; move transmitter and studio locally.

WIS—Station WIS, Inc., Columbia, S. C.—Granted modification of C. P. to extend completion date from 2-10-36 to 5-10-36.

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Granted modification of C. P. to extend completion date from 2-25-36 to 4-25-36.

WSAY—Brown Radio Service & Lab., Rochester, N. Y.—Granted modification of C. P. to change type of equipment; move transmitter and studio sites locally; extend commencement date to this date.

WIL—Missouri Broadcasting Corp., St. Louis, Mo.—Granted license to cover C. P. authorizing installation of new equipment; 1200 kc., 100 watts night, 250 watts day, unlimited.

WSYR-WSYU—Central New York Broadcasting Corp., Syracuse, N. Y.—Granted license to cover C. P. authorizing installation of new equipment; 570 kc., 250 watts, unlimited time.

KIEV—Cannon System Ltd., Glendale, Calif.—Granted license to cover C. P. authorizing new equipment and increase in day power to 250 watts, 850 kc.; daytime.

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Granted license to cover C. P. authorizing changes in equipment; 1200 kc., 100 watts, unlimited time.

WPFB—Forrest Broadcasting Co., Inc., Hattiesburg, Miss.—Granted license to cover C. P. authorizing new equipment; change in hours of operation from S.H. to unlimited, and move transmitter locally, installing new antenna; 1370 kc., 100 watts, unlimited time.

WMFR—Hart & Nelson (J. A. Hart & Wayne M. Nelson), High Point, N. C.—Granted license to cover C. P. authorizing new station; 1200 kc., 100 watts, daytime.

KHJ—Don Lee Broadcasting System, Los Angeles, Calif.—Granted license to cover C. P. authorizing new station; 900 kc., 1 KW night, 5 KW day, unlimited; also granted license for auxiliary transmitter for auxiliary purposes only.

KPRC—Houston Printing Co., Houston, Tex.—Granted license to cover C. P. authorizing removal of transmitter to Deepwater; installing new equipment, and increasing day power to 5 KW; 920 kc., 1 KW night, unlimited.

KGMB—Honolulu Broadcasting Co., Ltd., Honolulu, T. H.—Granted license to cover C. P. authorizing move of transmitter and studio locally, installing new equipment, and increase in power to 1 KW; 1320 kc., unlimited time.

KNET—John C. Welch, Wm. M. Keller, Bonner Firzzell, d/b as Palestine Broadcasting Assn., Palestine, Tex.—Granted license to cover C. P. authorizing new station; 1420 kc., 100 watts, daytime.

KRLH—Clarence Scharbauer, Midland, Tex.—Granted license to cover C. P. authorizing new station; 1420 kc., 100 watts, daytime.

Standard Radio Inc., Hollywood, Calif.—Granted authority to transmit electrical transcription to foreign stations.

KPRC—Houston Printing Co., Houston, Tex.—Granted authority to determine operating power by direct measurement of antenna input in accordance with Rule 137.

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah—Granted amended C. P. to move transmitter site to near Salt Lake City to site to be determined; install new equipment; increase day power from 1 to 5 KW.

W7XBD—Oregonian Publishing Co., Portland, Ore.—Granted modification of C. P. extending commencement date to 1-15-36 and completion date to 8-15-36.

W2XJH—General Electric Co., Portable-Mobile, Schenectady, N. Y.—Granted license to cover C. P. (Exp. Gen. Ex.); frequencies 31100, 34600, 37600, 40600 kc., 15 watts, unlimited, in accordance with Rule 308.

W4XBT—Radio Station WSOC, Inc., Portable-Mobile (Charlotte, N. C.)—Granted license to cover C. P.; frequencies 31100, 34600, 37600, 40600 kc., 2 watts, unlimited, in accordance with Rule 308.

WLBC—Donald A. Burton, Muncie, Ind.—Granted C. P. to change equipment and increase power to 100 watts night, 250 watts day, inasmuch as Rule 131 has now been complied with.

WJBC—Wayne Hummer & H. J. Dee, d/b as Kashaskia Broadcasting Co., Bloomington, Ill.—Granted consent to voluntary assignment of license to Arthur Malcolm McGregor and Dorothy Charlotte McGregor, his wife, a partnership.

WFBC—Greenville News-Piedmont Co., Greenville, S. C.—Granted modification of C. P. to make changes in equipment.

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Granted application in part, authorizing station to move locally and install new antenna system.

WIBA—Badger Broadcasting Co., Inc., Madison, Wis.—Granted extension of special temporary authority to operate with reduced power of 500 watts night, employing non-directional antenna, for the period Feb. 9 to March 9, 1936, in order to facilitate completion of construction authorized by C. P.

NEW—G. D. Goff, Tampa, Fla.—Reconsidered action in denying application for new station at Tampa, Fla., and granted applicant a re-hearing. Desires to operate on 1500 kc., 100 watts.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KEHE, Los Angeles; KFDY, Brookings, S. Dak.; KFEL, Denver, Colo.; KFRU, Columbia, Mo.; KFSD, San Diego, Cal.; KGFX, Pierre, S. Dak.; KGKO, Wichita Falls, Tex.; KHJ, Los Angeles; KLZ, Denver, Colo.; KMJ, Fresno, Cal.; KOAC, Corvallis, Ore.; KOMO, Seattle, Wash.; KPRC, Houston, Tex.; KSAC, Manhattan, Kans.; KTAR, Phoenix, Ariz.; KVI, Tacoma, Wash.; KVID, Denver, Colo.; KWTO, Springfield, Mo.; WAAF, Chicago, Ill.; WBAA, W. Lafayette, Ind.; WBEN, Buffalo, N. Y., and auxiliary; WCAC, Storrs, Conn.; WCHS, Charleston, W. Va.; WCOC, Meridian, Miss.; WEAN, Providence, R. I.; WEEL, Boston, Mass.; WGBF, Evansville, Ind.; WGBI, Scranton, Pa.; WGR, Buffalo, N. Y.; WGST, Atlanta, Ga.; WHJB, Greensburg, Pa.; WILL, Urbana, Ill.; WIP, Philadelphia, Pa.; WJAR, Providence, R. I.; WKRC, Cincinnati, Ohio; WKY, Oklahoma City, Okla.; WKZO, Kalamazoo, Mich.; WLBZ, Bangor, Me.; WMAL, Washington, D. C., and auxiliary; WMC and auxiliary, Memphis, Tenn.; WNAX, Yankton, S. Dak., and auxiliary; WORE, Needham, Mass.; WOSU, Columbus, Ohio; WPEN, Philadelphia, Pa., and auxiliary; WPRO, Providence, R. I.; WQAM, Miami, Fla.; WRAX, Philadelphia, Pa., and auxiliary; WREC, Memphis, Tenn.; WSPA, Spartanburg, S. C.; WSUI, Iowa City, Iowa; WTAR auxiliary, Norfolk, Va.; WWNC, Asheville, N. C.; WCAO, Baltimore, Md., and auxiliary; WDAF, Kansas City, Mo.; WDBO, Orlando, Fla.; WICC, Bridgeport, Conn.; WKBN, Youngstown, Ohio; WSWA, Harrisonburg, Va.; WTAD, Quincy, Ill.; KGW, Portland, Ore.; KPOF, Denver, Colo.; KSD, St. Louis, Mo.

WCBF—WCBF, Inc., Waukegan, Ill.—Granted renewal of license for the period ending Aug. 1, 1936.

ACTION ON EXAMINERS' REPORTS

WKZO—Ex. Rep. 1-8: WKZO, Inc., Kalamazoo, Mich.—Granted C. P., subject to Rule 131, to move transmitter; make changes in equipment; change power from 1 KW day, to 250 watts night, 1 KW day, and change time from daytime to unlimited; 590 kc. Examiner Geo. H. Hill sustained. Order effective, April 7, 1936.

NEW—Ex. Rep. 1-54: Helena Broadcasting Co., Helena, Mont.—Denied C. P. for new station to operate on 1420 kc., 100 watts, unlimited time. Examiner Melvin Dalberg reversed.

NEW—Montana Broadcasting Co., Freda Wessell, Sec'y, Helena, Mont.—Denied C. P. for new station to operate on 1420 kc., 100 watts, specified hours. Examiner Dalberg sustained.

NEW—E. B. Craney, Helena, Mont.—Denied C. P. for new station to operate on 1420 kc., 100 watts, unlimited time. Examiner Dalberg sustained. Order effective April 7, 1936.

KPPC—Ex. Rep. 1-102: Pasadena Presbyterian Church, Pasadena, Calif.—Denied C. P. to install new equipment and increase power from 50 to 100 watts night, 250 watts day; 1210 kc., share with KFXM. Examiner P. W. Seward sustained.

KPPC—Pasadena Presbyterian Church, Pasadena, Calif.—Granted modification of license to increase power from 50 to 100 watts; 1210 kc., share with KFXM. Examiner Seward sustained. Order effective April 14, 1936.

KGBU—Ex. Rep. 1-128: Alaska Radio & Service Co., Inc., Ketchikan, Alaska—Granted C. P., subject to recommendations of Engineering Department with respect to antenna construction, to make changes in equipment, and increase power from 500 watts to 1 KW night, 5 KW day; 900 kc., unlimited time. Examiner Melvin H. Dalberg sustained. Order effective April 14, 1936.

NEW—Ex. Rep. 1-172: Eastern Utah Broadcasting Co. (Sam G. Weiss), Price, Utah—Granted C. P. for new broadcast station to operate on 1420 kc., 100 watts, unlimited time. Examiner P. W. Seward sustained. Order effective April 7, 1936.

NEW—Ex. Rep. 1-177: Wisconsin Broadcasting Co., Oshkosh, Wis.—Denied C. P. for new broadcast station to operate on 1310 kc., 100 watts night, 250 watts day, unlimited time. Examiner John P. Bramhall sustained. Order effective April 14, 1936.

NEW—Edward Hoffman, St. Paul, Minn.—Reaffirmed original grant of C. P. for new radio station at St. Paul, Minn., to operate on 1370 kc., 100 watts, unlimited time, sustaining Examiner Melvin H. Dalberg in Report No. 1-76.

ACTION ON CASES HEARD BEFORE BROADCAST DIVISION

KFYR—Meyer Broadcasting Co., Bismarck, N. Dak.—Granted renewal of license, 550 kc., 1 KW night, 5 KW day, unlimited time. Order effective April 21, 1936.

NEW—Ward Walker, Seattle, Wash.—Denied C. P. for new broadcast station to operate on 760 kc., 250 watts night, 500 watts day, unlimited time (facilities of KXA). Order effective April 21, 1936.

NEW—Symons Investment Co., Seattle, Wash.—Denied C. P. for new broadcast station to operate on 760 kc., 250 watts night, 500 watts day, limited time (facilities of KXA). Order effective April 21, 1936.

KXA—American Radio Tel. Co., Seattle, Wash.—Granted renewal of license, 760 kc., 250 watts night, 500 watts day, limited time. Order effective April 21, 1936.

MISCELLANEOUS

WCFL—Chicago Federation of Labor, Chicago, Ill.—Granted regular renewal of license.

KOB—New Mexico College of Agriculture and Mechanic Arts, Albuquerque, N. Mex.—Granted petition asking continuance of hearing on application for renewal of license. New date set for March 25. Hearing was scheduled for Feb. 11, 1936.

C. G. Hill, Geo. D. Walker, and Susan H. Walker, Winston-Salem, N. C.—Granted request to take depositions in support of application for new station at Winston-Salem, N. C.

WDOD—WDOD Broadcasting Corp., Chattanooga, Tenn.—Granted petition to intervene in application of J. R. Maddox and Dr. W. B. Hair for C. P. for new radio station at Chattanooga to operate on 590 kc., 1 KW, unlimited.

Wyoming Tribune Leader and Wyoming Eagle, Cheyenne, Wyo.—Denied petition to intervene "to oppose granting of application of Wyoming Educational Society (Wyoming Radio Educational Assn.), or any other pending application for radio facilities in Cheyenne."

WHO—Central Broadcasting Co., Des Moines, Iowa.—Granted renewal of license for regular period.

KMMJ—The M. M. Johnson Co., Clay Center, Nebr.—Granted renewal of license for regular period.

WLS—Agr. Broadcasting Co., Chicago, Ill.—Granted renewal of license for regular period.

WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—Granted renewal of license for the regular period.

WATR—The WATR Company, Inc., Waterbury, Conn.—The Commission, Broadcast Division, today granted the petition of WATR, Waterbury, Conn., and ordered the issuance to said station of special experimental authority to operate for the hours 1 to 3 a. m., EST, for a period of 30 days, provided station WOAI, San Antonio, Tex., does not operate during

said hours, and provided further that said authority be issued only upon the express condition that it may be withdrawn at any time by the Commission without advance notice or hearing.

ORAL ARGUMENTS POSTPONED

NEW—Ex. Rep. 1-138: Big Springs Herald Broadcasting Co., Big Springs, Tex.—Oral arguments scheduled for February 27 changed to March 12, 1936.

NEW—Vernon Taylor Anderson, Mgr., ABC Broadcasting Co., Big Springs, Tex.—Oral arguments scheduled for February 27 changed to March 12, 1936.

NEW—Plainview Broadcasting Co., Plainview, Tex.—Oral arguments scheduled for February 27 changed to March 12, 1936.

NEW—North Texas Broadcasting Co., Paris, Tex.—Oral arguments scheduled for February 27 changed to March 12, 1936.

SET FOR HEARING

NEW—Emilio Daffilo Ramirez, Mayaguez, P. R.—Application for C. P. for new station, 1370 kc., 100 watts night, 250 watts day, S.H. (6 to 9 a. m., 12 M-3 p. m., 6 to 9 p. m. daily).

NEW—A. W. Mills, Gallup, N. Mex.—Application for C. P. for new station, 1310 kc., 100 watts, unlimited.

NEW—Berks Broadcasting Co., Pottsville, Pa.—Application for C. P., 640 kc., 250 watts, daytime. Site to be determined.

NEW—Charles E. Wilkinson, Mason City, Iowa.—Application for C. P., 1370 kc., 100 watts, unlimited time. Site to be determined.

NEW—Alex F. Suss, Sacramento, Calif.—Application for C. P., 1310 kc., 100 watts, unlimited time. Site to be determined.

WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—Application for C. P. to install new equipment, increase power from 250 watts to 500 watts night, 1 KW day, employing directional antenna system night-time.

WTJS—The Sun Publishing Co., Inc., Jackson, Tenn.—Application for C. P. to move transmitter from Jackson, Tenn., to another site to be determined; install new equipment; increase power from 100 watts night, 250 watts day, to 250 watts night, 500 watts day; change frequency from 1310 kc. to 920 kc., using directional antenna.

NEW—The Press Democrat Pub. Co., Santa Rosa, Calif.—Application for C. P. for new station, 1310 kc., 250 watts, daytime.

KFBI—The Farmers & Bankers Life Ins. Co., Abilene, Kans.—Application for C. P. to move transmitter site from Milford to 3 miles west of city limits on No. 54 Highway, Wichita, Kans., and studio from Abilene to Wichita; and make changes in equipment.

WEST—Associated Broadcasters, Inc., Easton, Pa.—Application for modification of C. P. to change time of operation from sharing with WKBO to unlimited daytime, share with WKBO night; extend commencement date to 30 days after grant and completion date to 6 months thereafter.

WIL—Missouri Broadcasting Corp., St. Louis, Mo.—Application for C. P. for new equipment; change frequency from 1200 kc. to 1250 kc.; increase power from 100 watts night, 250 watts day, to 1 KW day and night.

KIUN—Jack W. Hawkins and Barney H. Hubbs, Pecos, Tex.—Application for modification of license to change frequency from 1420 kc. to 1310 kc.

WRAX—WRAX Broadcasting Co., Philadelphia, Pa.—Application for modification of license to increase power from 250 watts night and 500 watts day, to 1 KW night, using directional antenna, and 1 KW day.

WPEN—Wm. Penn. Broadcasting Co., Philadelphia, Pa.—Application for modification of license to increase power from 250 watts night (directional antenna), 500 watts day, to 1 KW night (directional antenna), 1 KW day.

NEW—Albert E. Davis, Brownwood, Tex.—C. P., already in hearing docket, amended to read: 1420 kc., 100 watts, daytime. Site to be determined.

NEW—Herbert Hollister, Emporia, Kans.—Application for C. P. for new station, 1500 kc., 100 watts, unlimited time.

NEW—Ruth W. Adcock and S. E. Adcock, d/b as General Broadcasters, Rossville, Ga.—Application for C. P., already in hearing docket, amended to read: 1120 kc., 250 watts daytime. Site to be determined.

NEW—Ruth W. Adcock and S. E. Adcock, d/b as General Broadcasters, Johnson City, Tenn.—Application for C. P., 880 kc., 250 watts daytime. Site to be determined.

NEW—Struble, Strong & Fagan, The Dalles, Ore.—Application for

- C. P., already in hearing docket, amended to read: **1200 kc.**, 100 watts, unlimited. Site to be determined.
- NEW—C. A. Rowley, Ashtabula, Ohio.—Application for C. P., already in hearing docket, amended to read: **940 kc.**, 250 watts, daytime only.
- NEW—Wm. H. Davis, Dixon Pyles, W. H. Johnson, d/b as Magnolia Broadcasting Co., Jackson, Miss.—Application for C. P. for new station, **1420 kc.**, 100 watts, unlimited time.

APPLICATIONS DENIED

- WEDC—Emil Denemark, Inc., Chicago, Ill.—Denied request for temporary authority to operate from 12 midnight to 6 a. m., CST, for a period not to exceed 30 days, pending application for modification of license, requesting same authority on a permanent basis.
- KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—Denied authority to operate with power of 500 watts night, 1 KW day, at present location with present antenna system, pending the installation of antenna system meeting requirements of Rule 131.
- NEW—Northern Commercial Co., Fairbanks, Alaska.—Denied as in cases of default application for C. P. for new station to operate on **550 kc.**, 250 watts, unlimited time, for failure to file an appearance and statement of facts in accordance with Rule 104.6(c). Application heretofore set for hearing.

APPLICATIONS RECEIVED

First Zone

- WREC—WREC, Inc., Memphis, Tenn.—Modification of construction permit (B3-P-161) for changes in equipment; installation of directional antenna; move of transmitter; and increase of power from 500 watts, 1 KW day, to 1 KW, $2\frac{1}{2}$ KW day, requesting extension of completion date from 2-29-36 to 4-29-36.
- NEW—Maine Broadcasting Co., Inc., Portland, Maine.—Construction permit for a new station to be operated on **620 kc.**, 500 watts, 1 KW day, unlimited time.
- WLBZ—Maine Broadcasting Co., Inc., Bangor, Maine.—Modification of license to change frequency from **620 kc.** to **970 kc.**, and hours of operation from unlimited time to daytime until sunset at Chicago, Ill., contingent upon the granting of B1-P-966 requesting a new station at Portland, Maine.
- WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Modification of license to use present licensed transmitter as an auxiliary and the auxiliary transmitter as a main transmitter.

- WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—License **1270** to cover construction permit (B1-P-847) for changes in auxiliary equipment.
- NEW—Auburn Publishing Co., Auburn, N. Y.—Construction permit for a new station to be operated on **1420 kc.**, 100 watts, unlimited time. Amended to make changes in equipment.
- NEW—Atlantic Broadcasting Corp., Portable-Mobile.—Construction permit for a new general experimental station to be operated on **31100, 34600, 37600, 40600, 86000, 400000, 401000 kc.** and above, 50 watts.

Second Zone

- WHBC—Edward P. Graham, Canton, Ohio.—Voluntary assignment **1200** of license and construction permit from Edward P. Graham to The Ohio Broadcasting Co.

Third Zone

- NEW—Van Luke Walling, Huntsville, Ala.—Construction permit **1210** for a new station to be operated on **1210 kc.**, 100 watts, unlimited time.
- NEW—Earl Weir, St. Petersburg, Fla.—Construction permit for a **1370** new station to be operated on **1370 kc.**, 100 watts, unlimited time.
- KILU—Arkansas Radio & Equipment Co., Little Rock, Ark.—Modification of license to add frequencies **2050** and **2790 kc.**
- NEW—Voice of Longview, Portable-Mobile.—Construction permit for a new broadcast pickup station to be operated on **1622, 2050, 2150, 2790 kc.**, 40 watts.

Fourth Zone

- WOWO—The Main Auto Supply Co., Fort Wayne, Ind.—Consent **1160** to transfer of control of corporation from Fred C. Zieg, C. R. Durbin and J. A. Becker to Westinghouse Electric & Manufacturing Co., 800 shares common stock.
- WGL—F. C. Zieg (Allen-Wayne Co.), Fort Wayne, Ind.—Voluntary **1370** assignment of license from F. C. Zieg (Allen-Wayne Co.) to Westinghouse Electric and Manufacturing Co.

Fifth Zone

- KLZ—The Reynolds Radio Co., Denver, Colo.—Modification of **560** license to change name from The Reynolds Radio Co., Inc., to KLZ Broadcasting Co.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

NAB REPORTS

Copyright, 1936. The National Association of Broadcasters

Special
FEBRUARY 18, 1936

REPORT ON COPYRIGHT

Submitted to the Board of Directors at a meeting held in Chicago, Illinois, February 3, 1936

To the Board of Directors of the National Association of Broadcasters:

You have been called to this meeting held February 3, 1936, primarily for the purpose of considering questions of vital importance to the broadcasting industry in the field of copyright. To assist in your determination of these questions, I have prepared this report setting forth the facts as I find them, and closing with certain conclusions and recommendations submitted for your consideration.

By resolution adopted on December 17, 1935, at your last meeting, you conferred broad authority on me to negotiate in behalf of independently-owned stations for copyright licenses. Pursuant to that resolution, over 300 broadcasters gave me powers of attorney to act for them in the crisis which was at hand. This response far exceeded the fondest hopes even of those who voted for the resolution, and represented a unified action in the broadcasting industry beyond anything yet seen. Further pursuant to that resolution, I assembled an advisory committee which I am sure you will agree was truly representative of various classes of independent stations and was composed of able and conscientious men. These men worked long and laboriously with me through two sessions in New York, one of them from December 27 to December 31, 1935, and again on January 10-11, 1936, and I had the constant advice and assistance of several of them in the interim between the two sessions.

Notwithstanding these facts, I regret to report that, so far as ASCAP is concerned, the result was a complete and humiliating failure. This fact is a challenge to the Officers and Directors of the NAB, and to every broadcaster in the United States. How did it come about that the combined negotiating power of over 300 broadcasting stations (including most of the larger independent stations) could be not only utterly ignored but be treated with contempt? One of the principal purposes of this report is to set forth and analyze the facts to determine the answer to this question. This, it seems to me, is necessary in order to decide upon the future course of action of the NAB in the field of copyright, and to avoid any mistakes that may have been made in the past.

In Parts VII and VIII of this report I have set forth my conclusions and my recommendations and shall not anticipate them in detail here. It is necessary, however,

to say a word in advance. Whatever approach is made to the study of the causes of the repeated failure of NAB negotiations with ASCAP, the path leads inevitably to certain basic causes which are familiar to everyone, such as ASCAP's monopolistic power, combined with lack of availability of sufficient non-ASCAP music and with defects in the copyright law. More recently, however, there has been added to these basic causes a factor so important as to have been well nigh a determining influence in all negotiations. I refer to the discriminatory contracts enjoyed by the two national network companies, combined with the power indirectly given to ASCAP by the contracts which those companies have with affiliated stations, under which the latter are obligated to have ASCAP (and other) licenses. As I shall point out, this factor (in addition to the basic causes) more than anything else brought about our recent defeat, and will continue to stand in the way of success of any fair and equitable copyright program NAB may adopt, whether it be per-piece, measured service, or some other kind of system.

If I am correct in this conclusion, then, if NAB is to continue to function in the field of copyright and fairly to represent the great majority of its membership, among its principal objectives should be

1. Elimination of all discriminations in contracts with ASCAP and other licensing pools.
2. Elimination of the requirement in network-affiliate contracts that affiliate stations have licenses from ASCAP or any other licensing pool.
3. Clearance of copyright at the source on network programs, to the end that the network is responsible for the obtaining of licenses and the payment of fees on network programs broadcast by affiliate stations.

Obviously, in the absence of assent by the network member stations of the NAB, these objectives cannot be striven for without a division in the ranks of the Association with all the consequences this would entail. On the other hand, these objectives cannot be ignored without forcing upon the great majority of independent stations a realization that to have any measure of success in future copyright negotiations they must unite outside of NAB and act independently of it. As I see it, the issue for them is not whether they shall or shall not have a per-piece or measured service plan (although, in view

of the fact that the NAB has gone on record in favor of such a plan at its last three conventions, this issue is extremely important). The issue is, whether they are to have *any voice whatever* in determining what agreements they will enter into with licensing pools. So far they have been denied that voice.

Broad as were the powers given me by the resolution of December 17, 1935, I do not construe them as authorizing me definitely to commit either the Board or the Association to either course. It seems to me that a choice must quickly be made between

1. a comparatively innocuous course avoiding any issue wherein the interests of the networks are opposed to those of the independent station, and

2. a militant course which would include the objectives above set forth.

This report is, therefore, also a request for instructions from the Board of Directors by whom I am employed and to whom I am responsible. It may be that the Board will feel that this issue is so far-reaching that it should be submitted to the membership either at the next Annual Convention or at a Special Meeting to be called at an earlier date.

In view of the importance which attaches to the discriminatory contracts, I have, at some length, summarized their nature, their history and their effect on our negotiations, in order that, as nearly as is in my power, the correct facts shall be before the Board. Other headings included in this report explain themselves.

I. ANALYSIS OF TOTAL COPYRIGHT FEES PAID BY BROADCASTERS IN 1935

This analysis is of fundamental importance to an understanding of the present situation. First, it explains the basis for one of the principal complaints against ASCAP by the overwhelming majority of independent broadcasters, as well as the principal obstacle to negotiation of a per-piece or measured service plan. Second, it explains one of the principal reasons leading to the withdrawal of the Warner Brothers group of music publishing houses from ASCAP, i.e., that, because of the discriminatory contracts in favor of the networks, a large portion of the broadcasting industry's net receipts is escaping the payment of fees for the use of copyright music.

For the sake of simplicity and because of lack of data on other licensing organizations, this analysis will be confined largely to copyright fees paid to ASCAP, and will be made in round numbers.

The broadcasting industry paid ASCAP approximately \$2,995,000 in 1935, or, in round figures, \$3,000,000. Of this sum about \$850,000 consisted of sustaining fees, and about \$2,150,000 of fees paid on so-called net receipts of broadcasters on commercial programs. The sum of \$2,150,000 represents 5% of \$43,000,000. The term "net receipts," as defined in ASCAP contracts, refers to the full amount paid to the broadcaster for the use of his broadcasting facilities after deducting commissions not exceeding 15%, if any, paid to advertising agents or

agencies not employed or owned in whole or in part by the broadcaster. Even if it be assumed that 15% has been paid in all cases (which is, of course, not the fact), net receipts of \$43,000,000 would correspond to less than \$51,000,000 of gross receipts.

The fact is that, as nearly as can be calculated on the basis of data now available, the gross receipts of the broadcasting industry for 1935 were about \$87,500,000 and, if a 15% commission were deducted in all cases (which, as already stated, is not the fact), the net receipts were about \$74,000,000. From these figures it is clear that about \$30,000,000 or more of net receipts (corresponding to about \$35,000,000 of gross receipts) is escaping the payment of copyright fees.

The overwhelming majority of independent broadcasters are paying ASCAP 5% of their net receipts and the discrepancy is not due to them. The discrepancy is due primarily to the discriminatory contracts mentioned at the outset.

Let it be assumed that \$74,000,000 represents the net receipts of the broadcasting industry and that \$2,150,000 represents the sum (exclusive of sustaining fees) paid to ASCAP for the year 1935. If the entire broadcasting industry were paying on a uniform non-discriminatory percentage basis, each broadcaster would have paid 3% of his net receipts (instead of 5% as at present). If sustaining fees were abandoned and all fees reduced to a percentage basis, the total of \$3,000,000 received by ASCAP in 1935 would represent about 4% of each broadcaster's net receipts (instead of 5% plus a large sustaining fee as at present). If the percentages be figures in terms of the gross receipts of \$87,500,000, each broadcaster need have paid only about 2.5% plus his sustaining fee, or less than 3.5% without any sustaining fee.

The discriminatory ASCAP contracts, so far as they are known, consist (1) principally in the contracts of the two national network companies, and, to a much smaller extent, (2) in the contracts of about 48 newspaper-owned stations, and (3) the contract of WCAU, Philadelphia. The nature of the discriminations will be briefly described.

1. *The Network Contracts.* The two national network companies (NBC and CBS) pay nothing to ASCAP as networks. Each company pays a sustaining fee plus 5% of net receipts with respect to each station owned or controlled by it, NBC with respect to 14 stations (KDKA, KGO, KOA, KPO, KYW, WBZ, WEA, WENR, WGY, WJZ, WMAL, WMAQ, WRC and WTAM) and CBS with respect to 7 stations (KMOX, WABC, WBBM, WBT, WCCO, WJSV and WKRC).

Neither company pays any sustaining fee or percentage of net receipts on revenue received from advertisers for the facilities of affiliated stations, not owned or controlled by the network company. For example, Station A, independently owned but affiliated with NBC, may have a rate of \$300 an hour at which rate its facilities are sold by NBC to a network advertiser. Of this \$300, NBC pays only \$50 to Station A and keeps \$250. Station A pays ASCAP 5% of the \$50 received by it; NBC pays ASCAP nothing on the remaining \$250.

Furthermore, neither company pays 5% on the total net receipts even of its own stations. By a process of bookkeeping or by use of subsidiary corporations, only a portion of what is paid by a network advertiser is credited to these stations and subjected to the 5% fee. For example, Station B, owned by NBC, may have a rate of \$1200 an hour at which rate its facilities are sold by NBC to a network advertiser. Of this \$1200, NBC may credit the station with only \$400 and retain \$800 as "network" receipts. NBC pays the 5% fee only on the \$400.

While complete exact figures are not available (due in part to the unwillingness of the networks to supply them), sufficient are at hand to give some idea of the amount of net receipts which thus escape taxation by ASCAP. The following figures show what was actually paid to ASCAP by the two national network companies during 1934 and during the first six months of 1935.

1934		
	<i>Sustaining Fee</i>	<i>Advertising Fee</i>
NBC	\$173,500.00	\$137,541.96
CBS	68,500.00	106,778.44
Total ...	\$242,000.00	\$244,320.40

¹ One of NBC's 14 stations, KYW, was not acquired until December 3, 1934.

January 1-July 1, 1935		
	<i>Sustaining Fee</i>	<i>Advertising Fee</i>
NBC	\$ 89,250.00	\$ 89,794.79
CBS	34,249.92	68,633.06
Total ...	\$123,499.92	\$158,427.85

Multiplying the six-months figures by two, we arrive at the following payments made by the two national network companies to ASCAP in 1935:

	<i>Sustaining Fee</i>	<i>Advertising Fee</i>
NBC	\$178,500.00	\$179,589.58
CBS	68,499.84	137,266.12
Total ...	\$246,999.84	\$316,855.70

According to the above figures, the two network companies paid substantially \$247,000 out of the total of \$832,000 in sustaining fees received by ASCAP from broadcasting in 1934, or 29.7%.

According to the above figures, the two network companies paid substantially \$317,000 out of the total of \$2,150,000 in advertising fees received by ASCAP from broadcasters in 1935, or 14.7%. The sum of \$317,000 represents 5% of \$6,340,000 net receipts.

It is now appropriate to compare the total net receipts of the two national networks with the total net receipts of the rest of the broadcast industry. Exact figures for the net receipts are not available and a calculation must, therefore, be made on the basis of gross receipts (gross time sales). Even these involve an approximation since

exact figures for the month of December are not yet available. The gross and net receipts for 1935, thus calculated, are as follows:

Gross Receipts for 1935

	<i>1st 6-mos.</i>	<i>Total</i>
National Networks	\$26,120,410	\$50,067,686
Regional Networks	465,899	1,110,739
National non-Network	8,591,053	17,063,688
Local	9,898,610	19,281,735
Total	\$45,075,972	\$87,523,848

The national network business, therefore, represents slightly over 57% of the total broadcasting business for 1935. At this point, however, we meet with a lack of information which makes it difficult to reach even approximate conclusions. It is not known how much of the net receipts of the national networks are (a) paid over to affiliate stations, or (b) paid over or credited to stations owned or controlled by the networks. It is also not known how much of the national non-network and the local receipts represent receipts on business of stations owned or controlled by the national network companies. Even with the making of liberal allowances, however, it seems clear that at least the sum of \$25,000,000 (and probably more) of national network net receipts is escaping the payment of any tax to ASCAP. Or, to state the matter in another way, the national network companies are paying ASCAP only about 1% of their net receipts, in contrast to the 5% paid by independent broadcasters.

2. *The Newspaper Contracts and the WCAU Contract.* While the discriminatory features in these contracts permit the licensees to escape a certain amount of the burden borne by other stations, the amount of saving is not known. In any event, the total saving is not large enough so that elimination of the discriminations would make possible any material reduction in the percentage paid by other stations.

II. ORIGIN OF DISCRIMINATORY ASCAP CONTRACTS

For some years prior to 1932 broadcasters paid ASCAP on the basis of flat annual license fees, payable in monthly installments. The total paid ASCAP in 1932 was approximately \$960,000. The licenses were for short term periods, such as a year or two; the end of each period brought a bitter controversy and almost invariably an increase in fees. While undoubtedly ASCAP attempted in a general way to relate the size of the fee to the importance of the station there was little uniformity and the amounts paid by stations were kept secret. Such discriminations as there were, however, are irrelevant to the present discussion.

In the latter part of 1931, as licenses terminated, renewals were placed on a month-to-month basis and ASCAP let it be known that it was working out a new system of fees. On April 11, 1932, the new basis was

announced by E. Claude Mills, General Manager of ASCAP, effective June 1, 1932, as follows:

Sustaining License

"At approximately present rates, with such readjustments either upward or downward as will equalize the fee paid by stations operating under similar or equal conditions * * *."

Commercial License

"At 5% of the amounts charged for use of the facilities of the station in respect to all commercially sponsored non-network programs. In the case of network programs, the fee of 5% is payable by the key station based upon the gross amount charged for use of broadcasting facilities * * *."

Thus it will be noticed ASCAP's first proposal recognized that in network programs copyright should be cleared at the source. At that time it was estimated that the gross receipts of the broadcasting industry were between \$50,000,000 and \$60,000,000. The proposal therefore meant an increase in the total fees to be paid ASCAP of over 300%.

An emergency meeting of the NAB Board was held in New York April 18-19. As a result of conferences with Mills a moratorium until September 1st was decided upon in order to permit negotiations. A special copyright committee was appointed by the NAB Board to carry on negotiations with ASCAP, consisting of Morency, WTIC, Chairman; Ashby, Vice President of NBC; Klauber, Vice President of CBS; Cummings, WOAI; and Shaw, WMT. Cummings and Shaw were thereafter unable to be present or to participate in the committee's work, so that the committee in reality consisted of Morency, Ashby and Klauber. A plenary committee was created to survey the entire music situation. The NAB addressed a formal communication to ASCAP in which it refused to accede to the ASCAP proposal and pointed out, among other things, the unsoundness of the proposed basis for assessing fees, particularly with respect to programs in which no use is made of copyrighted music controlled by ASCAP.

The negotiating committee thereupon proceeded to have conferences with ASCAP representatives. The plenary committee considered a survey of music in the public domain as well as a study of the foreign music copyright situation. Oswald F. Schuette was engaged as a sort of generalissimo, with his principal duties on the legislative front. Since the legislative history of this period, while important, is of only incidental relevancy to this discussion, it will be passed over. A further meeting of the NAB Board was held in Chicago on May 24th. A special meeting of the NAB negotiating committee, the plenary committee and others (including the presidents of the two networks) was held in New York on July 6th. No progress, however, had yet been made by the negotiating committee.

Finally, Mills and the NAB negotiating committee worked out a proposition whereby the broadcasters would

pay a flat increase of 25% for one year beginning January 1, 1933, during which period a legislative truce in Congress would be declared and further negotiations would be undertaken towards an acceptable basis. The NAB Board was called into a special session in New York on July 21st. It rejected the proposal, principally because of the provision for legislative truce, and made a counter-proposal calling for a 25% increase for two years during which time a joint committee of the NAB and ASCAP would cooperate in drafting a scale based on a "per-piece" arrangement. This proposal was submitted to Mills on July 26th by the Negotiating Committee and was rejected by the ASCAP Board on the following day, apparently by a very close vote.

On July 28th Mills made an announcement virtually breaking off negotiations. Orally, however, he announced new terms consisting of a modification of the proposal first made on April 11th. These terms consisted of a sustaining license fee, as previously proposed, plus a percentage of gross receipts for a period of three years, the percentages being 3% the first year, 4% the second year and 5% the third year. The same principle was followed with respect to network programs as in the proposal of April 11th; namely, that the networks should bear the entire cost on network programs, in other words, that copyright should be cleared at the source. In response to a letter from the NAB Negotiating Committee, Mills indicated willingness to reopen negotiations by letter dated August 3rd, in which he stated the modified proposal in written form.

What happened between this date and August 24th is a matter of speculation. A meeting of the NAB Board was held on August 24th in New York and at that meeting the Negotiating Committee presented *another* proposition from ASCAP with the following recommendation:

"The committee believes that the foregoing settlement is the most favorable that can be reached and recommends that the Board accept it and recommend its acceptance by the independent stations."

This final proposal was the same as that announced by Mills on July 28th *with one very important exception*. The exception was that the networks would not pay anything on their receipts as networks but would pay only royalties on the net sales of each station owned and operated by them, whereas network affiliates would pay the percentage rate on their receipts on network as well as on non-network commercial programs. After a tumultuous session the Board voted acceptance of the report, with four representatives of independent stations not voting. A number of the Directors that voted for it did so only because under the circumstances they felt they had no alternative.

In the course of the weeks that followed more favorable contracts were also negotiated by a group of newspaper-owned stations. Under the terms of these contracts the newspaper-owned stations were to pay (1) a sustaining fee of 50% of the fee previously paid; (2) 3% of receipts up to an amount equal to 50 times the sustaining

fee, and 5% of receipts above that amount, and (3) in any event, a minimum fee of not less than 4 times the sustaining fee.

WCAU, Philadelphia, also negotiated a more favorable contract. In its case the percentage is based on receipts from programs using music and the contract contains other advantageous provisions, consisting chiefly of a low sustaining fee and the privilege of deducting legitimate salesmen's commissions.

While a number of incidental facts are in doubt and open to controversy, the conclusion is inescapable that during the final hours of the negotiations the NAB Negotiating Committee directed its efforts toward relieving the networks of the burdens that would have fallen on them under Mills' proposal of July 28th, and transferring a substantial share of this burden to the independently-owned affiliate stations. Under these circumstances it is not surprising or open to serious criticism that in their later negotiations other stations, including the newspaper group, attempted to secure concessions. In fairness to the newspaper group it should be stated that its leaders and spokesmen have regularly proved willing to cooperate with other independent stations in the attempt to obtain from ASCAP a per-piece or a measured service plan available to all stations on a non-discriminatory basis. So far as publicity is concerned (including the allegations in the government's suit against ASCAP), however, the newspaper contract has been the chief target as an example of discrimination, while comparatively little has been printed about the much greater discrimination involved in the network contracts which, as hereinafter shown, were fundamentally responsible for the recent failure in NAB's negotiations with ASCAP.

III. RENEWAL OF THE DISCRIMINATORY CONTRACTS IN JUNE, 1935.

Assurances given by Mills in 1932 that the forced acceptance of the new ASCAP contracts did not foreclose further negotiations and that ASCAP stood ready to consider a revision at any time were, with minor exceptions, not borne out by later events. On October 10, 1932, ASCAP did announce that it would not require payment of royalties on political speeches, the national election campaigns being then in full progress, and, in the case of many of the smaller stations, there were reductions in sustaining fees, the total reduction, however, not amounting to very much.

During the fall of 1932, Mills assured Schuette that he was willing, subject to the approval of the ASCAP Board, to limit royalties to programs using ASCAP music, but on November 2nd the ASCAP Board went through the familiar process of refusing to ratify the proposal. Tactics such as these were to be repeated over and over again during the ensuing three years, principally on occasions when ASCAP had reason to fear some concerted or effective action on the part of the broadcasting industry and desired to delay such action.

At the NAB Annual Convention, held in St. Louis on November 14-16, 1932, Schuette was given broad authority and a resolution was unanimously adopted declaring that

"the composers and publishers are entitled to fair compensation, measured in proportion to the actual use of their compositions"

and, by other actions, the basis was laid for the three-point program of the NAB discussed under a later heading, which was formally put into motion at a NAB meeting held in New York on April 5, 1933.

Immediately after the Convention Schuette made a proposal that royalties be 4% of revenue from programs using ASCAP music, plus a sustaining fee. Mills responded that action on this proposal must await an ASCAP Board meeting in January. In a letter dated January 18, 1933, Mills offered to reopen negotiations but declared that under no circumstances would he deal with Schuette (who was sending out some rather vigorous circulars to all stations, having to do principally with "plugging" and "restricted" ASCAP numbers).

On January 24, 1933, announcement was made that Hon. Newton D. Baker had been retained and on February 20-21, 1933, an NAB Board meeting was held in Washington at which Mr. Baker's partner, Mr. Hostetler, was present and stated his plans for future activity. It was decided that Schuette's work was henceforth to be confined principally to the Radio Program Foundation proposal. Mills immediately extended an invitation to Baker to enter into negotiations. These negotiations came to an abrupt end on April 4, 1933, when at a meeting with Hostetler, Levy and McCosker, Mills announced point blank that there would be no revision of the contracts except upward.

Immediately after the NAB Board meeting of April 5, 1933, when the three-point program was definitely decided upon, Mills communicated with Baker and informed him that he was again ready to talk over matters. Baker replied on April 6th that he would be willing to talk only if it were understood in advance that the basis would be in the direction of a per-piece plan and that, during the working out of such a plan, the present scale would be amended so that royalties would be paid only on programs using ASCAP music. The ASCAP Board met to consider this proposition April 27th. It turned the matter over to its general counsel, Nathan Burkan, while Mills departed for Europe.

From that time on, for a period of two years, while there were occasional conversations, no progress whatsoever was made in negotiations with ASCAP and nothing occurred in connection with these negotiations that would add to the picture given by the foregoing account. This brings us to the early Spring of 1935.

Before resuming the story of the negotiations at this point, I must call your attention to the situation as a whole in April, 1935. I do this because of some of the statements which have been so widely made as to the reasons for events which took place the following June,

and the charges that those who have worked for the per-piece or measured service plans have been "dividing the industry."

First, let us consider the per-piece or measured service plan. It had been endorsed by the NAB at the St. Louis Convention in November, 1932, after a proposal made by Schuette for a measured service plan had been turned down by ASCAP. It was endorsed again by the NAB at the White Sulphur Springs Convention in October, 1933. It was endorsed again by the NAB at the Cincinnati Convention in September, 1934. It was endorsed again by the NAB at the Colorado Springs Convention in July, 1935. Throughout this period the plan was expressly or impliedly endorsed at many meetings of the NAB Board of Directors, among which need be mentioned only the meetings held in Washington, May 14, 1934, and in New York on June 22, 1935. It was the basis of all negotiations with ASCAP conducted, first by Schuette and later by Baker and Hostetler, for the entire three-year period, and this fact was made clear beyond question in reports made by Hostetler and others at the White Sulphur Springs, the Cincinnati, and Colorado Springs Conventions. Prior to the Spring of 1935, either expressly or tacitly the two networks and Levy gave approval to what was being done by Hostetler and others negotiating in behalf of the industry. Large contributions were sought from and made by independent stations, as well as by the networks and Levy, for the carrying forward of the program of which this was an integral part. The Government suit against ASCAP, instituted August 30, 1934, had, as one of its principal express purposes, a reorganization of ASCAP so as to establish a system of fees based upon actual use of music and competition between copyright-owners. This was thoroughly explained to and understood by the NAB membership.

Secondly, we should note the progress which had been made on the NAB three-point program by the Spring of 1935. With reference to the Government suit against ASCAP, the Government had won an overwhelming victory on March 26, 1935, when the Court granted the Government's motion to strip the case of irrelevant issues and denied ASCAP's motion seeking to delay trial by permitting the taking of depositions all over the world. By the second week in May, it was clear that trial would be had at an early date, beginning on June 10th. On the legislative side, the Duffy Copyright Bill was moving slowly but surely toward enactment, it being certain by the second week in May that it would be favorably reported by the Senate Patents Committee and would eventually be passed by the Senate. A surprise attempt to commit the United States to the International Copyright Convention had been frustrated and on April 22, 1935, the Senate had rescinded its ratification of that treaty. The only point in which no recent progress had been made was that represented by the Radio Program Foundation, which had lain dormant for a year or more. In addition to all this, ASCAP was torn with internal dissensions and a number of its important members were threatening to withdraw as of December 31, 1935. There was even talk

among some of them of the per-piece plan and there was open talk of a consent decree in the Government suit. As early as December, 1932, it had been reported that ASCAP was working out a revised system of distributing royalties to its own members based on a per-piece plan.

On the whole, therefore, it may be said that never before had the broadcasting industry been in as strong a position to demand justice from ASCAP as it was in the Spring of 1935. By June 1, 1935, it was possible for comments to be made such as appeared in the issue of *Broadcasting* for that date, such as the editorial caption "Old ASCAP—Last Curtain," and the statement "ASCAP appears to be on its last legs as the hard-hearted music trust." Proof of this, if proof is necessary, is furnished by the fact that shortly prior to April 26, 1935, ASCAP invited the broadcasters into a conference which was held that day. With this conference the all too familiar tactics of the past began once more. In behalf of the NAB Hostetler made it clear that any agreement reached must be acceptable to the Government; also, that NAB was on record in favor of a per-piece or measured service plan and that such a plan was contemplated in the Government suit. A six-months' license extension under present terms was suggested, contingent upon any action taken in the Government's suit. The ASCAP spokesmen promised a recommendation to that effect to the ASCAP Board, but it was later turned down.

A meeting of the NAB Copyright Committee was held in New York May 13th. It was understood that representatives of both the broadcasting industry and ASCAP would meet at noon for further discussions to work out a temporary arrangement. There were present McCosker, Chairman of the Copyright Committee; Ward, NAB President; Allen, WLVA; Klauber, CBS; Ashby, NBC; Damm, WTMJ; Russell, NBC; Levy, WCAU; Loucks, NAB Managing Director; and Hostetler. Bennett, special assistant to the Attorney General in charge of the ASCAP suit, was called in. There is a marked difference of opinion as to whether Bennett did or did not make certain statements. According to Levy's statement made later (in the Convention in July), Bennett had said in substance that it would jeopardize the Government's case if the NAB were to ask for anything except an extension of the present contract, and particularly if the NAB were to ask for and secure a more favorable contract. Hostetler has no recollection of Bennett's saying that nothing better could be accepted. Among the others, some apparently corroborate Levy and some Hostetler. Several months later the Department of Justice, through the Hon. John Dickinson, addressed a letter to NAB stating that it is not, and never has been, the position of the Department of Justice that a better contract should not be sought.

In any event, at the meeting with ASCAP that day, ASCAP offered a straight five-year extension. Hostetler opposed this on the ground that it would affect the Government suit adversely. At a meeting held May 23rd the NAB Copyright Committee rejected the proposal and made a counter-proposal of extension of all existing contracts until the conclusion of the litigation. According

to Levy, Bennett had advised the Committee that if this were turned down by ASCAP the broadcasters would then be in the position of having been coerced into accepting the five-year extension and the extension would not be prejudicial to the Government's case. The chairman of the ASCAP committee agreed to submit the proposition to the ASCAP Board, with a reply expected the following week. The ASCAP Board not only rejected the proposal but, pursuing the oft-repeated tactics of the past, sought to alarm the broadcasters by withdrawing the offer of a straight five-year extension.

In the meantime, on May 20, 1935, Loucks, NAB Managing Director, had reached an agreement with Mills for an extension of all licenses from their expiration date, September 1, 1935, to January 1, 1936. This date coincided with the date on which the existing contracts between ASCAP and its members were to expire. The form of extension was approved and, by public announcement in the *NAB Bulletin* (as well as in *Broadcasting*), broadcasters were advised that they might execute and return the extensions.

During this same period there were other proposals made and informally discussed, as to which the record is not clear enough to justify my attempting to describe them. With possibly one or two exceptions, they do not add anything to the picture as a whole. At one point Mills made a proposal which, in the judgment of Hostetler and his associates, was simply intended to divide the industry by arraying the independent stations against the networks, and which therefore was not submitted to broadcasters generally. Failing in this, he apparently decided to pursue the opposite tactics and, by dealing with the two networks and WCAU, to array them against the independent stations. At least, that is what he succeeded in doing and, as is well known to those who have had dealings with him, he has frequently asserted that such was his intent.

It should be noted at this point that during this entire period at least one and probably both of the networks were negotiating for the purchase of the Warner Brothers group and perhaps other publishing houses. I am informed that these negotiations were broken off on June 2, 1935. The fact of these negotiations was not, so far as I know, communicated to the officers, directors or copyright committee of the NAB.

On June 3, 1935, a meeting of the copyright committee was held on short notice in New York. A quorum was not present. Those present were McCosker, Russell, Levy, Klauber, Colin, Kaye, Ashby, Sprague, Loucks, and Hostetler. Mills sent over a proposal contemplating a five-year renewal based on the available catalog rather than on the present catalog, i.e., on whatever catalogs ASCAP happened to have. This, of course, raised a question as to the effect of the threatened withdrawal of the Warner Brothers group. By about 6 p. m., on that date, no progress had been made. Hostetler and Loucks still opposed a straight five-year extension; Levy and others were in favor of it.

Finally, Levy telephoned Mills and asked whether ASCAP would agree to a straight five-year extension. Mills assented. The Committee, after discussion, came to no decision. Levy then informed the Committee that he would meet with ASCAP the following morning and arrange for a five-year extension for his station. He also stated that he would send out a letter to all broadcasters informing them of his action and advising them to do likewise. Hostetler told Levy that if he sent such a letter he should inform all stations of the advantageous features of the WCAU contract. According to Hostetler, Levy said he would. According to Levy, Levy said it was unnecessary since the WCAU contract was well-known, its terms having been voluntarily disclosed at the St. Louis and later Conventions. In any event, it was Hostetler's and Loucks' understanding that McCosker was to get Mills' offer in written form so that it could be submitted to the Copyright Committee and in turn to the NAB Board before it was executed.

The following day Hostetler and Loucks waited at the St. Regis Hotel until about 3:30 p. m. when they had to leave to catch a train for Washington. On arriving in Washington in the evening they learned for the first time that during the day, Levy and the two networks had concluded 5-year extensions of their contracts from January 1, 1936, Levy's contract being renewed without change, and the network contracts being subject to an increase in sustaining fees of \$25,000 each for three of their stations (WEAF, WJZ and WABC). Late in the afternoon Levy had advised Bennett of these renewals by telephone to Washington.

Hostetler, arriving in Cleveland on the morning of June 5th, immediately sent Loucks a letter summarizing his recollection of the understandings at the meeting of June 3rd and expressing his views on the actions of Levy and of the networks. Levy sent out a letter to all stations informing them of the extensions, and advising them to do likewise. He gave, as reasons for the advice, that the Government suit would not be terminated for several years, and that the suit would in no wise be affected by a 5-year extension. He mentioned that Hostetler and Loucks held contrary views to his, but was silent on the subject of the WCAU contract. Thereupon, Loucks circulated the material portions of Hostetler's letter. On June 11th, Levy sent out a second letter, setting forth his views at length. In addition to defending his failure to mention the WCAU contract and reiterating his contention that the Government's suit could not possibly be prejudiced, he asserted that the Copyright Committee

"had been reliably informed that the minutes of ASCAP showed that they intended to increase our payments up to 25% of our gross receipts."

So far as I can discover, the sole basis for this assertion was a statement which had been made by Bennett at the Committee's meeting of May 13th; he told the Committee that the ASCAP minutes showed that one Sol Bernstein had made that proposal to ASCAP.

In his letter Hostetler had referred to the network contracts and stated that he did not see how it was now possible to avoid calling the Court's attention

"to this preference in explanation of the willingness of the chains to execute an extension agreement on the very eve of trial of the Government suit."

Levy replied

"Mr. Hostetler knows full well that reference to the chain contracts are without justification. He is fully acquainted with the situation and *knows* that ASCAP always intended to exact the highest possible tribute from all independents, irrespective of charges against the chains."

This last statement is also apparently based on a statement made by Bennett at the meeting of May 13th as to what he had seen in ASCAP minutes.

On June 11, 1935, trial of the Government's suit commenced. It was apparent from the outset that ASCAP was going to make capital out of the 5-year extensions. Its counsel referred repeatedly to them, and asserted that there could be no question of oppression or unreasonableness because several of the most important units in the industry had entered into extensions at even higher figures than before.

On June 17, 1935, Mills sent a letter to McCosker, advising that all license agreements would be extended to December 31, 1935, and offering (for the first time in writing) a 5-year extension from January 1, 1936.

A special meeting of the NAB Board was called for and held on June 22, 1935, at New York. The opposing parties were heard at length, including Levy, Klauber, Ashby and Hostetler. No useful purpose would be served by a detailed account of their contentions further than to note that emphasis was placed on an alleged lack of preparedness by the Government in its suit, as a reason of the networks seeking 5-year extensions. Also, for the first time, intense opposition to the per-piece plan by both Levy and the networks came out into the open. At the conclusion of the meeting, two resolutions were unanimously adopted by the Board. In one, it reiterated its support of the per-piece or measured service plan and absolved the networks and WCAU of anything improper in their negotiation of extensions. In the other, it upheld Loucks in sending Hostetler's letter to all NAB members.

At the Colorado Springs Convention held July 8-10, 1935, McCosker, Kay, Levy and Hostetler addressed the members at length. Again, no useful purpose would be served by even attempting to summarize their statements. At the conclusion, the Convention approved the resolution of the Board of June 22nd, declaring in favor of the per-piece or measured service plan and absolving WCAU and the networks. Other resolutions were adopted favoring continuation of the Government suit, instructing the NAB officers and directors to support it, and warmly commending Hostetler for his efforts and recommending that he be given an opportunity to continue giving the same service to NAB.

One excerpt from the Convention discussion is, I believe, of sufficient importance to deserve quotation. Church, KMBC, stated that as a network affiliate he had a contract with a network requiring him to have the necessary copyright arrangements. He asked Levy the direct question as to whether such stations now had any choice in the matter. The following colloquy ensued:

"ISAAC D. LEVY: In a legal manner or business manner?"

"MR. CHURCH: Both. In other words, has the action of the networks and yourself almost automatically bound us to the five-year contract with ASCAP?"

"ISAAC D. LEVY: Yes—but pleasantly so.

"MR. CHURCH: I am not questioning that. The point is: do we have a choice in the matter?"

"ISAAC D. LEVY: I don't believe you do."

By the end of July, some 55 stations had applied for and received 5-year extensions of their ASCAP licenses. The 55 included the 21 chain-owned or controlled units, WCAU and several of the newspaper-owned stations; very few of the independent stations not enjoying discriminatory advantages had sought extensions. Mills was promulgating the statement (as he has both before and since then) that ASCAP would still like to secure from the NAB a definite formula for the payment of copyright fees, which he said had never been forthcoming from the Association.

Before the end of the summer it became apparent that, in spite of the assurance given by Mills to McCosker on June 17th, stations other than the original 55 would not be given unqualified extensions of their contracts. Mills was now insisting on adding a rider protecting ASCAP against any obligation to maintain its catalog at substantially its size at the time and limiting the license to the empty right of cancellation of the license "in case there shall be a substantial diminution in the quantity of musical numbers." The rider obviously anticipated the withdrawal of the Warner Brothers group.

On September 23rd the NAB Executive Committee (Fitzpatrick, Levy and Baldwin) met with Mills informally to discuss provisions of the contract offered stations as well as the per-piece method of payment of royalties. In the meantime, it seems, ASCAP officials were privately advising stations to defer signing ASCAP contracts until that organization had put its own house in order, it being felt there was still some possibility that the Warner group would remain with ASCAP. An NAB Board meeting was called for October 17th.

At the Board meeting on October 17th in New York, there was discussion of the advisability of advising stations to seek 5-year extensions of their ASCAP contracts, and the Board instructed the Managing Director to do so. It also instructed him to prepare a report and recommendations dealing with the possible working out of a per-piece or measured service plan. By November 15th, only about 80 stations had signed ASCAP renewals and Mills was quoted as saying that full opportunity would be given all stations to negotiate "new contracts" in the

event of withdrawal by the Warner group. He asserted that the basis for negotiations naturally could not be foretold.

For reasons later explained to the Board, I did not send the letter. On December 3rd, Levy, calling from Klauber's office, insisted that such a message be sent. After consultation with Fitzpatrick, NAB President, I polled the NAB Board and, as a result of a vote of 10 to 9, I sent a telegram instructing them to accept 5-year extensions. Two of the directors thereupon changed their votes, with the result that the vote was 11 to 8 against sending the telegram. Thereupon, I sent a second telegram notifying members not to ask for extensions. In the meantime, a small number of stations had sought and secured extensions so that the total of those who, in addition to the original 55, had such extensions (but with the rider as to repertoire) was slightly over 70.

An NAB Board meeting was called and held in New York on December 9th, 10th, 16th and 17th. The results of this meeting are best treated under the next heading.

IV. THE RECENT FAILURE IN ASCAP NEGOTIATIONS

On December 17, 1935, the last day of its meeting held in that month in New York, the NAB Board of Directors designated its Managing Director to act in the emergency created by the approaching copyright crisis created by the expiration of ASCAP licenses on December 31, 1935 and the withdrawal of the Warner Brothers group from ASCAP effective after that date. He was given authority to act for such stations as desired to have him do so, and stations were urged to send him powers of attorney enabling him to negotiate in their behalf. He was also given authority to name and assemble an Advisory Committee to confer and advise with him in New York.

Pursuant to the Board's action over 300 broadcasters executed and sent in powers of attorney. This number included a large proportion of the important independent stations in the country and far exceeded the response which had been hoped for.

Further pursuant to the Board's action, I selected an Advisory Committee, consisting of Messrs. Allen, Caldwell, Carpenter, Church, Clark, Craig, Cowles, Damm, Fitzer, Gough, Loucks and Myers, and on December 24, 1935, sent each of them a wire as follows:

"Will greatly appreciate your advice and counsel during further negotiations on copyright beginning Friday, December 27, St. Regis Hotel Stop I make this request because I believe you are free and willing to exercise your best judgment for industry as whole Stop If I have erred in judgment and circumstances are such that you must be guided by your personal interests or the interests of any group then I expect you to decline invitation Stop Am sure you can appreciate importance of premise upon which invitation is extended Stop Similar invitation extended to (here follows list of names other than the party to whom addressed) Please advise will be in Washington until Wednesday evening."

Of those invited, Messrs. Allen, Caldwell, Carpenter, Clark, Damm, Fitzer and Loucks were able to accept and to be present. Mr. Craig accepted but was unable to be present at the first session.

The Advisory Committee met with me at the St. Regis Hotel, New York, on the morning of Friday, December 27th, and were in continuous session until Tuesday, December 31st. Due to the appearance of the first Warner contract Friday morning, and the necessity for attempting to secure a revision of it, the committee had to subdivide its labors, and a subcommittee consisting of Messrs. Caldwell, Damm and Loucks devoted themselves principally to the Warner negotiations, described under the next heading.

Mills, ASCAP's general manager, left New York just prior to the day on which the Advisory Committee assembled, and remained out of town until Tuesday, December 31st. Buck, president of ASCAP, was out of town from Friday until Monday. This left only Burkan, the ASCAP General Counsel, with whom to negotiate.

On Friday, I had arranged a meeting with Burkan for late in the afternoon. The meeting was delayed by Burkan from hour to hour and finally I was told that he could not see me that day. This, I learned, was because of conferences he was having with network representatives. During the day, the network companies secured from Burkan a letter as follows:

"Confirming our conversation today, this is to inform you that from and after January 1, 1936, you may continue to broadcast and to publicly perform for profit the compositions in the repertory of the American Society of Composers, Authors & Publishers as of January 1, 1936, under your network system without any interruption on and after January 1, 1936, until further notice from the American Society of Composers, Authors and Publishers, such notice to be not less than two-day period. It is understood, of course, that we are not relieving these affiliates of the obligation to pay us performing fees in accordance with existing contracts."

They immediately advised their affiliates of this arrangement by telegraph.

On Saturday morning, December 28th, I succeeded in seeing Burkan. In the course of the discussion, I was clearly given to understand that ASCAP would be willing to grant temporary extensions of the same sort as those accorded to network affiliates on network programs with the understanding that a joint committee representing all interested elements would meet shortly after January 1st to arrive at a definite and permanent solution. I was also given to understand that ASCAP might be willing to accord an extension for a definite period, e. g., 6 months, to broadcasters who had not accepted five-year renewals. With this understanding I returned to discuss such an extension with the Advisory Committee, and, with their approval, sent the stations a telegram as follows:

"Am assured by ASCAP general counsel that temporary extensions all ASCAP licenses will be granted by letter to me at present rates and without signing contracts,

stations and ASCAP each to have right to cancel on two days' notice with understanding joint committee all interested elements meeting shortly after January 1 to arrive definite permanent solution. On Monday expect to ask and obtain six-month extension on this basis. Advise whether I may use if necessary your power attorney on this basis with ASCAP. Negotiations with Warner proceeding today. Langlois & Wentworth, New York City, can furnish 60 fifteen-minute programs public domain music. Transcontinental Broadcasting Company, Los Angeles, can furnish 200 musical selections which can be performed without copyright license cost 60 cents per selection. Both copyright libraries should offer opportunity to avoid Warner music pending adjustment their proposed contract."

Nothing further occurred, so far as ASCAP is concerned, until Monday morning. At that time I conferred with Buck and Burkan. They refused to grant a 6-months or any other definite extension and I was able to secure only an indefinite extension represented by the following letter, signed by Buck, President of ASCAP:

"This is to inform you that such of your member stations and such stations, in respect to which your Mr. James W. Baldwin holds power of attorney to act for them, as do not have licenses from the American Society of Composers, Authors & Publishers (for brevity called "Society"), from and after January 1, 1936, may continue to broadcast and to publicly perform for profit the compositions in the repertory of the Society, as of January 1, 1936, without any interruption on and after January 1, 1936, until further notice from the Society, such notice to be not less than two (2) days.

"It is understood, of course, that we are not releasing these stations (those which are members of your Association and those which are represented by Mr. Baldwin by virtue of powers of attorney) of the obligation to pay the Society performing fees in accordance with the existing contracts."

I accepted this extension in writing.

On the same day, December 30th, ASCAP sent out a wire to all stations which had not already secured 5-year renewals, as follows:

"This is to notify you that the American Society of Composers, Authors & Publishers is prepared to extend your present license agreement with it upon the same terms and conditions for five additional years from January 1, 1936, except that the rights granted by the Society shall be limited to compositions of the membership as constituted on January 1, 1936. The Society challenges the claims made by others to ownership in the small performing rights of various compositions published by them but written and composed by members of the Society. The Society controls the performing rights of many of such compositions and within a very short time will publish a list thereof. As our examination of individual contracts progresses we are confident that our repertory will be increased in respect of many compositions the performing rights of which are exclusively claimed by others. To illustrate published reports that the Society can no longer license small performing rights in the works of George M. Cohan, Victor Herbert and some others are absolutely without foundation. The Society

has the right to grant licenses in respect of these works and will protect all its licensees broadcasting the same. While we of course have no objection to your taking any other licenses which you may desire to take we feel it only fair to tell you that your fee to the Society will not be reduced and the formula will not be altered except that the license will be limited to works in Society's repertory as of January 1, 1936, and furthermore to advise that with respect to any composition the licensing rights of which are exclusively vested in us we will not recognize any license which you may obtain from others."

I immediately sent out wires to all stations advising them of the temporary extension accorded by Buck's letter and advising them not to accept the 5-year extensions offered in the above-quoted telegram. It is my understanding that approximately 400 stations followed this advice and refrained from taking the 5-year extensions.

We immediately turned to the task of preparing the way for the joint discussions with ASCAP which Burkan had given me to understand would now take place. Since one of the oft-reiterated complaints of ASCAP had been the lack of definite proposals by NAB which could be used as a basis for discussion, I set to work to prepare a statement of principles which should guide our negotiations and state our objectives, in a manner suitable for serving both as a basis for discussion and as a proper way to advise the NAB membership of our activities. With the completion of a draft statement I called the Advisory Committee to meet with me again in New York on January 10th, to discuss it with me and, after putting it in final form, to take it up with ASCAP. Both ASCAP and the networks knew that this meeting was being held.

On Friday, January 10th, we spent the entire day in putting the statement into final form and by evening it was completed. At a late hour, approaching midnight, I was called by a third party and was told for the first time that during the evening the following wire had been sent by ASCAP to about 400 stations:

"On December 30, 1935, the ASCAP offered to extend your present license agreement upon the same terms and conditions for five additional years from January 1, 1936, except that the rights granted by the Society to you shall be limited to compositions of the membership as constituted on January 1, 1936. To this wire the Society has received no answer and unless we hear from you by January 15 that you accept such offer the Society will deem you to be an infringer in respect of the performances and broadcasting of any of its works and you shall be held to strict accountability on account of all performances of its works beginning January 1, 1936."

I immediately made every effort to get in touch with the ASCAP officials, without success. I also immediately telephoned Ashby and Klauber and found that both knew of the telegram. Both of them vigorously defended ASCAP's action. Several days later, an ASCAP official informed a member of the NAB Board of Directors that the telegram had been sent at the insistence of the two networks. If this be true it means, of course, that over 300 independent broadcasting stations in this country

were deprived of their liberty of contract and of their last opportunity to negotiate by joint action of the networks and ASCAP.

The following day, Saturday, January 11, every effort was made, both directly with ASCAP and by contact with the networks, to secure a reconsideration of ASCAP's action. During the day I sent a wire to stations as follows:

"Am advised ASCAP last night wired all stations that unless they communicate acceptance of five-year offer by January 15 they will be deemed infringers. This in effect appears to be cancellation of temporary arrangement based on Buck's letter of December 30. Consequently, if you need ASCAP music suggest you wire acceptance to ASCAP on January 15 but not before in order that give me benefit of such last-minute desperate efforts as I can make."

For a while there seemed a faint hope that I might be permitted to appear at an ASCAP Board meeting to be held Tuesday, January 14th, and to argue in favor of a withdrawal of the ultimatum. The statement which had been agreed upon with the Advisory Committee on the preceding Friday was printed and circulated to the members on January 13th as an NAB Bulletin with the title "Tentative Program of Activity in Behalf of the NAB." Copies were immediately sent to ASCAP and the two networks. All efforts, however, were unavailing and on January 14, I sent the following telegram to all stations who had given me powers of attorney:

"ASCAP has refused request for stay of their action taken tenth Stop This leaves no alternative for stations that must use ASCAP music but to accept offer contained Buck's telegram December 30 Stop Have not used your power of attorney to bind you in any way Stop Because some stations for which I hold power attorney have already accepted ASCAP offer per my wire eleventh and others have indicated they may not accept suggest it is best under all circumstances and my future plans toward reformation of contracts that you clear matter yourself by addressing telegram to ASCAP not later than fifteenth stating you accept Buck's offer thirtieth."

On January 15th the ASCAP ultimatum went into effect and by the close of that day practically all broadcasting stations had been forced to wire ASCAP for extensions of their 5-year contracts.

V. NEGOTIATIONS WITH THE WARNER BROTHERS GROUP OF MUSIC PUBLISHERS

By May 15, 1935, it became generally known that the Warner Brothers group of music publishing houses (Harms, Inc., T. B. Harms, Witmark, Remick and New World) had stated that they were planning not to renew their memberships in ASCAP, which memberships expired December 31, 1935, and that thereafter they would deal in their own right with broadcasters and other groups of music-users. How long before May 15th they had evidenced such an intention within a limited circle, I do not know. In addition, several other important houses (said

to include Feist, Mills, Marks, Fisher, Schirmer, Berlin and Robbins) were reported as indicating that they might follow the lead of the Warner Brothers group.

The Warner Brothers group controls a very large percentage of all music broadcast. They claim it is 40% of ASCAP music. The fact seems to be, however, that, in the case of the networks and the larger stations at least, the percentage was not more than about 20% of ASCAP music, while, in the case of smaller stations and particularly stations making a heavy use of phonograph records, the percentage is considerably higher. The other important houses who were considering withdrawal controlled, it is said, an additional 40% of ASCAP music. There was also a rumor that the Austrian and German societies might withdraw from ASCAP and follow the lead of SESAC as new and separate licensing pools.

Until about June 2, 1935, at least one of the networks had been negotiating for the purchase of the Warner Brothers group and perhaps others of the houses. On that date negotiations were broken off.

On June 24, 1935, the Warner Brothers group made public announcement of their withdrawal from ASCAP, effective December 31, 1935, and, in a letter to all stations, notified broadcasters that after that date all licenses for performing rights of their compositions must be obtained from them and that any infringement would be prosecuted.

Passing over relatively unimportant developments, we find that on November 26, 1935, the Warner Brothers group put all doubts at rest by issuing a public statement in which their resignation from ASCAP was announced and explained, principally on the ground of "insufficient and inadequate royalties collected by the society from radio broadcasters." It organized a corporation, known as Music Publishers Holding Corporation (MPHC) through which it proposed to issue licenses.

Prior to the morning of December 27, 1935, the Warner Brothers group had not, however, offered or submitted any definite proposal or formal contract to the NAB or, so far as we know, to broadcasters generally. There had been informal discussions earlier in December, but without result. It was known, however, that

(a) the Warner Brothers group was dissatisfied with the amount it has been receiving from ASCAP (\$340,000, which when combined with the like amount paid to the group's composers, made a total of \$680,000 out of a total of slightly under \$3,000,000 paid by broadcasters to ASCAP during 1935);

(b) that it was demanding a total of not less than \$2,000,000 (\$1,000,000 to the publishers and \$1,000,000 to the composers) or approximately three times as much as in the past;

(c) that it proposed to obtain this amount by (1) charging sustaining fees equal to 40% of those charged by ASCAP; (2) charging 2% of net receipts of the broadcasters, and (3) applying the 2% percentage to what it considered a hitherto untapped source of revenue, i. e., the revenue of networks as networks (as distinguished from the network-owned or -controlled stations).

In the course of the NAB Board meeting December 9th to 17th, no action was taken with regard to the Warner Brothers group. The matter was one which was covered by the authority vested in me as Managing Director, by action taken by the Board December 17th, described under the preceding heading.

In the course of Friday morning, December 27th, a definite formal contract was presented by the Warner Brothers group for the first time.

The contract was immediately read over to the Advisory Committee. It was obvious from a single reading that its terms were not only exorbitant and objectionable, but, in certain respects, impossible to comply with. With the approval of the Advisory Committee, I wired the stations as follows:

"Am informed Warner Brothers contract mailed to all stations today stop Together with committee and attorneys have examined it and believe terms wholly unacceptable stop Am endeavoring negotiate modification of contract but there is chance negotiation will prove unsuccessful and that you should be prepared to face alternative of signing this contract or doing without Warner music January first stop Negotiations continuing on ASCAP contract stop Will keep you informed."

In the meantime a sub-committee was designated to study the contract and draw up a memorandum analyzing it and pointing out its objectionable features. This memorandum was completed in the course of the afternoon, and was mimeographed and mailed to stations with a covering letter signed by me as follows:

"Herewith enclosed is an analysis of proposed Warner Brothers contract. It has been prepared hurriedly. Some of the criticisms are of minor importance but on the whole it will be observed that the terms and conditions of the contract are entirely too severe. Conversations had this evening indicate that there is a possibility of meeting a few but not all the objections raised. The conversations will be pursued tomorrow."

The memorandum was used as the basis for conversations held that Friday evening with Mr. Herman Starr, executive in charge of the Warner Brothers group, and as the basis for negotiations conducted Saturday and Sunday with Mr. Starr and Mr. A. M. Wattenburg, general counsel for the group.

It is unnecessary to repeat what was set forth in that memorandum. It will be sufficient if attention is called simply to the amount and the basis for calculating compensation that would have been required under its terms. It would have required each licensee to pay 40% of the sustaining fee paid ASCAP and 2% of the licensee's net receipts (the term "net receipts" to include not merely the actual net receipts of the licensee *but also, in the case of a network affiliate, the receipts of the network for the affiliate's facilities*).

Starr appeared before us at about 8:00 p. m. Friday evening. The conference lasted until about midnight. He was adamant in refusing to modify his position with reference to the principal objections. He stated that the Warner Brothers group would not depart from its funda-

mental premise that the Warner Brothers group was entitled to a total of \$2,000,000 yearly for use of its music by broadcasters and evidenced no inclination to depart from the means, methods and percentages specified in the contract.

With reference to some of the minor objections, Starr was impressed with the arguments presented by us. He explained that he was not familiar with the practical side of broadcasting and that he was perfectly willing, with his attorney, to sit down with our group and attempt to improve mistakes that might have been made in the contract due to his lack of knowledge of the effect of its provisions on practical operations. This left, of course, only a very slender thread on which to pursue negotiations. We felt, however, that it was better to pursue this narrow thread for what it was worth than to abandon all hope of improving the terms of the first contract.

At this point, certain premises and assumptions on which we were in agreement should be set forth. They were as follows:

1. It would not be proper for the NAB, or for me as its Managing Director, to advise members of the NAB not to sign any contract with the Warner Brothers group or to dispense with Warner Brothers music, both for reasons hereinafter stated and because, taken in conjunction with the actions of the network and of ASCAP, such a procedure ran the risk of being held to be an illegal boycott.

2. A considerable number of broadcasters needed or wanted to use Warner Brothers music after December 31, 1935, and, if no other alternative were presented, many of them would sign the contract on the 40%-2% basis.

3. An even greater number of broadcasters, whether or not they needed or wanted to use Warner Brothers music, would be unable to avoid infringements and liability therefor at the rate of a minimum of \$250 per infringement. Their inability would proceed from insufficient facilities, records and staffs, from lack of any lists from either ASCAP or Warner, from the difficulty of controlling music played by remote control orchestras, etc.

4. For want of information and lack of opportunity for obtaining it, we were in no position to form any opinion on the merits of the issues in dispute between ASCAP and the Warner Brothers group as to control over the performing rights on a number of musical compositions. The course taken by the two national network companies, who had had much greater opportunity to look into the matter, was some indication that it would be extremely hazardous to broadcast any Warner music without a license from the Warner Brothers group.

During Saturday a sub-committee conferred with A. M. Wattenburg, general counsel for the Warner group, and later in the afternoon, with Wattenburg and Starr. Its starting point consisted merely in certain concessions which, as already stated, Starr had shown himself willing to make the evening before, having to do principally with requirements as to records and reports. The sub-committee, however, succeeded in re-opening the entire subject and by the end of the afternoon had made substantial progress. Among other things, Starr and Wattenburg began to appreciate more fully the justice of the broadcast-

ers' claims that compensation should be based not on revenue but temporarily on card rates and eventually on a *per-piece* system; that broadcasters have a right to trustworthy lists of compositions controlled by the licensor; and that copyright should be cleared at the source, particularly in connection with network programs and electrical transcriptions. While no agreement was reached at this session, sufficient progress was made so that the sub-committee agreed to make calculations showing what revenue might be expected by Warner if compensation were based on card rates. The sub-committee returned to the hotel and made these calculations from the December issue of *Radio Advertising*, reducing their calculations to itemized statements showing the highest quarter-hour and the highest half-hour rates for each station in the United States; the deductions that would have to be made on a proportional basis for stations having less than full time; and the number of stations whose quarter-hour rate was \$18.00 or less. It proved impossible to use an hourly rate as a basis of calculations as so many stations do not publish such rates, and in fact the same was partially true of the one-half-hour rate. The sum total of the highest quarter-hour rates of all stations, thus calculated, came to slightly over \$23,000.

Up to this point, Warner had not receded from its demand that the total costs be \$2,000,000 annually from broadcasters. Obviously, to reach this amount it would be necessary for each station to pay a monthly compensation of approximately seven times its highest quarter-hour rate. This seemed impossible on its face and was very disheartening. The sub-committee, however, reported back to the full committee and in spite of the apparent obstacles it was agreed that the group was to continue the negotiations for the sake of whatever advantages might be secured.

Negotiations, therefore, were resumed early on the following day (Sunday, December 29). They were accompanied by discussions of all the other points raised and, in particular, discussion of the *per-piece* plan. Members of the full committee participated from time to time. Finally, by late in the afternoon, Starr agreed to reduce the basis for compensation for independently-owned stations from seven times the highest quarter-hour rate to four times the highest quarter-hour rate, the license to cover only non-network programs. It was apparent to all present that no further concession in total amount of compensation would be made. It was also apparent that, for lack of information on both sides, it would be impossible to put into effect immediately a *per-piece* plan although considerable consideration was given to working out a *per-piece* plan which would be based on the highest quarter-hour rate (that is, a certain percentage such as $\frac{1}{2}$ of 1% of such rates for each piece broadcast). Because of this lack of information and because of the fact that the contract might serve as a precedent, Warner felt it would have to fix a fee per-piece that would be high enough to protect it in the future while the committee felt, for somewhat the same reasons, it must in-

sist on a fee sufficiently low to meet all situations. Both sides recognized that the matter needed further study. The result was that Warner chose the flat fee basis for its revised contract for a temporary period of three months, the flat fee being based on four times the highest quarter-hour rate and covering all non-network programs, and agreed to cooperate in working out a per-piece plan in that period.

By late Sunday afternoon when the committee was convinced that Warner would make no further concessions, Wattenburg proceeded with drafting the revised contract in the presence of the committee. During the course of revision a number of further points arose, some important and some not, but all of them entailing a certain amount of delay and discussion. It was not until well after midnight that the draft was completed and even then one or two points were left open in cases where the parties did not differ in principle but had not succeeded in finding the precise language which would be appropriate. These were settled early the following morning. Somewhere between 2 a. m. and 3 a. m., Monday morning, after conferring with members of the committee, I sent out the following telegram:

"Disregard Warner contract sent you this last week. Warner Brothers now offering revised three months contract which will remedy many of objections pointed out by us and which in opinion of committee and myself will be substantially more favorable. Basis for compensation for full time station for all non-network programs is to be monthly payment of four times your highest quarter-hour rate. Other stations proportionally. Stations where highest quarter-hour rate less than \$18 basis of compensation not to exceed twice highest quarter-hour rate. Networks to have responsibility for clearing copyright on all network programs over their own stations, and over affiliate stations. Warner agrees to attempt to work out per-piece plan during contract period and to furnish complete catalogue by Feb. 1. Several other improvements in contract agreed to by Warner. Printed revised contract cannot be delivered to you for a day or two. If you desire to use Warner music after December 31 Warner assures me you can gain rights given by this contract by instructing me to accept in your behalf. Please wire immediately."

During Monday, December 30th, the revised contract was printed and by that evening it was on its way to most of the stations.

Space will not permit a detailed comparison of the provisions of the revised contract with those of the first contract. It will be helpful, however, to point out what progress was made with respect to the principal objections.

(a) *The amount of compensation.* Instead of asking for a total of \$2,000,000, the revised contract is based on asking a theoretical total of \$1,104,000 from all stations (including those owned and operated by the networks), for non-network programs. This sum represents 48 times the total of the highest quarter-hour rates of all stations. It must, however, be reduced by the amount of the concessions made by Warner to small stations and to stations

having various kinds of time limitations. For example, stations having quarter-hour rates less than \$18.00 were to pay only twice the highest quarter-hour rate monthly; since then Warner has made further concessions and raised the dividing line to \$25.00. Also since the network companies have not accepted Warner's contract, the total must be reduced by another very substantial sum, possibly in the neighborhood of 20%, assuming that all independently-owned stations accept the contract.

(b) *Method of calculating compensation.* As already noted, for the temporary period covered by the contract, the basis is a flat rate based on the highest quarter-hour rate. The contract recites the intention of the licensor to attempt to work out a *per-piece* plan. The principle of payment of copyright fees at the source is given complete recognition with respect to network programs and to some extent with reference to electrical transcriptions. Finally, very significant progress was achieved in the provision requiring Warner to furnish a complete list of its compositions not later than February 1, 1936.

(c) *The agreement to indemnify.* Only partial success was had under this heading. Warner did not agree to remove the limitation on the amount of guarantee, claiming that for a station having both ASCAP and Warner licenses no greater protection is necessary; its reason for this conclusion is that the only serious issue likely to arise on its music is ASCAP's claim to have the right to license performing rights on some of it and therefore the only thing likely to affect any station is that money paid to Warner should have been paid to ASCAP. Considerable progress was made through the inclusion of the item already mentioned; i.e., the furnishing of lists by February 1, 1936. In Starr's statement made public late in the afternoon of December 30th, the agreement of indemnity is given an entirely satisfactory construction in the following language:

"3. For the first time radio stations will be furnished with a complete catalogue of the compositions of which we warrant ourselves to be the owners."

(d) *Records and reports.* Under this heading the revised contract still calls for weekly reports of all compositions including those not controlled by licensor. This feature is objectionable. On the other hand, the requirements were considerably lightened with respect to reporting on compositions contained in network programs, electrical transcriptions, and phonograph records, so as to make compliance at least possible if not to relieve the burden.

Other improvements will be noted at several points in the revised contract in line with some of the suggestions made in the committee's memorandum drawn up on Friday, December 27th.

During Monday, December 30th, a large number of replies were received from stations to the telegram above quoted sent out early that morning. The same was true of days which followed. Many of the stations communicated by telephone. Without attempting to tabulate the results by days, it may be said that by the morning of January 1, 1936, the totals indicated that 154 stations were accepting the contract, 67 more were doing so tentatively, and 64 (in addition to the networks) had indi-

cated that they were not accepting the contracts. Most recent reports indicate that considerably over 200 stations have taken the contract.

In letters sent to their clients and agencies on December 24th, the two networks notified them that, effective December 31st, and until further notice, no music controlled by the Warner Brothers group would be performed. These letters set forth at length their reasons. They will be found reprinted in full in *Broadcasting*, January 1, 1936 (Vol. 10, No. 1), at page 7.

The developments beginning with Monday, December 30th, were complicated by telegrams sent by Gene Buck, President of ASCAP, to stations which had not yet agreed to a five-year extension, by the National Broadcasting Company, Inc., and Columbia Broadcasting System, Inc., to all (or most) of their affiliated stations respectively; and by Leo J. Fitzpatrick, President of the NAB, to all member stations.

A copy of Buck's wire has been set forth under the preceding heading. The NBC wire was substantially as follows:

"We have had a number of telegraphic and telephone inquiries today asking our position in regard to a telegram received this morning by many associated stations from Mr. Baldwin regarding negotiations he has apparently had with Warner Brothers. Baldwin did not send us a copy of his message nor has he consulted us about it nor has the National Broadcasting Company agreed to any of the terms therein. National Broadcasting Company's position continues to be the same as outlined in Kobak's letter of December Twenty-third sent you by Brophy and accordingly National Broadcasting Company does not intend to schedule Warner publications on and after January First and will not agree to the terms outlined in Baldwin's telegram. We will continue with ASCAP catalogue on and after January First in accordance with my wire to you dated December Twenty-seventh quoting Mr. Burkan's letter."

The CBS wire was substantially as follows:

"For your information CBS is in no wise a party to the contract we understand is being offered to stations by Warner publishers group nor does any CBS owned station intend to take this contract stop On contrary we intend to abide by our decision to rely on ASCAP license but to play no Warner Brothers music until confused legal status is clarified stop Signing of Warner Brothers contract will not relieve you of obligation to pay copyright fees on local and network programs broadcast by you stop Printed list of Warner numbers mailed you today represents best information on what Warners claim to control but we are informed by ASCAP counsels that many compositions in list can be licensed only through ASCAP."

Mr. Fitzpartick's wire was substantially as follows:

"In answer to numerous telegrams I feel I should clarify my position in the present copyright controversy stop As Vice-President of WJR Detroit and WGAR Cleveland I am not entirely in accord with the course pursued by the Managing Director of NAB stop In July of this year I renewed my present contract with ASCAP for period of five years and do not intend dividing the

industry by signing any other contracts stop I do not want this telegram to be construed as advising members as to what course to pursue but as one of the owners of two stations I urge a united front."

Since January 1, 1936, the Warner Brothers group have instituted a large number of suits for infringement against the two networks (or their subsidiaries) and against a few independent stations not having Warner contracts. I am advised that in the case of the networks ASCAP is undertaking the defense of these cases; I do not know whether it intends to do the same for independent stations.

VI. THE NAB THREE-POINT PROGRAM

Resolutions adopted at the St. Louis Convention in November, 1932, laid the basis for a three-point program of activity in the field of copyright. This program was formally adopted at an NAB Board meeting held April 5, 1933, as follows:

1. Immediate incorporation and establishment of the Radio Program Foundation.
2. Immediate steps toward litigation against ASCAP under the anti-trust laws.
3. The securing of remedial legislation to check ASCAP's activity.

A brief account of the progress made on each point of this program is helpful both because of the light it throws on the course of the negotiations and because of the assistance it may afford in determining NAB's future course of action.

Radio Program Foundation. In a general way, the idea of making public domain music available had been considered at meetings of the NAB Board and by the so-called Plenary Committee in the spring and summer of 1932. At the St. Louis Convention in November, 1932, Schuette strongly advocated the creation of an industry-owned radio music supply through a new corporation which would become a subsidiary of NAB, to rid the industry of its dependence upon ASCAP. He offered a resolution providing that a Radio Program Foundation, with a capitalization of about \$150,000, be subscribed by the industry. His resolution was referred to the NAB Board for consideration.

In a bulletin sent out to all stations on December 31, 1932, Schuette took an initial step to test out the plan. Two compositions published by a non-member of ASCAP were sent out to all stations for performance. Further steps of the same sort were taken at later dates, but none of them was attended by any great amount of success, primarily because of the quality of the music.

At the NAB Board meeting held in Washington, February 20-21, 1933, the proposal for a Radio Program Foundation was adopted, and a special committee was designated to carry forward the project. On February 23rd, Schuette sent out a bulletin describing the purposes of the Foundation.

On April 5th after negotiations with ASCAP were again broken off, it was decided to proceed immediately with the establishment. It was incorporated as a Delaware

corporation in the second week in April with Messrs. McCosker, Loucks, Hostetler, Schuette, and Flamm as its incorporators, and with Schuette as its operating head. Among others, its objectives were to establish relations with independent copyright owners and publishers and at once set up an organization competitive with ASCAP, to open up negotiations with certain other copyright pools probably along with certain foreign associations, and to explore public domain music.

Organization of the Radio Program Foundation was completed at a meeting of its Board of Trustees in New York, May 3, 1933. McCosker was elected chairman of the Board, Schuette president, Hostetler, secretary, and Loucks, treasurer. Schuette immediately began conferences with owners and their representatives owning titles not included in the ASCAP pool. Headquarters were opened in Washington.

On June 14, 1933, the Foundation secured the American radio rights to the catalogue of G. Ricordi & Co., of Milan, Italy, containing more than 123,000 numbers in all branches of music, including the hitherto restricted Puccini catalogue. Ricordi had, several years before, withdrawn its affiliation with ASCAP because of meager royalties. The Foundation offered the catalog to NAB members at monthly royalties ranging from \$2.50 to \$25.00, with higher fees for non-members. On network programs, the principle of clearing copyright at the source was given full recognition in these licenses. Licenses were offered to NBC and CBS and, if they were consummated, the Foundation was to pay additional sums to Ricordi, which arranged the transaction on a sliding scale providing for increased charges for network participation as well as for stations outside the NAB. After considerable delay, both networks took licenses. The amount of the license was calculated on a non-profit basis to the Foundation and NAB. It is true, of course, that a large portion of the Ricordi catalog was not protected by copyright in the United States, but it was also true that much of the catalog had already been recorded and had the advantage of being immediately available.

Shortly afterwards Schuette sent to all NAB members a compilation of records that are in the public domain.

At the Annual Convention held in Cincinnati September 16-18, 1934, a resolution offered by Schuette was adopted directing the NAB Board

"to organize a music pool, either by a reorganization of the Radio Program Foundation or otherwise for the purpose of obtaining for radio broadcasting stations the air rights to such music as may not otherwise be available or which may be made more readily available by such a pool, and to enlist the cooperation of all radio stations and their program departments in promoting the widest possible use of such music."

Unfortunately, the Foundation met with apathy on the part of the NAB Board, the networks, and the broadcasters generally. It was never adequately staffed with trained and experienced personnel. During 1934 and 1935 it was virtually dormant. By arrangement between Schuette and Ricordi, stations were permitted to renew

licenses directly with Ricordi. Finally, as of December 31, 1935, the corporation was formally dissolved.

Anti-Trust Proceedings Against ASCAP. Proceedings against ASCAP under the anti-trust laws were vigorously urged by Levy, WCAU, at the St. Louis Convention in November, 1932, in a plea based on his own experience.

With the breaking off of negotiations again with ASCAP on April 4, 1933, the institution of litigation became an active part of the NAB program.

On September 1, 1933, a test suit was filed against ASCAP in the Federal District Court for the Southern District of New York, in the name of Pennsylvania Broadcasting Company operating WIP, Philadelphia. The suit sought dissolution of ASCAP as an illegal combination in violation of the anti-trust laws, and asked that WIP's contract with ASCAP be declared void.

The WIP suit never came to trial, although it is at issue. With the filing of the Government suit against ASCAP, however, it was felt that every effort should be concentrated on assistance to the Government rather than on the private suit.

On August 30, 1934, in the same Federal District Court, the United States Government instituted suit under the Sherman anti-trust law asking dissolution of ASCAP, the Music Publishers Protective Association (which in March, 1933, had demanded a new rate of 25c per number of electrical transcriptions, instead of 2c per record), and the Music Dealers Service, Inc., naming approximately 125 officers and directors of the organizations, including Buck, Mills, Burkan and Paine.

By this suit the Government sought to establish a system of fees based upon the actual use made of public performance rights and to substitute competition among copyright owners for the monopolistic control exercised by ASCAP. It prayed that existing contracts of ASCAP with broadcasters and other users be declared invalid, as well as contracts between ASCAP and MPPA, and authors, composers and publishers. The suit asked that the defendants be restrained from entering into similar contracts; from joining similar firm, corporation, or society unless the facilities of such firm, association, corporation or society are open to every copyright owner on equal terms and unless license fees to be collected pursuant to licenses are determined by individual copyright owners for each musical composition owned by them; and from instituting infringement suits against any licensee upon the giving of bond by such licensee to insure payment of a reasonable charge as the court may determine or as may be arrived at between licensee and individual copyright owners. The Government's petition called attention to the

"distinction and discrimination between the license agreements exacted of radio broadcasting stations owned at least 51 per cent by newspapers, and license agreements exacted from radio broadcasting stations not so owned"

and verbatim copies of the two types of license agreements were appended as exhibits.

The suit was filed just as the existing ASCAP license agreements with broadcasters were entering upon the

third year of their life, and the percentage on receipts to be paid by broadcasters was increased from 4% to 5%. While naturally the suit was more than welcome, and a great hope was aroused by its institution, it was obvious that only a miracle could bring about a successful termination of the suit in the lower court alone by September 1, 1935, when the contracts expired.

At the Annual Convention held in Cincinnati September 16-18, 1934, the NAB adopted a resolution instructing its officers and directors to support the Government suit.

An answer by the great majority of the defendants (83) was filed November 1st. It was a voluminous document of 42 pages and for the most part was a repetition of the story so often told by ASCAP at Congressional hearings, with which broadcasters are already familiar. The answer declared that a system of royalties based on actual use would be unworkable, and that broadcasters and other users were really seeking a situation under which they would pay nothing for copyrighted music. It alleged dire consequences if ASCAP were dissolved. It attempted to justify the favorable newspaper station contracts.

In the Government suit, a motion was made by the Government that a great deal of irrelevant matter be stricken from the defendant's answer. ASCAP moved that a commission be appointed by the Court to take testimony both in this country and abroad. The Court heard arguments on the motions January 11, 1935.

On March 26th, Federal Judge Knox granted the Government's motion to strip the case of irrelevant matter and denied ASCAP's motion which sought to delay the case by taking depositions all over the world. He left the way open, however, for ASCAP to reapply to take testimony on 3 or 4 relatively minor points, but only if exceptional reasons should be advanced. The Court's ruling was tantamount to a holding that the case was henceforth limited to the important issue of illegal price-fixing by ASCAP, and the way was open for expediting trial of the case.

On May 7th Andrew W. Bennett, special assistant to the Attorney General in charge of the Government suit, appeared before Judge Knox on a motion previously filed that the Court fix a definite early date for trial. He called the Court's attention to the widespread apprehension in the broadcast industry and elsewhere as to the demands that might be made by ASCAP at the expiration of existing contracts on September 1, 1935. Shortly afterwards the case was set down for trial June 10th and the Department of Justice proceeded to prepare for trial.

A further attempt by ASCAP to delay the case by a motion for postponement until fall was denied. On June 11th the case got under way before Federal Judge Goddard.

A half-dozen witnesses were heard in behalf of the Government and were subjected to lengthy cross-examination by Burkan, ASCAP counsel. On several occasions Burkan referred to the 5-year extensions secured by WCAU and the networks and asserted that there was no question of oppression or reasonableness in the charges

for music involved because several of the most important units of the industry had entered into 5-year extensions at a figure even higher than before. After less than two weeks, when it became obvious that the case could not be completed by July 1st, the Court adjourned the case until November 4th.

At the NAB Convention held at Colorado Springs, July 8-10, 1935, resolutions were adopted favoring and approving a continuation of the activities of the Attorney General and his staff in the Government suit against ASCAP, and instructing the officers and directors of the NAB to support the suit.

"to the end that royalties for the public performance of music may be determined by free and open competition among copyright owners."

On October 17, 1935, Government counsel conferred with ASCAP counsel and with the Court, and as a result the date of trial was again deferred from November 4, 1935, to January 6, 1936. This postponement was due primarily to delay on the part of counsel in agreeing on a stipulation of facts which the Court had asked them to prepare.

As a result of the public announcement of the withdrawal of the Warner Brothers group on November 26, 1935, trial was not resumed on January 6, 1936.

Legislation. Prior to September 1, 1932, there had, of course, been a great deal of important legislative activity which cannot be summarized here and which, in any event, did not result in any changes in the Copyright Act of 1909.

With the breaking off of negotiations again with ASCAP on April 4, 1933, remedial legislation again became an active part of the NAB program.

At the Annual NAB Convention held in Cincinnati September 16-18, 1934, a resolution was adopted petitioning Congress to amend the copyright law by omitting the language which fixes the minimum infringement penalty at \$250 and attorney's fees, leaving the court free, in each instance, to fix such penalty as in its discretion the court shall deem proper.

In January, 1935, a surprise move occurred in the form of an attempt to commit the United States to adherence to the International Copyright Convention. Technically this is not the correct title of the treaty (the Rome Revision of the Berne Berlin Convention for the Protection of Literary and Artistic Property) but it will be used for convenience. A bill to amend the Copyright Act of 1909, designed to lead to such adherence, was introduced with the sponsorship of the Department of State and had been referred, not to the Senate Committee on Patents, but to the Senate Committee on Foreign Relations. Due to vigilance on the part of Managing Director Loucks, a protest was filed in behalf of NAB and, in conjunction with protests filed by other organizations, caused the Senate Committee to refer the bill to the Department of State for the taking of further testimony.

The original bill already contained significant modifications of the existing law, some favorable and some un-

favorable to the broadcasting industry and other groups of users. Conferences were held before an Inter-Departmental Committee, with Mr. Wallace McClure of the Department of State as chairman. By March 28, 1935, the Committee was ready to submit a revised bill in which practically all the broadcasters' objections were met in a satisfactory manner. On April 1, the revised Bill (S. 3047) was introduced by Senator Duffy of Wisconsin and was referred to the Senate Committee on Patents.

Certain of the outstanding changes proposed by the bill were summarized by Managing Director Loucks in his report to the 1935 NAB Convention as follows:

(1) the establishment of "automatic copyright" (i. e. copyright without the necessity for complying with any formalities), but with sharp limitations on the right of recovery of damages for infringement wherever registration and notice of copyright have not been had;

(2) a material enlargement of the "writings" for which copyright may be secured, but no acceptance of the general European theory of "oral" copyright;

(3) a considerable limitation of the right of injunction in cases where infringement of copyright is claimed;

(4) the complete elimination of the fixed minimum statutory damage provision of the existing law, leaving the measure of damages in each case to be determined by the court;

(5) the grouping together of all infringements by any one infringer up to the date of judgment, with the provision that any unauthorized network performance shall be regarded as the act of one infringer;

(6) the reversal of the present law, as established in the Jewell-LaSalle case, by providing that there shall be no liability, civil or criminal, for the reception of any copyrighted work by the use of a radio receiving set, except where special admission fees are charged;

(7) a provision regarding the "author's moral right," based on the very broad provisions of the Rome Convention but so modified as to give users considerable freedom in adapting copyright material for their special requirements.

Protection is given the copyright owner against unauthorized broadcasting of any copyrighted writing (including the reading of prose or poetry). The writings to which copyright protection is extended include

"Works prepared expressly for radio broadcasting, or for recording by means of electrical or mechanical transcription, including programs and continuities in so far as they embody original work of authorship."

The Senate Foreign Relations Committee had already voted to report favorably on the proposed ratification of the International Copyright Convention. On April 19, 1935, the Senate suddenly ratified the treaty. On April 22nd, the action was rescinded and, at the request of Senator Duffy and with unanimous consent, the measure was returned to the executive calendar.

On May 8th the Senate Patents Committee, in executive session, heard eight witnesses (including ASCAP representatives) who opposed certain phases of the Duffy Copyright Bill, as the bill was now called. The witnesses were given opportunity to submit briefs.

On June 17th the Bill (S. 3047) was favorably reported by the Senate Patents Committee. In the report Senator McAdoo, Chairman of the Committee, explained at length the elimination of the \$250 statutory minimum penalty for infringement, saying that the purpose of the amended provision is

"to accord a remedy for infringement, not a weapon under which the owners of copyright may stimulate the sale of their works."

At the NAB Convention held at Colorado Springs, July 8-10, 1935, a resolution was adopted petitioning Congress speedily to enact the Duffy Copyright Bill. On July 26th the Managing Director, jointly with officials of the Motion Picture Theatre Owners of America and the American Hotels Association, issued a statement asking passage of the bill.

On August 7, 1935, the Senate passed the bill. On August 12th it was referred to the House Committee on Patents, but Congress adjourned before any action was taken by the House Committee.

Since the convening of Congress on January 3, 1936, no progress has been made with the bill in the House. No hearings have been held and no date is set for hearings. My best information is that it will be at least several weeks before hearings are held and I believe that there is justification for the conclusion that ASCAP is at least partly responsible for causing this delay. The House Committee has, at present prospects, only one calendar day, early in March, and if hearings have not been held and if the bill is not reported by that date, the chance of its becoming law are very slight.

Another interesting development was the introduction on January 27, 1936, of H. R. 10632, by Mr. Daly of Pennsylvania. It also is a bill to amend the Copyright Act of 1909 and follows very closely the Duffy Copyright Bill. It restores, however, most of the objectionable features of the present law and of the original State Department bill, including the minimum statutory damages of \$250 for each infringement. It gives extensive copyright protection to phonograph records as such. This bill has also been referred to the House Committee on Patents.

VII. CONCLUSIONS

To some extent this heading overlaps the next heading in which I set forth my recommendations, and it will not be necessary to enumerate certain conclusions which are implied in some of these recommendations. There are, however, certain conclusions to which separate attention should be called, even though some repetition is involved.

A. Reason for Failure of ASCAP Negotiations

That the combined efforts of over 300 stations to negotiate an improved contract with ASCAP and to give effect to just principles of compensation endorsed by several successive NAB Conventions met with complete failure must, I think, be attributed to the following causes:

1. *ASCAP's monopolistic power.* Even with the withdrawal of the Warner Brothers group, ASCAP controls 60% to 70% of the music used by a large proportion of broadcasting stations. This music is, at least in the present state of affairs, indispensable to practically all stations, both because it is necessary to meet the needs and desires of the listening public and because it would be virtually impossible for a station to avoid innocent infringements, with their attendant heavy penalties. So long as this power exists, and no element of competition is introduced or enforced among the members of the ASCAP group, the broadcasting industry must expect to be at a heavy disadvantage in negotiating with ASCAP.

The principal weapons open to the broadcasting industry against this power are:

- (a) proceedings under the anti-trust laws, such as the pending Government suit and the pending WIP suit;
- (b) amendment of the copyright law, and
- (c) the marshalling of an independent source of supply of non-ASCAP music, so as to be able to operate broadcasting stations temporarily without ASCAP music and without danger of innocent infringement.

These are referred to again below.

2. *Defects in the copyright law.* While I am treating this as a separate factor, it is closely interwoven with the first factor. The defects in the existing copyright law, which have made it possible for ASCAP to have and to wield arbitrary monopolistic power, are

- (a) The provision imposing minimum statutory damages of \$250 for each infringement, no matter how innocent;
- (b) The interpretation given to the law by the courts that, in the case of a network program, for example, not only the originating station but every affiliate station broadcasting the program and every receiving set in a hotel public room, restaurant, or other public place of a commercial character is infringing; in other words, the failure to recognize the principle of clearing copyright at the source;
- (c) The failure of the law to make provision for obviously innocent and unavoidable infringement, such as a broadcast of a football game during which a college band plays a copyrighted song;
- (d) The failure of the law to impose suitable restrictions on combinations and pools of copyright owners.

3. *The lack of an independent supply of music.* This is sufficiently covered both above and under a later sub-heading.

4. *The discriminatory ASCAP contracts of the networks.* The networks are obviously ASCAP's largest individual customers. In turn, they are very important members of NAB and as such have regularly been represented on NAB's Board of Directors and, until the last few weeks, have played an important role in all NAB copyright activities, including negotiations with ASCAP.

By securing more favorable contracts from ASCAP in 1932 than were given the rest of the industry, they were placed in a position where their interests in copyright have proved to be opposed to the interests of independent

stations from a financial point of view (although not, I believe, from a sound, long-range point of view). They face a substantially increased financial burden for copy-right licenses if any method of compensation, such as a per piece or measured service basis, is adopted, even though the total paid to ASCAP is no larger than before. This accounts, I believe, at least in large measure, for their opposition to the per-piece or measured service plan, for their attitude toward five-year extensions of ASCAP contracts, for their opposition to the Government suit, and perhaps other points in the policies followed by them.

The discriminatory ASCAP contracts are, in my opinion, the fundamental reason for the lack of a united front on copyright in the broadcasting industry today.

5. *The network-affiliate contracts.* The group of stations affiliated with the two national network companies is very large and constitutes a very important group. When they are forced to follow a certain course of action in copyright, it is almost inevitable that the remaining independent stations will be forced to do likewise.

No more effective weapon was placed in the hands of ASCAP than the provisions contained in the network-affiliate contracts requiring the affiliate to have ASCAP and other licenses. These provisions subjected the affiliate stations to the danger of heavy liability not only to ASCAP but also to the networks.

6. *Pressure exercised by the networks.* As I have already stated, a member of the NAB Board has been informed by ASCAP that their telegraphic demand for signed contracts was *at the insistence of both major networks*. Certain other circumstances tend to corroborate this. If this is true, the loss of the last opportunity for negotiations must be ascribed to the networks as well as to ASCAP.

B. Prospect of Success in Future Negotiations with ASCAP

By success in future negotiations with ASCAP, I mean primarily, of course, the establishment of a sound basis for compensation, such as the per-piece or measured service plan, without any substantial increase in the amounts paid to ASCAP. I mean also the achievement of certain related objectives which need not be summarized here.

It is my conclusion that no important objective will be accomplished by more negotiations with ASCAP during the period covered by the five-year renewals. This conclusion is based on the following reasons:

1. The obstacles enumerated under the preceding sub-heading are still present, and unless removed they will continue to be present, and to block any progress by more negotiation.

2. By their conduct after the 1932 contracts had been forced on the broadcasting industry, Mills and other ASCAP representatives made it clear that, in spite of their oft-repeated protestations of willingness to negotiate, they were not willing to revise the contracts in any respect except on the basis of substantially increased compensation, and that their invitations to negotiate were inspired,

at least in part, by a desire to delay steps contemplated by the NAB or for other reasons to gain time. There is no reason to believe that any different tactics will be pursued during the next five years.

3. The only occasions in the past on which ASCAP has seemed really willing to negotiate have been when by reason of developments on other fronts the broadcasting industry seemed on its way toward achieving a measure of progress toward bargaining equality.

A corollary conclusion is that, to have any hope of success, the broadcasting industry must concentrate on removing so far as possible the obstacles which have been enumerated under the previous subheading. Such a program includes litigation, legislation, the establishment of an independent source of music supply, doing away with the discriminatory ASCAP contracts, eliminating the objectionable features from network-affiliate contracts, and any and all steps and proceedings necessary to these ends.

C. The Music Publishers Holding Corporation

No one contemplates with pleasure the prospect of increased cost for music due to (a) ASCAP's refusal to reduce its fees to a degree corresponding to the recent diminution of its repertoire and (b) the necessity of having to deal separately with, and pay license fees to, the Warner Brothers group, represented by Music Publishers Holding Corporation.

On the other hand, for the first time in the history of the broadcasting industry, progress was made toward sound objectives in the negotiation of the revised MPHC contract. The favorable features of this contract have already been summarized. If the broadcasting industry will give its support and cooperation, still further progress has been promised by MPHC and will be achieved with the negotiation of a further contract at the expiration of the current 3-months' period expiring March 31, 1936. If, on the other hand, broadcasters join in any movement to boycott Warner music, or refuse to take MPHC licenses for any reason other than a bona fide lack of need for such licenses, any further progress will be seriously prejudiced.

It is my conclusion that, in the present state of the law and the actual condition of affairs, it is to the advantage of all users of music and of the public that the Warner Brothers group be maintained as a separate licensing organization, for the following reasons:

1. Some possibility of competition is opened up in a field in which ASCAP now enjoys a virtual monopoly.

2. Important progress may be made toward developing a per-piece or measured service plan of compensation, demonstrating its feasibility and advantages and serving as an example to ASCAP and other licensing pools.

3. An ASCAP victory over the Warner group, whereby the latter is forced back into ASCAP, would be disastrous in its effect on music publishers and composers generally and on any tendency or willingness among them to work toward a sound solution of the problem.

Needless to say, my conclusions are *not* reached with a view to assisting the Warner Brothers group as such, but solely and simply because of the reasons above set forth.

D. The Government Suit

As stated in the NAB Bulletin sent out January 13, 1936, the Government suit "is as important now as it has been at any time in the past and its prosecution should be pursued with vigor."

Certain considerations must, however, be frankly faced. Among them are the following:

1. The Government's suit was definitely weakened and prejudiced by the action of the networks and WCAU in obtaining five-year extensions on the eve of trial.

2. The situation presented by the Government's petition has been somewhat altered by the withdrawal of the Warner Brothers group, and the actions of ASCAP and the networks in connection therewith.

3. The discriminatory network contracts (which are not mentioned in the Government's petition) and the objectionable provisions in the network-affiliate contracts have assumed an importance to the issues raised by the suit, not heretofore apparent.

4. The forcing of independent stations to accept five-year extensions with a diminished repertoire, by January 15, 1936, raises issues that may be of importance to the successful prosecution of the suit.

5. The terms of the new contracts between ASCAP and its members are not known and may contain provisions pertinent to the case.

Because of these considerations, it is my conclusion that the Attorney General should be informed of all the developments covered by this report and should be urged to have an intensive study made of the suit in the light of possible new issues and new evidence. It may be that the Government's petition should be amended or that new or supplemental proceedings should be instituted, and it would be unfortunate if the pending suit should result unfavorably for want of the taking of proper steps at this time. This study should be made and concluded at the earliest possible date, after which the suit in its present or in modified form should be prosecuted with all vigor.

E. The Duffy Copyright Bill

It is my conviction that no effort should be spared in attempting to secure enactment of the Duffy Copyright Bill in the form in which it was passed by the Senate in August, 1935. This is not because the bill remedies all the injustices worked by the present law or because it is free from objectionable new features. Neither is true. It *is* because it goes far to remedy one defect in the present law which overshadows all others; it eliminates the minimum statutory damage of \$250 for each infringement, no matter how innocent, without which the arbitrary power of ASCAP to force unacceptable and unjust contracts on the broadcasting industry and on other groups of users of music would be greatly lessened.

Recent developments, however, force me to the conclusion that

(1) without a determined effort on the part of the broadcasters and other groups of users, the Duffy Bill will not be passed by the House this session, or,

(2) even if it reaches the state of being voted on by the House, there is serious danger that the \$250 minimum damage provision will be restored, and that only the utmost vigilance will prevent this.

If the bill is not passed this session, then the whole procedure must be recommenced, since the next session will be that of a new Congress. If this is so, then it is proper to consider whether the broadcasting industry should not then endeavor to secure a remedying of other defects in the present law not cured by the Duffy Bill. What I have in mind is that, after acquainting the Senate and House Patent Committees with the more recent developments and problems, we should ask definitely for provisions that would

(1) render any licensing pool illegal unless it operates on a per-piece or measured service basis, is open on fair and equitable terms to all persons owning or controlling performing rights, and preserves competition between such persons, and

(2) confine infringement suits, in the case of network programs, to the originating station.

F. An Independent Music Supply

It is my conclusion that the failure of the Radio Program Foundation to achieve the results expected of it is *not* due to any want of inherent merit in this part of the NAB program but rather (1) inadequate financing, (2) apathy on the part of the NAB, its directors and members and the networks, and (3) insufficient experienced personnel. There were, of course, minor defects and mistakes which, in my opinion, could all be remedied if another attempt is made.

It is my further conclusion that there is no more important feature of sound copyright program for the NAB than the establishing of an independent source of music supply such as was attempted in the Radio Program Foundation. This is not the place in which to present a detailed proposal; it should be made in a separate report confined to this one subject. Among the objectives to be accomplished by such an institution are the following:

1. The purchase, sales and licensing of performing rights.

2. The compilation and distribution of catalogs.

3. The collecting of information with respect to public domain music and, if necessary, the making of such music available.

4. The compilation and distribution of information regarding music (whether copyrighted, by whom controlled, and whether in the public domain) used in the manufacture of electrical transcriptions and phonograph records.

5. Entering into agreements with foreign copyright owners and licensing pools.

6. If necessary, the publication of music.

Not all these functions need necessarily be lodged in a separate corporation. Some of them (such as the distribution of catalogs) might well be considered to be more properly exercised directly by the NAB, through a copyright bureau.

There are, of course, problems with reference to the form of corporation, financing, the sale of stock, limitations on stock control, the profit or non-profit character of the enterprise, etc., which must be studied and in connection with which legal advice will be necessary. If the corporation is adequately financed and supported, none of those problems offers any serious difficulty.

G. The International Situation

On February 27, 1936, a meeting of the *Union Internationale de Radiodiffusion* (U. I. R.) opens in Paris, and during a week or more one of the principal subjects of debate will be copyright. The U. I. R. is composed of practically all the European broadcasting organizations and of many outside of Europe. In this country, the NAB is a member. The two networks and one independent clear channel station are the only members from the broadcasting industry. The copyright problems revolve mainly on the forthcoming international conference on copyright to take place next September, and have to do with proposals that the manufacturers of electrical transcriptions and phonograph records, as such, be given extensive copyright protection, and likewise that performing artists be given similar protection. These proposals are being vigorously urged and cannot be ignored.

If the United States should ultimately adhere to the Convention, it will be bound to give effect to its provisions in the law of this country. It is my conclusion that within practical limits, the NAB should do everything in its power to support the U. I. R. in the position it is taking in opposition to the proposals. It is also my conclusion that any adherence to the Convention by the United States should be postponed until after it is known what the provisions of the Convention are to be.

VIII. RECOMMENDATIONS

My recommendations must necessarily be somewhat in the alternative, depending on whether and how the Board of Directors chooses between the following courses of action:

1. To determine itself the copyright program for the NAB until the next Annual Convention, including the adoption or rejection of my recommendations hereinafter set forth, or

2. To call a special meeting of the NAB and to refer some or all of my recommendations to the membership for action, or

3. To refer this report with its conclusions and recommendations to the membership of the NAB, and to ask the members to determine whether a special meeting shall be called.

There is evidence of some sentiment in favor of a membership meeting at an early date but, without a poll of the members, I am unable to tell whether the sentiment

is sufficiently widespread to justify the calling of such a meeting, with its attendant expense and inconvenience to the members. Under the By-Laws, a special meeting of the members may be called on 15 days' notice on request of either eight directors or of one-third of the members. The suggestion has been made that the date of the Annual Meeting be advanced to some date in the early future but I am inclined to believe that a special meeting would be preferable. A special meeting could be more easily confined to the pressing problems (principally in copyright), would be free of election turmoils, and would not be so likely to be interrupted by social functions.

I am not making any recommendations, therefore, as to whether a special meeting should or should not be called. Both the advantages and the disadvantages of such a course are more or less obvious and need not be recited. It seems to me that the answer to the question depends largely on whether the Board chooses to act on certain of the recommendations set forth below or to refer them to the members for discussion.

My recommendations are as follows:

Printing of the Report

1. That the Managing Director be authorized to print and distribute this report, together with a statement of the Board's actions thereon, to NAB members and to such other persons as in the judgment of the Managing Director have a legitimate interest therein.

Approval and Ratification of Actions of the Managing Director and the Advisory Committee

2. That the actions of the Managing Director and his Advisory Committee in the field of copyright since the December meeting of the Board of Directors be approved and ratified, both generally and particularly with respect to the following:

- (a) Their attempts to negotiate a better license arrangement with ASCAP and their acceptance in the interim of a temporary arrangement cancellable on two days' notice.

- (b) Their attempts to negotiate a better license agreement with Music Publishers' Holding Corporation and their actions in advising broadcasters of the improved terms of the revised contract and in acting as intermediary for stations desiring to accept said contract.

- (c) Their adoption of the "Tentative Program of Activity in Behalf of the NAB," as contained in the printed NAB bulletin and issued January 13, 1936.

Policies with Respect to Copyright

3. That the resolutions adopted by the NAB at its 1935 and earlier Conventions, declaring in favor of the piece or measured service plan of compensation for performing rights be re-affirmed.

4. That all discriminations in ASCAP license agreements (as well as in the license agreements of any other copyright pool) be declared wrongful and against the best interests of the broadcasting industry and of the

public, including the discriminations involved in the network contracts, the newspaper-owned station contracts and the WCAU contract, and such discrimination should be done away with.

5. That those provisions in network-affiliate contracts requiring affiliate stations to have ASCAP or other licenses be declared to constitute an undue burden on affiliate stations, a serious obstacle to successful negotiations both in behalf of affiliate stations and of all other independent stations, and an unfair weapon in the hands of ASCAP and the networks, and such provisions should be eliminated from said contracts.

6. That, in the case of network programs, the NAB declare itself in favor of clearance of copyright at the source so that only the originating station will be held responsible for infringement and affiliate stations will be under no obligation to secure licenses with respect to such programs or to bear responsibility for any infringements that may occur therein.

7. That, generally, Part A of the above-mentioned "Tentative Program of Activity in Behalf of the NAB" be approved as a correct statement of the policies to be followed in negotiating license arrangements with ASCAP and other licensing pools.

8. That the action of ASCAP in refusing to reduce its fees by an amount corresponding to the diminution of its repertoire consequent on the withdrawal of the Warner Brothers group be declared to be arbitrary and unjust.

9. That the possibility of competition and of a sound basis for compensation offered by the withdrawal of the Warner Brothers group from ASCAP be declared, in the present state of the law and in view of the arbitrary power exercised by ASCAP, to be wholesome and in the interest of the broadcasting industry; that broadcasters be urged to do everything in their power to prevent a forcing of the Warner Brothers group to return to ASCAP, and that any attempt to refuse to deal with the Warner Brothers group for such purpose be condemned.

10. That the Officers and Directors of the NAB be authorized and instructed to take any and all necessary and proper steps to put the foregoing policies into effect.

The Government Suit

11. That the Managing Director be instructed to bring the contents of this report, together with any other facts pertinent thereto, to the attention of the Attorney General; to urge upon the Attorney General the imperative necessity for an immediate study of the Government suit against ASCAP and for a determination whether amendments or new or additional proceedings are necessary or advisable to attain the objectives sought to be accomplished by that suit; and to urge upon the Attorney General the imperative necessity for an early resumption of the prosecution of that suit either in its original or in amended or modified form.

The Duffy Copyright Bill

12. That the Managing Director be instructed to bend every effort to bring about enactment of the Duffy Copy-

right Bill (S. 3047) in the form in which it passed the Senate, and to oppose any attempt to insert or restore minimum statutory damages or penalties for infringement; and, if it should appear that enactment of the Bill in satisfactory form is impossible at this session, the Managing Director is further instructed to consider and to report back to the Board of Directors on the advisability of seeking further amendments to accomplish the following objectives:

(a) To render any licensing pool illegal unless it operates on a per-piece or measured service basis, is open on fair and equitable terms to all persons owning controlling performing rights, and preserves competition between such persons.

(b) To confine infringement suits, in the case of network programs, to the originating station.¹

Radio Program Foundation

13. That the need for the immediate establishment of a corporation having substantially the same purposes and powers as the Radio Program Foundation be recognized, and that the Managing Director be instructed to prepare and submit to the Board at an early date a detailed plan and program for the establishment of such a corporation and its successful operation.

International Copyright Problems

14. That the importance of the copyright questions to be discussed at the U. I. R. Meeting to be held at Paris, beginning February 27, 1936, and to be determined at the Conference to be held at Brussels, beginning September 7, 1936, be recognized and that the Managing Director be instructed to take any steps that may be necessary to protect the interests of American broadcasters in the questions to be discussed and decided.

Assistance to the Managing Director

15. That the Managing Director be authorized to retain legal counsel and such other assistance as may in his judgment be necessary or advisable for the successful accomplishment of the objectives herein decided upon.

* * * *

In pursuing this or any other program it cannot be made too clear that it is in the best interest not only of the broadcasting industry but of the public that every encouragement be given to writers and composers of music, both for the sake of the advancement of their art as such and in order that a constant supply of music of the best quality be made available to listeners. To accomplish this, as I know is realized by the entire industry, no scheme will succeed that attempts to do anything less than compensate them, and compensate them generously, for their work and their talent. It is not that the broadcasting industry desires, or ever has desired, to escape this obligation that it has engaged in its copyright activi-

¹ The Duffy Copyright Bill, in its present form, goes a long way towards, but still falls somewhat short of, accomplishing this objective.

ties but rather that it desires, and justly, that it be required to pay only for what it uses and that the fees paid by it actually reach those to whom they are due.

Respectfully submitted,

JAMES W. BALDWIN,
Managing Director.

RECORD OF BOARD ACTION

In acting on the above recommendations, the Board by majority vote adopted the following:

Printing of the Report

1. That the Managing Director be authorized to print and distribute this report, together with a statement of the Board's actions thereon, to NAB members and to such other persons as in the judgment of the Managing Director have a legitimate interest therein.

Approval and Ratification of Actions of the Managing Director and the Advisory Committee

2. That the actions of the Managing Director and his Advisory Committee in the field of copyright since the December meeting of the Board of Directors be approved and ratified, both generally and particularly with respect to the following:

(a) Their attempts to negotiate a better license arrangement with ASCAP and their acceptance in the interim of a temporary arrangement cancellable on two days' notice.

(b) Their attempts to negotiate a better license agreement with Music Publishers' Holding Corporation and their actions in advising broadcasters of the improved terms of the revised contract and in acting as intermediary for stations desiring to accept said contract.

(c) Their adoption of the "Tentative Program of Activity in Behalf of the NAB," as contained in the printed NAB Bulletin and issued January 13, 1936.

Policies with Respect to Copyright

3. That the resolutions adopted by the NAB at its 1935 and earlier Conventions, declaring in favor of the per-piece or measured service plan of compensation for performing rights be reaffirmed.

4. That all discriminations in license agreements in respect of commercial stations be declared wrongful and against the best interests of the broadcasting industry and of the public, and such discriminations should be done away with. (Note: Specific references to actual existing discriminatory contracts were stricken from the recommendation as originally made.)

6. That, in the case of network programs, the NAB declare itself in favor of clearance of copyright at the source so that only the originating station will be held responsible for infringement and affiliate stations will be under no obligation to secure licenses with respect to such programs or to bear responsibility for any infringements that may occur therein.

8. That the action of ASCAP in refusing to reduce its fees by an amount corresponding to the diminution of its repertoire consequent on the withdrawal of the Warner Brothers group be declared to be arbitrary and unjust.

10. That the Officers and Directors of the NAB be authorized and instructed to take any and all necessary and proper steps to put the foregoing policies into effect.

The Duffy Copyright Bill

12. That the Managing Director be instructed to bend every effort to bring about enactment of the Duffy Copyright Bill (S. 3047) in the form in which it passed the Senate, and to oppose any attempt to insert or restore minimum statutory damages or penalties for infringements; and, if it should appear that enactment of the bill in satisfactory form is impossible at this session, the Managing Director is further instructed to consider and to report back to the Board of Directors on the advisability of seeking further amendments to accomplish the following objectives:

(a) To render any licensing pool illegal unless it operates on a per-piece or measured service basis, is open on fair and equitable terms to all persons owning controlling performing rights, and preserves competition between such persons.

(b) To confine infringement suits, in the case of network programs, to the originating station.

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13. That the need for the immediate establishment of a corporation having substantially the same purposes and powers as the Radio Program Foundation be recognized and that the Managing Director be instructed to prepare and submit to the Board at an early date a detailed plan and program for the establishment of such a corporation and its successful operation.

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14. That the importance of the copyright questions to be discussed at the U. I. R. Meeting to be held at Paris, beginning February 27th, 1936, and to be determined at the conference to be held at Brussels, beginning September 7th, 1936, be recognized and that the Managing Director be instructed to take any steps that may be necessary to protect the interests of American broadcasters in the questions to be discussed and decided.

Assistance to the Managing Director

15. That the Managing Director be authorized to retain legal counsel and such other assistance as may in his judgment be necessary or advisable for the successful accomplishment of the objectives herein decided upon.

The Board extended the authority given their Managing Director in December to select as Advisory Committee to confer and advise with him.

Minority Report of Harry C. Butcher

I heard Jim Baldwin read the foregoing report at the Chicago Board meeting.

To attempt to answer or even to clarify a 21,000-word report covering several years of copyright history would require perhaps another 21,000 words. You would "tune-out" long before you got to me.

The apparent purpose of rehashing past history seems to be to make the networks the "goats." I notice particularly that the report disregards what to me is the unquestionable fact that all of the NAB copyright activities to date have resulted in increasing the cost of music to broadcasters generally and engendering bitterness among various groups of broadcasters.

Last summer after two years and a half of negotiation, the broadcasters had no idea on what terms they could renew their ASCAP licenses and they did not know whether they could renew for one year, or five, or ten, on any terms. It is perfectly true that the networks played a leading part in negotiating a new 5-year contract, enabling all broadcasters to go on without paying any more than they had been paying, with the sole exception of the networks themselves, who did consent—in order to get all broadcasters including themselves out of their difficulties—to pay substantially larger sustaining fees for their key stations. It is not the fault of the networks that many broadcasters were induced not to avail themselves of this opportunity.

But words, words and words—talk, talk and talk—are not what broadcasters want and need on copyright. They want action along constructive lines.

So I will content myself with a few observations—and the reiteration of a practical suggestion for constructive united action made at the Chicago meeting.

I have already said that I am not going to attempt to answer Jim Baldwin but I am tempted to hit a few of the high spots. On the authority of some anonymous informant in ASCAP, it is stated that the networks inspired or influenced the sending by ASCAP of the telegram which required all broadcasters to renew their contracts by January 15 of this year. That statement is untrue. Representatives of both networks were called into a meeting of the entire ASCAP Board on January 10 and the telegram was read to them and they were informed that it had already been sent. I have confirmed by numerous witnesses that this was the case and that the networks had no knowledge of the telegram in advance.

Jim Baldwin's report furthermore seems to me to be founded on basic misconceptions, the most important of which is that there is a fixed and definite amount of money to be paid for copyrights and that the question at issue is how much of that fixed amount the independent station should pay and how much the networks should pay. This is not the fact. All the copyright interests are unanimous in seeking larger and larger sums from all broadcasters, whether network or independent stations. Those who subscribe to this misconception have wittingly or unwittingly fallen for some of our opponent's

insidious propaganda which is intended to split the broadcasters and which, unfortunately, is showing rather ghastly success.

It also seems to me that undue stress is put on the fact that our network contracts require affiliated stations to have ASCAP licenses. This clause was put into contracts years ago for the protection of the local stations, ourselves and the clients of both. It is not practical to carry on network broadcasting without an ASCAP license. It is not practical to carry on network broadcasting without transmitters at local stations. But the local stations don't get indignant at us because they have to have transmitters.

Our contracts also recognize that affiliated stations must have licenses from the Federal Communications Commission and our mutual operations are based upon performance thereunder. If we were to remove the ASCAP clause from our contracts, would it lessen the local station's need for an ASCAP license any more than deletion of reference to the Government license in our contracts would lessen the local station's need of that license?

Furthermore, anyone who actually knows the temper and disposition of ASCAP is well aware that it would be utterly impossible to persuade ASCAP to allow local stations to go unlicensed. ASCAP on the contrary was utterly determined that there should be neither network broadcasting nor local broadcasting unless the stations were licensed for both. We don't control ASCAP. (We sometimes wish we did.)

Now, finally, for a constructive note. I find no mention in Mr. Baldwin's report or press release (in which he sums up the batting average of his own recommendations to the Board) of the most promising development at the Chicago meeting. I refer to a general agreement which was reached at the end of that meeting. This agreement was to the effect that the broadcasters, including the controlling and operating heads of the network companies, should sit down and try to put an end to the bickering and the name-calling, and see if together they could work out some constructive actions for and in behalf of all broadcasters. This suggestion, made by Ed Craig of WSM, Nashville, was endorsed by all who attended the Chicago meeting. The heads of my company stand willing to participate whole-heartedly in such a meeting. We are ready to support any fair and constructive measures which such a meeting may evolve. Such a meeting should consider among other things a practical plan for creating, financing and operating a music pool for all broadcasters. I urge that immediate action be taken to convene such a meeting. And until a program looking toward the future has been worked out, I deplore the issuance of statements and reports which serve only to split our own ranks to the advantage of our adversaries, and I suggest that until the results of such a meeting are made known, every broadcaster should preserve an open mind.

Respectfully submitted,

HARRY C. BUTCHER.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

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FAVORABLE REPORT ORDERED ON WHEELER RADIO BILL

The Senate Committee on Interstate Commerce has ordered a favorable report on the Wheeler radio bill (S. 2243) relating to the allocation of radio facilities. The bill was slightly amended and as it was ordered reported it provides that Section 302 of the Communications Act of 1934 be repealed and that Section 2, subsection (b) of Section 307 of the Act be amended to read as follows:

"(b) In considering applications for licenses, and modifications and renewals thereof, when and in so far as there is demand for the same, the Commission shall make such distribution of licenses, frequencies, hours of operation, and of power among the several States and communities as to provide a fair, efficient and equitable distribution of radio service to each of the same."

COPYRIGHT HEARINGS ANNOUNCED

The House Committee on Patents on Wednesday announced that it will hold hearings on various copyright bills three days a week for four weeks.

The dates announced include February 25, 26 and 27, and March 3, 4, 5, 10, 11, 12, 17, 18 and 19.

The first hearings will be devoted to ASCAP, the next to the Authors League and the American Dramatists and other writing interests, while the third and fourth weeks' hearings will be devoted to radio, hotel and motion picture interests.

FEDERAL RADIO EDUCATION COMMITTEE

Plans and methods of securing greater cooperation between educators and broadcasters for the extension and improvement of the use of radio, were the subjects of a two-day conference on Monday and Tuesday of this week.

United States Commissioner of Education, J. W. Studebaker, presided over the sessions of the Committee, which was named by the Federal Communications Commission.

After considering suggestions for a number of surveys and successful practices in the educational and public service uses of radio, and adequate training of personnel, the Committee voted to set up five sub-committees to report at the next meeting.

Members of the Federal Radio Education Committee attending the meeting were:

Waldo Abbot, University of Michigan; James W. Baldwin, National Association of Broadcasters; Morse A. Cartwright, American Association for Adult Education; W. W. Charters, Ohio State University; H. W. Chase, New York University; A. G. Crane, Uni-

AMERICAN SOCIETY OF RECORDING ARTISTS

The new attempt by the American Society of Recording Artists to license stations apparently grows out of the decision in the so-called "Waring-WDAS" case. The decision rendered in this case by Judge McDevitt of the Court of Common Pleas in Philadelphia does not, in my opinion, justify the interpretation placed upon it by the Society. The opinion of Judge McDevitt, of course, has no effect outside the State of Pennsylvania. Further, through special counsel, the NAB has filed exceptions to Judge McDevitt's decision and these exceptions are scheduled for argument before a three-judge court on February 27. If Judge McDevitt's decision is affirmed we will take an appeal.

The important thing for members to consider is that the issues in this case have not been finally adjudicated. It is my recommendation that members do not recognize the American Society of Recording Artists until their rights have been finally determined.

JAMES W. BALDWIN,
Managing Director.

versity of Wyoming; Walter Damrosch, National Broadcasting Company; M. S. Eisenhower, Department of Agriculture; Willard E. Givens, National Education Association; Tom C. Gooch, Daily Times Herald, Dallas, Texas; Rev. George Johnson, Catholic University of America; Lambdin Kay, Radio Station WSB, Atlanta, Georgia; John F. Killeen, Federal Communications Commission; Cline M. Koon, Office of Education; Mrs. B. F. Langworthy, President, National P. T. A.; Luella S. Laudin, Women's National Radio Committee; L. R. Lohr, National Broadcasting Company; H. B. McCarty, University of Wisconsin; C. S. Marsh, American Council on Education (for Dr. Zook); Allen Miller, University Broadcasting Council; E. R. Murrow, Columbia Broadcasting System; A. D. Ring, Federal Communications Commission; Morse Salisbury, Department of Agriculture; John Shepard, III, Yankee Network; Levering Tyson, National Advisory Council; Judith C. Waller, National Broadcasting Company; Frederick S. Willis, Columbia Broadcasting System; William Dow Boutwell, Office of Education; C. F. Klinefelter, Office of Education; J. W. Studebaker, U. S. Commissioner of Education, Presiding.

Other members of the Committee are: Edgar Bill, Radio Station WMBD; Dr. S. Parkes Cadman, Federal Council of Churches of Christ in America; Gardner Cowles, Jr., Des Moines Register; Lester E. Cox, Radio Station KWTO; Edwin Craig, Radio Station WSM; John Elmer, Radio Station WCBM; O. D. Fisher, Radio Station KOMO; Leo J. Fitzpatrick, president, National Association of Broadcasters; William Green, American Federation of Labor; Mrs. Rose Jacobs, Hadassah Women's Zionist Organization; Dr. C. B. Jolliffe, Radio Corporation of America; A. J. McCosker, Bamberger Broadcasting Service; Mrs. Harold B. Milligan, Women's National Radio Committee; Dr. Robert A. Millikan, California Institute of Technology; and Dr. William S. Paley, Columbia Broadcasting System.

GEORGIA STATION MOVE RECOMMENDED

The Liberty Broadcasting Company (WTFI) applied to the Federal Communications Commission to move the station from Athens to Atlanta, Ga. The station operates on 1450 kilocycles, 500 watts power, and unlimited time.

Examiner Ralph L. Walker, in Report No. I-195, recommends that the change be granted on condition that the antenna to be installed shall comply with the provisions of the Commission's rules and regulations and upon the further condition that the exact station location to be hereafter selected shall be subject to the approval of the Commission. The Examiner said also that "it appears from the record that there is a need in the Atlanta area for the additional service which the applicant proposes to render, and that the operation of WTFI as contemplated will not result in any material increase in objectionable interference to existing stations."

C. C. I. R. MEETING

In preparation for the participation of the United States in the Bucharest 1937 Conference of the International Consulting Committee on Radio, the Federal Communications Commission held a meeting on Friday, February 14, of the various governmental and private interests involved. T. A. M. Craven, chief engineer of the Commission, presided and was made chairman of the general committee. Four subcommittees were appointed. The names of the respective chairmen and vice chairmen and the questions to be handled by each of the subcommittees follow:

ORGANIZATION AND TECHNICAL COMMITTEE—Chairman, Dr. J. H. Dellinger; Vice Chairman, Major J. H. Gardner, Jr. Questions: Selectivity curves; wave propagation curves; revision and renumbering of opinions; radio symbols and terminology; methods of measuring field intensity and noise.

FREQUENCY ALLOCATION AND RELATED PROBLEMS—Chairman, E. K. Jett; Vice Chairman, Gerald C. Gross. Questions: Harmonics; shared bands; anti-fading antennas.

OPERATIONS—Chairman, Capt. S. C. Hooper; Vice Chairman, E. M. Webster. Questions: Wave characteristics in respect to direction finding; field intensities necessary for reception; high-frequency mobile calling.

BROADCASTING QUESTIONS—Chairman, A. D. Ring; Vice Chairman, Raymond Asserson. Questions: Synchronization of broadcast stations; broadcast frequency separation; reduction of electrical interference; single sideband in broadcasting; measurements and tolerances, electrical interference to broadcasting; mitigation of electrical interference in receiving equipment; measurement and tolerances, background noise.

These subcommittees will meet again March 3 and 4, and the full committee will meet March 26.

Attendance at the meeting was as follows:

Lieut. W. B. Ammon, Navy Department; R. D. Armiger, Shortwave Institute of America; Raymond Asserson, Federal Communications Commission; E. K. Cohan, Columbia Broadcasting System; H. L. Cornell, American Steamship Owners Association; A. J. Costigan, Radio Corporation of America; T. A. M. Craven, Federal Communications Commission; Roland C. Davies, Editor, Telecommunication Reports; Dr. J. H. Dellinger, Bureau of Standards; Francis C. de Wolf, Department of State; Lloyd Espenschied, Bell Telephone Laboratories; Maj. J. H. Gardner, Jr., War Department; E. J. Girard, Mackey Radio and Telegraph Company; Gerald C. Gross, Federal Communications Commission; Capt. S. C. Hooper, Navy Department; C. W. Horn, National Broadcasting Company; E. K. Jett, Federal Communications Commission; Dr. C. B. Jolliffe, Radio Corporation of America; William N. Krebs, Federal Communications Commission; J. J. Lamb, American Radio Relay League; W. B. Lodge, Columbia Broadcasting System; J. C. McNary, National Press Building; Paul D. Miles, Mackay Radio and Telegraph Company; C. E. Pfautz, Radio Corporation of America; A. D. Ring, Federal Communications Commission; Oswald F. Schuette, Shortwave Institute of America; B. J. Shimeall, Federal Communications Commission; Judge Eugene O. Sykes, Federal Communications Commission; K. B. Warner, American Radio Relay League; E. M. Webster, Federal Communications Commission; L. E. Whittemore, American Telephone and Telegraph Company; W. V. Whittington, Federal Communications Commission.

DENIAL RECOMMENDED FOR GEORGIA STATION

The L & S Broadcasting Company filed an application with the Federal Communications Commission for the erection of a new station at Atlanta, Ga., to use 1210 kilocycles, 100 watts power and daytime hours of operation.

Examiner R. H. Hyde in Report No. I-196 recommended that the application be denied. He states that the evidence presented in support of the application does not show that there is a public need for the construction and operation of the proposed

new station. He says also that "there is no convincing proof that the interests of listeners, the requirements of religious, educational, civic, and charitable organizations or the demands of local talent, desiring means for expression, justify the construction of another station."

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

Sunstrand Machine Tool Company, Rockford, Ill. (2-1899, Form A-2).

Iniskin Drilling Company, Los Angeles, Cal. (2-1900, Form A-1). American Electric Securities Corporation, New York City (2-1902, Form A-2).

Administered Fund Second, Inc., Jersey City, N. J. (2-1903, Form A-1).

Varnishes & Paints, Inc., Hamtrack, Mich. (2-1904, Form A-1). Northern Oklahoma Gas Company, Ponca City, Okla. (2-1905, Form A-1).

Iron Foreman Mfg. Company, Portland, Ore. (2-1907, Form A-2).

T. H. Banfield et al., Portland, Ore. (2-1908, Form F-1).

Independence Fund of North America, Inc., New York City (2-1909, Form C-1).

RENEWAL OF WRBL RECOMMENDED

The facilities of Station WRBL, Columbus, Ga., were requested of the Federal Communications Commission and at the same time the station asked for license renewal.

Examiner George H. Hill in Report No. I-197 recommended that the license renewal be granted. The Examiner found that some of the programs of the station were objectionable but the applicant station "has assured the Commission that programs involving lottery or gift enterprise will not in the future be broadcast over the station and that the station will in all respects be operated in accordance with the rules and regulations of the Commission." The entire record considered, says the Examiner, it is his "opinion that the granting of the application of WRBL for renewal of license would serve the public interest."

KABC LABOR CASE

The National Labor Relations Board has announced that a complaint has been filed against Broadcasting Station KABC, San Antonio, Texas, by the Radio Division of Local No. 60, International Brotherhood of Electrical Workers et al.

The complaint alleges that the company discriminatorily discharged five employees, and has at all times refused to bargain collectively with the union. Hearing will be held at San Antonio on March 3.

RECOMMENDS DISMISSAL WITH PREJUDICE

Broadcasting Station WCMI, Ashland, Ky., applied to the Federal Communications Commission to change its frequency from 1310 to 1350 kilocycles, its power from 100 to 1,000 watts and to operate unlimited time as at present.

Examiner P. W. Seward in Report No. I-198 "recommends that the motion offered by the applicant for continuance of this case be denied" and "that the motion offered by respondents to dismiss with prejudice be granted and this case is dismissed with prejudice." Counsel for the applicant at the hearing stated that an amendment to the original application had been filed the day before the hearing with the Commission and that therefore the case was removed from the hearing docket.

RECOMMENDS OHIO STATION DENIAL

Carter & Wolfe applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Mansfield, Ohio, to use 1370 kilocycles, 100 watts LS and 50 watts night unlimited time operation.

Examiner Ralph L. Walker in Report No. I-194 recommended that the application be denied. The Examiner found that operation as proposed would "probably result in some slight curtailment of the already limited satisfactory service area of two existing stations. At the same time the proposed station, by reason of low power and interference from existing stations, would serve only a very limited area—considerably less than that expected from a local assignment."

FCC REPORT ON ALLEGED BRIBERY CHARGES

On February 14 the Federal Communications Commission made public the following report:

REPORT OF THE COMMITTEE APPOINTED BY THE COMMISSION JANUARY 9, 1936, TO INVESTIGATE THE FACTS AS TO THE CONVERSATION ALLEGED TO HAVE TAKEN PLACE IN THE WILLARD HOTEL ON SEPTEMBER 5, 1935.

On January 9, 1936, the Commission appointed the undersigned as a committee to investigate what was known as the Willard Hotel incident. The committee immediately began its work, and on January 10, 1936, it requested the Department of Justice to make a full and complete investigation of the matter. Pursuant to that request, a report was submitted to the committee on January 25, 1936. The committee then requested the Department of Justice to procure certain additional information, pursuant to which request a supplementary report was made by the Department on February 1, 1936. With this report the Department of Justice informed the committee that "this closes the investigation". The committee itself examined, among others, all persons now on the Commission's staff who participated in the hearings on the applications of the Howitt-Wood Radio Company, Inc., owners of Station WNEB, Binghamton, N. Y., and the Knox Broadcasting Company, Schenectady, N. Y., for facilities on 1240 kc.

The committee has obtained sworn statements from all persons interrogated either by the Department of Justice or by it. Upon the basis of those statements and of other information obtained by it, the committee submits the following report:

On September 5, 1935, after the recess of the afternoon session of the hearing on the application of the Knox Broadcasting Company, Mr. Cecil D. Mastin, of Binghamton, N. Y., Mr. Harold E. Smith, of Albany, N. Y., Mr. C. M. Jansky, Jr., and Mr. Alfons B. Landa, of Washington, and Mr. Maurice Jansky, of Madison, Wisconsin, met in Mr. Mastin's room (803) at the Willard Hotel. There they discussed and criticized the hearing which they had just left. Highballs were served, but some of those present state that they did not participate.

Mr. A. Mortimer Prall was registered in Room 804, which adjoined Mr. Mastin's room. With him that afternoon was Major Malcolm M. Kilduff.

Mr. Prall and Major Kilduff joined Mr. Anning S. Prall, Chairman of the Federal Communications Commission, and Mr. Herbert L. Pettey, Secretary of the Commission, at Chairman Prall's apartment for dinner that evening. There they told the substance of a conversation which they said they had overheard late that afternoon in Room 803. The essential feature of the overheard conversation, as Mr. Mortimer Prall and Major Kilduff state it was told to Chairman Prall and Mr. Pettey, was that Mr. Harry Butcher could straighten out Station WNEB's difficulties with the Commission for \$25,000, and that one of the speakers was prepared to pay \$25,000 or \$50,000. This story was told to an agent of the Department of Justice who came to the apartment that evening to begin an investigation in response to a request from Chairman Prall.

Mr. Pettey has informed the committee that the alleged conversation as it was reported to Chairman Prall and himself that evening also included (1) a description of a person connected with the Commission who could be "gotten to", which description was discussed by those present, although the person was not identified; and (2) an intimation that the described person had been in the pay of some company for a number of years. Mr. Pettey's recollection was that the description was given to the agent of the Department of Justice; this does not accord with the agent's report. The intimation that the described person had been in the pay of some company was not passed on to the agent.

Mr. Mortimer Prall states that on September 6 he told Chairman Prall and Mr. Pettey that upon his return to his room about 12:40 a.m. he had heard one man in Room 803 tell another that a described, but not named, Commissioner had instructed the examiner what to recommend. That same day Mr. Mortimer Prall told the Department of Justice agent that he had given the agent all the information in his possession, but he did not mention the description or the purported instructions to the examiner. A short time thereafter Chairman Prall and Mr. Pettey informed the agent that they had no information in addition to that which had already been furnished to him.

The investigation by the Department of Justice was suspended

early in September, after Chairman Prall had told the agent that the psychological moment for pursuing it had passed and that the investigation could be more advantageously pursued later.

Upon receiving a report on the matter from Chairman Prall on December 18, 1935, the Commission directed the Chairman to request the Department of Justice to continue the investigation. Except for a letter of December 30, 1935, reciting developments as they stood early in September, the committee has seen no report from the Department of Justice prior to that of January 25, 1936.

Each of the occupants of Room 803 has sworn that he made no such statements as those reported by Mr. Mortimer Prall and Major Kilduff; likewise each has reported that he did not hear any such statements made by anyone in the room. Mr. Butcher has sworn that never upon any occasion did he make any statement that anyone on the Commission "could be bought or controlled". All of the persons involved have declared that they have never made any statements reflecting upon the character and integrity of any member of the Commission.

The examiner who heard the Knox Broadcasting Company application has testified that no member of the Commission, or any other person, spoke to him about his recommendation or about any phase of the hearing. The committee's investigation within the Commission reveals no irregularities in the handling of either the Binghamton or the Schenectady application.

The committee is unable to state whether the alleged conversation ever took place. If the purported statements were made, they have been completely repudiated. Grave responsibility for unsupported statements attacking the integrity of a Government official lies at the door of some person involved in this matter. If the individuals responsible could be identified, they should be prosecuted as relentlessly as the maligned person should have been had the charges been substantiated. While we conclude that there is no basis for the charges made, we keenly regret that we can not fix the responsibility for them.

Respectfully submitted, Irvin Stewart, Chairman. Thad H. Brown. Paul A. Walker. Norman S. Case. George Henry Payne.

List of documentary evidence considered by the committee:

- (1) Letter of December 19, 1935 to the Federal Bureau of Investigation;
- (2) Letter of December 30, 1935 from Federal Bureau of Investigation;
- (3) Letter of December 31, 1935 from Mr. Harold E. Smith to Mr. Harry Butcher;
- (4) Letter of January 2, 1936 from Mr. Cecil D. Mastin to Mr. Harry Butcher;
- (5) Transcript of telephone conversation between Mr. Harry Butcher and Mr. Alfons B. Landa;
- (6) Transcript of telephone conversation between Mr. Harry Butcher and Mr. Cecil D. Mastin;
- (7) Transcript of telephone conversation between Mr. Harry Butcher and Mr. Harold Smith;
- (8) Memorandum of telephone conversation with Mr. E. A. Tamm, January 10, 1936;
- (9) Letter of January 10, 1936 from Chairman Prall to Federal Bureau of Investigation;
- (10) Letter of January 14, 1936 to Federal Bureau of Investigation;
- (11) Letter of January 21, 1936 from Federal Bureau of Investigation;
- (12) Letter of January 25, 1936 from Federal Bureau of Investigation containing copy of report and copies of sworn statements by:
 - (a) Harry C. Butcher.
 - (b) C. M. Jansky, Jr.
 - (c) Aaron Kellert.
 - (d) Malcolm M. Kilduff.
 - (e) Alfons B. Landa.
 - (f) Horace L. Lohnes.
 - (g) Cecil D. Mastin.
 - (h) A. Mortimer Prall.
 - (i) Harold E. Smith.
- (13) Letter of January 27, 1936 to Federal Bureau of Investigation;
- (14) Letter of February 1, 1936 from Federal Bureau of Investigation inclosing copy of report and sworn statement of Mr. Maurice Jansky;
- (15) Letter of February 3, 1936 to Federal Bureau of Investigation;
- (16) Transcript of statement by Miss Mary Belle Anthony;
- (17) Transcript of statement by Mr. Tyler Berry;

- (18) Transcript of statement by Mr. John P. Bramhall;
- (19) Transcript of statement by Mr. Herbert L. Pettey, Jan. 10, 1936;
- (20) Transcript of statement by Mr. Herbert L. Pettey, Feb. 6, 1936;
- (21) Transcript of statement by Mr. P. W. Seward;
- (22) Transcript of statement by Judge E. O. Sykes;
- (23) Transcript of statement by Mr. John Wesley Weekes;
- (24) Letter of February 10, 1936 to Judge E. O. Sykes;
- (25) Letter of February 10, 1936 to Chairman Anning S. Prall;
- (26) Memorandum of conversation with Chairman Anning S. Prall, Feb. 10, 1936;
- (27) Summary of information relating to application of Knox Broadcasting Company, Inc.
- (28) Summary of information relating to application of Howitt-Wood Radio Company, Inc.
- (29) List of participants in hearing on application of Knox Broadcasting Company, Inc.
- (30) List of participants in hearing on application of Howitt-Wood Radio Company, Inc.

STATIONS USING WARNER BROS. MUSIC

In response to many inquiries there is furnished below a list of stations that have signed the Warner Brothers contract as of February 4, 1936:

KALE—Portland, Oregon; KAST—Astoria, Oregon; KBTM—Jonesboro, Arkansas; KDLR—Devils Lake, North Dakota; KDON—Del Monte, California; KDYL—Salt Lake City, Utah; KFAC—Los Angeles, California; KFBB—Great Falls, Montana; KFEL, KVOB—Denver, Colorado; KFH—Wichita, Kansas; KFIZ—Fond du Lac, Wisconsin; KFJB—Marshalltown, Iowa; KFJJ—Klamath Falls, Oregon; KFJR—Portland, Oregon; KFJZ—Fort Worth, Texas; KFNF—Shenandoah, Iowa; KFOR—Lincoln, Nebraska; KFOX—Long Beach, California; KFPL—Dublin, Texas; KFPW—Fort Smith, Arkansas; KFRO—Longview, Texas; KFSD—San Diego, California; KFVD—Los Angeles, California; KFVS—Cape Girardeau, Missouri; KFWB—Hollywood, California; KFXD—Nampa, Idaho; KFXM—San Bernardino, California; KFXX—Oklahoma City, Oklahoma; KGBX—Springfield, Missouri; KGC—Mandan, North Dakota; KGD—Stockton, California; KGEK—Sterling, Colorado; KGFI—Corpus Christi, Texas; KGFJ—Los Angeles, California; KGFK—Moorhead, Minnesota; KGFW—Kearney, Nebraska; KGGC—San Francisco, California; KGGM—Albuquerque, New Mexico; KGHL—Billings, Montana; KGNC—Amarillo, Texas; KGVO—Missoula, Montana; KHSL—Chico, California; KIDO—Boise, Idaho; KIEM—Eureka, California; KIEV—Glendale, California; KIUI—Santa Fe, New Mexico; KIUL—Garden City, Kansas; KJBS—San Francisco, California; KLPM—Minot, North Dakota; KLS—Oakland, California; KLZ—Denver, Colorado; KMAC—San Antonio, Texas; KMBC—Kansas City, Missouri; KMLB—Monroe, Louisiana; KMPC—Beverly Hills, California; KNOW—Austin, Texas; KNX—Los Angeles, California; KOIL—Council Bluffs, Iowa; KONO—San Antonio, Texas; KORE—Eugene, Oregon; KOY—Phoenix, Arizona; KPAC—Port Arthur, Texas; KPCL—Lake Charles, Louisiana; KQW—San Jose, California; KRE—Berkeley, California; KRGV—Weslaco, Texas; KRLC—Lewiston, Idaho; KRLD—Dallas, Texas; KRLH—Midland, Texas; KRMD—Shreveport, Louisiana; KRNR—Roseburg, Oregon; KSL—Salt Lake City, Utah; KSUN—Lowell, Arizona; KUMA—Yuma, Arizona; KVOA—Tucson, Arizona; KVOB—Denver, Colorado; KVOE—Santa Ana, California; KVOO—Tulsa, Oklahoma; KWBG—Hutchinson, Kansas; KWJJ—Portland, Oregon; KWTO—Springfield, Missouri; KWYO—Sheridan, Wyoming; KXL—Portland, Oregon; KXO—El Centro, California.

WAAB—Boston, Massachusetts; WAAF—Chicago, Illinois; WAAT—Jersey City, New Jersey; WAAW—Omaha, Nebraska; WAGF—Dothan, Alabama; WAIM—Anderson, South Carolina; WAIU—Columbus, Ohio; WALR—Zanesville, Ohio; WATR—Waterbury, Connecticut; WBNX—New York, N. Y.; WBOW—Terre Haute, Indiana; WCAX—Burlington, Vermont; WCAX—Carthage, Illinois; WCB—Waukegan, Illinois; WCB—Springfield, Illinois; WCLO—Janesville, Wisconsin; WCLS—Joliet, Illinois; WCM—Ashland, Kentucky; WCOC—Meridian, Mississippi; WCOP—Boston, Massachusetts; WCPO—Cincinnati, Ohio; WDAF—Kansas City, Missouri; WDAS—Philadelphia, Pennsylvania; WDBJ—Roanoke, Virginia; WDEV—Waterbury, Vermont; WDZ—Tuscola, Illinois; WEAN—Providence, Rhode Island; WEBC—Superior, Wisconsin; WEBQ—Harrisburg, Illinois; WEED—Rocky Mount, North Carolina; WEEI—Boston, Massachusetts; WELI—New Haven, Connecticut; WELL—Battle Creek,

Michigan; WEMP—Milwaukee, Wisconsin; WEXL—Royal Oak, Michigan; WFAA—Dallas, Texas; WFAS—White Plains, New York; WFBM—Indianapolis, Indiana; WFDF—Flint, Michigan; WGBF—Evansville, Indiana; WGBI—Scranton, Pennsylvania; WGES—Chicago, Illinois; WGH—Newport News, Virginia; WGN—Chicago, Illinois; WHAT—Philadelphia, Pennsylvania; WHAZ—Troy, New York; WHB—Kansas City, Missouri; WHBC—Canton, Ohio; WHBL—Sheboygan, Wisconsin; WHBQ—Memphis, Tennessee; WHBU—Anderson, Indiana; WHDF—Calumet, Michigan; WHDH—Boston, Massachusetts; WHDL—Olean, New York; WHK—Cleveland, Ohio; WHO—Des Moines, Iowa; WIBG—Glenside, Pennsylvania; WIBM—Jackson, Michigan; WIBU—Poynette, Wisconsin; WIBW—Topeka, Kansas; WIBX—Utica, New York; WICC—Bridgeport, Connecticut; WIL—St. Louis, Missouri; WIND—Gary, Indiana; WJAC—Johnstown, Pennsylvania; WJAG—Norfolk, Nebraska; WJAY—Cleveland, Ohio; WJBC—Bloomington, Illinois; WJBK—Detroit, Michigan; WJIM—Lansing, Michigan; WJJD—Chicago, Illinois; WKBB—East Dubuque, Illinois; WKBH—La Crosse, Wisconsin; WKBZ—Muskegon, Michigan; WKEU—Griffin, Georgia; WKOK—Sunbury, Pennsylvania; WKZO—Kalamazoo, Michigan; WKY—Oklahoma City, Oklahoma; WLBC—Muncie, Indiana; WLBF—Kansas City, Kansas; WLLH—Lowell, Massachusetts; WLS—Chicago, Illinois; WLVA—Lynchburg, Virginia; WLW—Cincinnati, Ohio; WMAS—Springfield, Massachusetts; WMAZ—Macon, Georgia; WMBC—Detroit, Michigan; WMBD—Peoria, Illinois; WMBH—Joplin, Missouri; WMC—Memphis, Tennessee; WMFG—Hibbing, Minnesota; WMFR—High Point, North Carolina; WNAC—Boston, Massachusetts; WNBC—New Britain, Connecticut; WNB—Binghamton, New York; WNBH—New Bedford, Massachusetts; WNB—Memphis, Tennessee; WNOX—Knoxville, Tennessee; WOAI—San Antonio, Texas; WOC—Davenport, Iowa; WOOD, WASH—Grand Rapids, Michigan; WOPI—Bristol, Tennessee; WORL—Needham, Massachusetts; WORC—Worcester, Massachusetts; WOW—Omaha, Nebraska; WPAD—Paducah, Kentucky; WPAY—Portsmouth, Ohio; WQBC—Vicksburg, Mississippi; WRGA—Rome, Georgia; WRJN—Racine, Wisconsin; WROK—Rockford, Illinois; WRR—Dallas, Texas; WSAI—Cincinnati, Ohio; WSBC—Chicago, Illinois; WSFA—Montgomery, Alabama; WSM—Nashville, Tennessee; WSVA—Harrisonburg, Virginia; WSYB—Rutland, Vermont; WTAG—Worcester, Massachusetts; WTBO—Cumberland, Maryland; WTEL—Philadelphia, Pennsylvania; WTIC—Hartford, Connecticut; WTMJ—Milwaukee, Wisconsin; WTMV—East St. Louis, Illinois; WTRC—Elkhart, Indiana; WWJ—Detroit, Michigan; WWRL—Woodside, New York; WXYZ—Detroit, Michigan; W6XAI—Bakersfield, California.

DEEN TALKS ON COPYRIGHT BILL

Representative Braswell Deen of Georgia on Wednesday night talked over the red network of NBC in favor of the Duffey copyright bill as follows:

There is pending before the United States Senate for consent to ratification the International Copyright Convention, to which Convention approximately forty of the leading countries of the world are parties, including all of the English-speaking nations. The essential purpose of the Convention is to furnish protection to authors, composers and producers of literary, musical and artistic productions from infringement.

In 1931 the Convention was before the Senate for consideration. Hearings were held on the entire copyright situation by the Senate Committee on Patents in 1931 and by the Committee on Patents of the House of Representatives in 1931 and 1932.

In 1934 a sub-committee of the Senate Committee on Foreign Relations conducted hearings. At the request of the Senate Committee on Foreign Relations, the Inter-departmental Committee on Copyright, named by the Departments of State and Commerce and the Copyright Office in the Library of Congress, undertook the work of assisting and cooperating with members of Congress in the preparation of appropriate copyright legislation which was deemed necessary and essential, prior to further consideration of the International Copyright Convention by the Senate.

The Copyright Convention in revised form was again transmitted to the Senate on February 19, 1934, with the request from the President of the United States that the advice and consent of the Senate to adherence thereto on behalf of the United States should be accorded. After consideration by the Foreign Relations Committee of the Senate, the Committee reported to the Senate the Copyright Convention Treaty on April 18, 1935, and it was approved by the Senate on April 19, 1935, without

a dissenting vote, but a few days later it was placed back on the Senate Calendar to await legislation from the Senate Committee on Patents. After hearings which gave all persons who had any objections to the Bill as introduced an opportunity to be heard, and after careful consideration by the Committee, the Duffy Bill, S. 3047, was reported to the Senate by the Committee on Patents and the Bill was passed by the Senate without a roll call vote on August 7, 1935. The Senate now proposes to approve the Copyright Convention as soon as appropriate action is taken by the House of Representatives.

As a member of the Committee on Patents of the House of Representatives to which the Duffy Bill has been referred, I am advocating prompt and favorable consideration of this legislation. Doubtless the House of Representatives will wish to make a few amendments designed to improve the Bill, but in its essential features the Bill seems to fulfill the outstanding needs of copyright legislation.

Under the provisions of our existing Copyright Laws there is a minimum statutory penalty of \$250.00 for infringement, with a maximum penalty of \$5,000.00. I contend that the owner of the copyright should be justly compensated in case of infringement. This is a property right guaranteed under the Constitution, however, there is no more justification for minimum damages of \$250.00, irrespective of the loss or damage done, than there is for a minimum penalty of \$250.00 in case of a collision between two automobiles.

Because of the unfairness of this provision of existing law public sentiment has not been in sympathy with its enforcement. Federal Courts have therefore found it exceedingly difficult to enforce the provision of minimum damages. The Duffy Bill eliminates this provision and leaves it discretionary with the courts to determine the minimum amount of damage or liability in case of infringement.

The Bill provides that the Federal Courts shall award sufficient statutory damages to prevent infringement and such as may be just, proper and adequate, in view of the circumstances of the particular case.

The maximum penalty is changed from \$5,000.00 to \$20,000.00. This is deemed appropriate in view of the increased value of copyrighted works. It should be emphasized that under these provisions of the Duffy Bill larger benefits will accrue to producers, composers and authors.

One of the outstanding features of the Bill consists in what is generally referred to as the "Right of Divisibility"—that is, the copyright may be divided so that the sale of the right for one purpose does not include the right for any other purpose. Although it is possible under existing law to secure the right of divisibility by private contract, such procedure, as is required under existing law, is unsatisfactory. The proposed law specifically recognizes that an author can sell book rights to a publisher; serial rights to a magazine publisher; motion picture rights to a producer of motion pictures, dramatic rights to a dramatist, etc. This will result in larger remuneration to authors, producers and composers.

Sub-section (d) of section 1 of the Act of 1909 is amended by adding, "That the right to produce a motion picture shall include the right to exhibit it. This provision is added to prevent an author who has sold motion picture producing rights from contending that he is entitled to prevent the picture from being exhibited.

Under existing law the right of registration of unpublished manuscripts is permitted only in a very limited number of cases, for a period of 28 years, renewable for a like period of time. The Duffy Bill provides for a single term of 56 years and permits the registration of manuscripts of all kinds.

Under the present Copyright Law, a photographer may copyright a photograph which he has made of a person and the person cannot publish or permit his friends to publish his own photograph. The Duffy Bill corrects this ridiculous situation by inserting in sub-section (c) of section 62 of the Act, as amended by section 28 of the Bill, as follows: "Copyright in the photograph of a single individual shall not be had except with the written consent of the person photographed."

In order to protect their interests many producers of literary and artistic works years ago formed an organization which is appropriate and indispensable—just as are organizations among those who labor and among farmers. A large percentage of the song writers and composers of this country maintain an organization known as The American Society of Composers, Authors and Publishers to which have been confided the performing rights of their music. This organization has grown strong and powerful in its operation. The presence in the law of the inflexible pro-

vision requiring the courts to award not less than \$250.00 for each infringement, regardless of the damage done or loss sustained, is a sort of legalized subsidy to this organization in the form of a super-charge or extraordinary bargaining power, frequently resulting in high license fees and often in double license fees to those who desire, as consumers, to use copyrighted works.

Whenever a work in which it holds performing rights is broadcast, the broadcaster remunerates the copyright owners, usually by a fixed percentage of the advertising returns of the broadcast. After a broadcasting company has paid the organization for the right to broadcast copyrighted music, there should be no further charges, either to the affiliated radio stations or to the consuming public who have radios or receiving sets; however, under the provisions of our present Copyright Laws as enacted in 1909 and now stand on the statute books, every owner of a radio in the United States which is used for the least possible commercial purpose is liable for the minimum damages of \$250.00.

In other words, every drug store, dry goods store, furniture store, hardware store, grocery store, barber shop, bootblack stand, cafe, restaurant, hotel, boarding house, beer parlor, amusement and dance halls, newsstands, and any and all other commercial places of business where radios and receiving sets are maintained and through which copyrighted music is received are subject to damages of not less than \$250.00 for each infringement on a copyrighted piece of music, unless they have obtained a license from the copyright holder. The minimum penalty or damage of \$250.00 furnishes copyright owners a basis for bargaining with consumers, with the result that the charge to the consuming public is almost prohibitive.

Proprietors or managers of these places of commercial business have no way of knowing whether or not music is copyrighted. Under the provisions of existing law if they receive copyrighted music over their radios in their places of business they can be sued in the Federal Courts, and the judges of which have, under the law, no discretion in respect to the minimum damages which are fixed at \$250.00 for each infringement. If a radio in a drug store, or any other place of business, by way of illustration, receives 25 pieces of copyrighted music in one day then the minimum amount of damage would be \$6,250.00. This would be rather expensive music for one store in one day.

How can a proprietor or manager know when to cut off his radio in order not to infringe on a piece of copyrighted music? He has no way of knowing. The broadcasting companies cannot be blamed because they have already paid the copyright holder for the right to broadcast the music.

A recent and concrete illustration of what occurred in New York City on February 3rd will serve to show the seriousness of the present situation. Damages in the amount of \$670,000.00 were asked by the Remick Music Corporation in a suit filed in United States District Court against the Columbia Broadcasting Company. The Remick Music Corporation contends that the song "That Old Fashioned Mother of Mine" was broadcast over a network of 66 stations, and the song entitled "Some Sunny Day" was broadcast over a network of 68 stations. The Music Corporation is asking the maximum penalty of \$5,000 each for the 134 stations, or a total of \$670,000 for the two songs. Of course, the Remick Music Corporation has no definite way of knowing or proving what commercial places of business had their radios tuned in to receive these songs. It is therefore difficult and practically impossible for the company to single out and name individual places of commercial business and undertake to collect damages, hence the suit is filed against the Columbia Broadcasting Company, even though the broadcaster had paid or will pay for the right to broadcast the two songs.

Granting that there was infringement, the amount of damages asked for is absurd, but it impressively illustrates the essential and absolute importance of needed revision and amendment of our existing Copyright Laws. Since the broadcaster pays for the right to broadcast copyrighted music it is nothing less than pyramiding of fees to require affiliated stations and consumers by means of receiving sets in their places of business to pay for it again. This is wrong. It would be equally wrong for a manufacturer or owner of a patent on a manikin or model of the human body to undertake to collect additional fees or charges on his product from proprietors of dry goods stores, after these places of business had purchased the manikins or models on which to display their merchandise. This supercharge in the form of a license or penalty of \$250.00 will, if continued, destroy the source of consumption of musical and dramatic works.

Because of this condition, it seems clearly evident to me that the time has come when Congress should speedily and quickly enact legislation to correct this situation. I have read and studied

carefully Senate Report No. 896 from the Committee on Patents, also Senate Executive Report No. 4 from the Committee on Foreign Relations; also the Duffy Bill, Senate 3047, and after due consideration I am convinced that the Duffy Bill should be promptly and forthwith enacted into law. There is every reason why the International Copyright Convention, if agreed to by the Senate and made effective by participation on the part of the United States, will do justice to authors, composers and producers. Likewise provisions of the Duffy Copyright Bill, when enacted into law will be fair to authors, composers and producers and at the same time will be most beneficial to the consuming public.

Article 1, section 8 of the Constitution empowers Congress "To promote the progress of science and useful arts, by securing for limited times to authors and inventors and exclusive right to their respective writings and discoveries."

The Convention for the protection of industrial property comprising patents and trademarks was established and signed originally at Paris on March 20, 1883. The United States has been a party to this Convention for the protection of industrial property rights since 1887. The Convention, of course, has been revised from time to time and our patent laws have also been revised and amended accordingly. This protection provided for on behalf of the United States for the owners of patents and trademarks is highly essential and important. It is as equally important that the same protection be given producers in the literary and artistic fields.

The United States has become a great exporter of books, magazines, musical and artistic productions, and the rights of American authors, producers and composers should be safe-guarded by the Federal Government against infringement in foreign countries.

Two months of the present session of Congress will soon have passed and no action on the part of the Committee on Patents of the House of Representatives has been taken on the Duffy Copyright Bill or on any other copyright legislation. No hearings have been held by the Committee on Patents of the House of Representatives, either at this session or during the session of 1935. In my humble judgment and opinion prompt and immediate consideration should be given this matter by the committee. Meritorious legislation should never be pigeon-holed, but should be considered and enacted or defeated on its merit or lack of merit. I sincerely believe you will join me in the hope that the Duffy Bill should forthwith and promptly be considered and enacted into law. Thank you.

CONNERY TALKS ON FCC

Representative Connery of Massachusetts made another speech in the House on Monday of this week asking the Rules Committee of the House to report out his resolution providing for a thorough investigation of "radio broadcasting from top to bottom."

Mr. Connery addressed the House in connection with the report of the Federal Communications Commission committee regarding certain alleged facts which were investigated. The Commission's report will be found in another part of this issue.

Mr. Connery said in part: "Last Friday the people of the United States celebrated Valentine's Day. The Federal Communications Commission took advantage of the day to present to the American people a valentine, the like of which I hesitate to believe has ever been presented by a governmental agency to the Congress or to the American people.

"With a Commission of five of the seven members having sat for the past 6 weeks investigating alleged corruption or misconduct on the part of some of those officially connected with this governmental agency, this body, with the signatures of five of the seven members attached to the report, state that the Chairman and the secretary of the Commission were told by the son of the Chairman and an associate, one Major Kilduff, that they had overheard a conversation wherein the vice president of one of the national broadcasting companies was alleged to be able, on payment of \$25,000, to straighten out the difficulties of an applicant for favor at the hands of the Commission. Further, that the applicant was prepared to pay \$25,000 or \$50,000.

"The report further states that the secretary of the Federal Communications Commission told the committee of five of the seven members of the Federal Communications Commission that the alleged conversation which was heard, or supposed to have been heard by the son of the Chairman of the Commission and Major Kilduff, included a description of a person connected with the Commission who could be "gotten to", which description was discussed by those present, although the person was not identified, and, further, an intimation that the described person had been in the pay of some company for a number of years.

"The committee in its findings states:

The committee is unable to state whether the alleged conversation ever took place. If the purported statements were made, they have been completely repudiated. Grave responsibility for unsupported statements attacking the integrity of a Government official lies at the door of some person involved in this matter.

"Is it the belief of any Member of this House that those who made such statements or who were alleged to have discussed the possibility of bribing a public official are going to admit willingly that they entered into such a conspiracy?"

"In conclusion, many Members of the House feel that this investigation of radio is a very important matter and should be acted upon by this House. I have had letters from all over the United States protesting about conditions on the radio and conditions in the Federal Communications Commission. Many Members of this House are anxious to have these conditions cleaned up and believe that the Rules Committee ought to report to this House a resolution for a thorough investigation of radio broadcasting from top to bottom."

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following companies. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

No. 2712. The **Marion Vault Manufacturing Co.**, 274 North Main St., **Marion, Ohio**, is named respondent in a complaint alleging unfair methods of competition in the sale of two types of metal burial vaults, one designated "The New Imperial Burial Vault," and the other, "Gold Seal Burial Vault."

In circulars distributed to undertakers, funeral directors and morticians for their use in selling the vaults, the respondent is alleged to have made representations to the effect that the New Imperial Burial Vault "will protect through the years" and is "inherently qualified to provide enduring protection," and that the Gold Seal Burial Vault is equipped with a patented double seal, represented to be "permanently secure" and "improving as time goes on."

No. 2714. Alleging unfair competition in the use of the word "distilling," a complaint has been issued against **Keystone Distilling Co.**, 1824 North Fourth St., **Harrisburg, Pa.**

The respondent sells in interstate commerce whiskies, gins, and other spirituous beverages which it purchases, rectifies, blends and bottles, according to the complaint.

By use of the word "distilling" in its corporate name and on its labels and stationery, the respondent, the complaint charges, represents to its customers and furnishes them with the means of representing to their vendees, both retailers and ultimate consumers, that it is a distiller and manufactures its products by the process of distillation, when in fact it is not a distiller, and does not own a plant where the products it sells are distilled.

No. 2715. Unfair competition in the sale of powdered and liquid ink is charged in a complaint against **Milton Tock**, trading as **Universal Ink Co.**, 1847 68th St., **Brooklyn, N. Y.**

It is alleged that the respondent, through letters, labels and circulars, represents he has been established in business since 1895, that he manufactures writing inks of the highest quality, and that his powdered ink is manufactured and distributed by Universal Ink Co., when in fact, according to the complaint, his business was established in 1934, he does not manufacture powdered ink products, and does not own or operate a factory in which powdered ink is made.

No. 2716. False and exaggerated representations in connection with the sale of "Neet," a depilatory, are alleged in a complaint issued against **Neet, Inc.**, 4316 North Kilpatrick Ave., **Chicago.**

In its advertising, the respondent is alleged to have represented that "Neet" permanently eradicates hair, discourages its growth and delays its reappearance for a substantial length of time, when, according to the complaint, these claims are untrue. The respondent also advertises that "Neet" is not caustic, and gives results unlike other methods of hair removal, whereas, the complaint charges, the product is caustic, particularly when introduced into the eye, and the results it produces are similar to those of other depilatories, and it is an ordinary hair remover.

No. 2717. Charging violation of Section 3 of the Clayton Act, a complaint has been issued against **Soft-Lite Lens Co., Inc.**, 119 West 57th St., **New York City**, engaged in the sale of a line of optical lenses distributed under the general trade name "Soft-Lite."

It is alleged that the respondent, in marketing its products, uses a sales service plan and enters into agreements, contracts and understandings with wholesalers, retailers and dealers, the effect of which practices may be to substantially lessen competition and tend to create a monopoly in favor of the respondent in the optical lens business in the United States.

According to the complaint, the respondent corporation is selling and making contracts for the sale of its products upon condition and with the agreement and understanding that the purchasers who are wholesalers, retailers and dealers shall not sell or deal in any lenses or goods of any competitor similar in tint, color, shade or type to "Soft-Lite" lenses.

No. 2718. In a complaint issued against **Economy Rubber Products Co.**, 600 Burkhardt Ave., **Dayton, Ohio**, the company is charged with making false representations in the sale and distribution of "Tiger-Grip Tire Patches."

The respondent is said to have represented in advertising matter and in radio broadcasts that, among other things, its product is "guaranteed 10,000 miles" and "saves motorists 50 per cent"; that it "insures permanent tire repairs" and "tire mileage," and that it "permanently repairs blow-outs, rim cuts, etc., by self-vulcanizing," when, according to the complaint, such assertions are untrue.

No. 2719. **Michael Whitehouse**, 800 Washington Boulevard, **Detroit**, trading as **International Tableware Co.**, and engaged in the sale of tableware and dishes, is named respondent in a complaint alleging false representations in the use of a sales promotion plan to advertise his products and increase his volume of business.

The complaint alleges that the respondent, through personal solicitation by his agents, sells to retail dealers for \$4.50 a thousand trade cards to be distributed to retailers' customers, which cards the respondent represents will be redeemed by him in tableware or dishes when returned to him by the customers. He also represents, according to the complaint, that he will refund to the retailers \$4.50 for each thousand cards returned.

Under this sales promotion plan, it is said, retailers contract to buy from the respondent, for 20 cents each, gift boxes to be distributed to their customers and purportedly containing four pieces of tableware, and a certificate entitling the customer to match the four pieces by making additional purchases of tableware from the respondent at specified special prices.

No. 2720. A complaint has been issued against **Granada Vineyards, Inc.**, 95 Harvey St., **Cambridge, Mass.**, alleging unfair competition in the sale of wines in interstate commerce.

The respondent has a plant at Cambridge where it bottles wines purchased in California, but, according to the complaint, by use of the word "Vineyards" in its corporate name, on stationery and on labels attached to bottles, it represents to customers and furnishes them with the means of representing to retailers and consumers that it owns vineyards and manufactures wine without intervention of a middleman's profit, when such are not the facts.

Stipulations

The Commission has issued the following cease and desist orders:

No. 1600. **Diamond Silver Co.**, **Lambertville, N. J.**, engaged in manufacturing and selling flatware and hollow ware for table use, agrees to desist from use in printed matter of the coined words "Diamondgold" and "Goldcraft" as descriptive of products not composed of gold, in whole or in part. The respondent also agrees to discontinue use of the word "Gold," either alone or in connection with the prefix "Diamond," or with the suffix "craft," or with any words which tend to mislead purchasers into the belief that its products are composed partly or wholly of gold, when such is not the fact.

No. 1601. **John C. Koch**, trading as **St. Louis Wilbert Vault Co.**, 3239 Alfred St., **St. Louis**, manufacturing and selling the "Wilbert Asphalt Burial Vault," agrees to discontinue use in advertising matter of the word "eternal," alone or in connection with other words tending to mislead purchasers into the belief that these products are of infinite duration, or will give permanent protection to the bodies encased therein, when such are not the facts. Under the stipulation, the respondent will cease advertising his product as "The only dual vault in the world."

No. 1602. **London House, Ltd.**, 411 Fifth Ave., **New York City**, is engaged in the sale of a soap and brush kit designated "Devon Milk Pre-Facial," by **Kent of London**." The respondent agrees to discontinue use of the words "By Kent of London," either independently or in connection with the words "Devon Milk Pre-Facial" or with its trade name "London House, Ltd.," so as to imply or have a tendency to mislead purchasers into the belief that this product is of English origin and imported into the United States

when, according to the stipulation, the package is composed of parts which, with but one exception, are manufactured in the United States and not by **Kent of London**.

No. 1603. **Samuel Hansen and Thomas Kjorsvik**, 746 South **Figueroa St.**, **Los Angeles**, trading under the firm name "**Nu-Jo-Wa Institute**," agree to discontinue false and misleading advertising in the sale of a mineral water. According to the stipulation, the product is made from city tap water, and subjected to an alleged oxidation and aging process. The respondents will discontinue representing that this product provides a satisfactory relief from conditions such as hyperacidity, indigestion, and heartburn, that it is a positive neutralizer of stomach acids, that it tends to produce sleep, that it will relieve a rundown, nervous condition, or that it has practical value in the treatment of cuts, abrasions, or skin diseases, when such assertions are untrue. The respondents also stipulate that they will cease and desist from making any representations which may have a tendency to mislead purchasers into the belief that their product has a therapeutic value or properties in excess of those which it actually possesses.

No. 1604. **Anna E. McGrew**, 1837 W. Gage Ave., **Los Angeles**, trading as **Nu-Jo-Wa Process Water Co.**, manufactures the mineral water sold by **Samuel Hansen and Thomas Kjorsvik** (Stipulation No. 1603). She entered into a stipulation, the terms of which are the same as those in the agreement signed by **Hansen and Kjorsvik**.

No. 1605. **Goldley Bros., Inc.**, trading as **Goldley Bros. Co.**, 652 Main St., **Cincinnati**, engaged in the sale of barber and beauty shop supplies, has entered into a stipulation to cease and desist from use of the words "Hair Color Restorer" as a part of a trade name for its products which do not have the property of restoring gray hair to its natural color. The respondent will also cease representing that its "Goldley Lox Hair Color Restorer" is a food or tonic to the hair, or that the product is other than a dye or stain.

No. 1606. **Table Tennis Corporation of America**, 311 Mountain Road, **Union City, N. J.**, engaged in manufacturing and selling nets and other equipment used in the game of ping pong or table tennis, agrees to cease and desist from labeling or otherwise branding its nets with the word "Patented," when in fact it has not obtained a patent. The respondent company also is to discontinue use of any other word of equivalent meaning tending to mislead purchasers into the belief that it has a patent on its products, when such as not the fact.

No. 1607. **Pearson Co., Inc.**, 128 North Pennsylvania St., **Indianapolis**, engaged in the sale of pianos, radios and other merchandise, has agreed to discontinue representing in its advertising matter or otherwise, that it has a piano or pianos of a given type, make or description in any designated community, when in fact it has no such pianos in such communities. The respondent is said to have advertised in certain newspapers that "We have in this community a small grand piano with bench being returned to us," and that the respondent would "transfer this account to responsible party, allowing all that has been paid," at a certain price.

No. 1608. **Newell Massey**, trading as **Reliable Monument Co.** and as **Burton Gray Co.**, with office and sales room at 1618 Madison Ave., **Covington, Ky.**, and a plant at 530 Hodge St., **Newport, Ky.**, is engaged in the sale and distribution of granite and marble monuments. He agrees to discontinue use of the words "Highest Quality Gray Granite" and "Highest Quality," as descriptive of his granite, when such representations are untrue. Under the agreement, he will also desist from using in advertising matter the phrase "Special for 30 Days Only," and "This Marker only \$27.50," implying that the price of \$27.50 is a special price for a 30-day period, when this is not true.

No. 1609. **A. Cohen & Sons Corporation**, 584 Broadway, **New York City**, wholesale dealer in watches, agrees to discontinue selling watches to which are affixed tags bearing what purport to be retail selling prices, but which prices are exaggerated, fictitious, and much in excess of the prices at which the watches are sold in the ordinary course of trade.

No. 2164. **Home Drug Co.**, 18 North Fourth St., **Minneapolis, Minn.**, has been ordered to cease representing that its "Prescription No. 69," or any of its proprietary articles of substantially the same composition, is an effective remedy for gall stones or for diseases caused by the presence of gall stones.

Under the order, the respondent is directed to cease representing that "Prescription No. 69" will cause gall stones to be dissolved or evacuated from the body, or will relieve or cure diseases of the gall bladder or connected ducts.

No. 2437. **Vernon and Raymond G. Seitz**, trading as **Winona Monument Co.**, 172 West 3rd St., **Winona, Minn.**, have been

ordered to cease and desist from representing that the monuments and memorials they manufacture and sell are made of "Barre" granite, until and unless these products are made of granite quarried in the Barre district of Vermont. The respondents are directed to discontinue substituting any other type of granite where Barre granite is specified in an order or contract.

No. 2504. An order to discontinue false and misleading representations in the sale of flashlight and dry cell batteries has been issued against **United States Electric Manufacturing Corporation**, 222 West 14th St., New York City.

Under the order, the respondent is directed to cease and desist from representing in circulars, on labels, in catalogues, or in other advertising literature, that its flashlight and dry cell batteries have a "Special Patented Lok-Top," or are "Patented." Also, the respondent is prohibited from using other words of similar tenor to describe these products as being "patented" or as having a "Special Patented Lok-Top."

FTC CASE CLOSED

No. 2290. The Federal Trade Commission has issued an order closing its case against **Stefano Crisafulli**, trading as **Lucca Olive Oil Co.**, 20 Leonard St., New York City, who was charged with unfair competition in the sale of olive oil and blended vegetable and salad oils.

The Commission closed the case without prejudice to its right to reopen it at any time for further investigation and action. Closing of the case was ordered because the record failed to disclose interstate sales of the respondent's products alleged to be falsely labeled, advertised, or misbranded.

FEDERAL COMMUNICATIONS COMMISSION ACTION

The regular weekly meeting of the broadcast division of the Commission was not held early this week. It will be held later in the week.

HEARING CALENDAR

Thursday, February 27

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-127:

NEW—Bellingham Publishing Co., Bellingham, Wash.—C. P., 1420 kc., 100 watts, unlimited time.

Examiner's Report No. I-139:

KDFN—Donald Lewis Hathaway, Casper, Wyo.—Modification of license, 789 kc., 500 watts, unlimited time. Present assignment: 1440 kc., 500 watts, unlimited time.

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—Modification of license, 780 kc., 1 KW, 2½ KW LS, unlimited time. Present assignment: 950 kc., 1 KW, 2½ KW LS, unlimited time.

KSOO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—Modification of license, 780 kc., 1 KW, 2½ KW LS, specified hours except used by KFDY. Present assignment: 1110 kc., 2½ KW, limited time.

KXL—KXL Broadcasters, Portland, Ore.—Modification of license, 780 kc., 250 watts, specified hours. Present assignment: 1420 kc., 100 watts, 250 watts LS, shares with KBPS.

KXL—KXL Broadcasters, Portland, Ore.—Modification of license, 780 kc., 250 watts, specified hours. Present assignment: 1420 kc., 100 watts, 250 watts LS, shares with KBPS.

KEHE—Evening Herald Publishing Co., Los Angeles, Calif.—C. P., 780 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 780 kc., 500 watts, 1 KW LS, shares with KELW.

APPLICATIONS RECEIVED

First Zone

NEW—North Jersey Broadcasting Co., Inc., Paterson, N. J.—620 Construction permit for a new station to be operated on 620 kc., 250 watts, daytime. Amended to make changes in equipment.

WHDI—Olean Broadcasting Co., Inc., Olean, N. Y.—Construction 1400 permit to install new equipment, change frequency from 1260 kc. to 1400 kc., move transmitter from Exchange

National Bank Bldg., corner Union and Laurens Sts., Olean, N. Y., to town of Allegany, N. Y. Amended to make changes in equipment and increase power from 250 watts to 500 watts.

W1XER—Shepard Broadcasting Service, Inc., Quincy, Mass.—License to cover construction permit for a new general experimental station.

W1XEH—The Travelers Broadcasting Service Corp., Avon, Conn.—Modification of construction permit for 63500 kc. to replace 63000 kc.

W2XIS—Standard Cahill Co., Inc., Bronx, N. Y.—Modification of construction permit to delete frequencies 1614, 2398, 3492.5, 4797.5, 6425, 12862.5 kc., and increase power to 100 watts and make changes in equipment.

Second Zone

NEW—WBNS, Inc., Portable.—Construction permit for a new broadcast pickup station to be operated on 1646, 2090, 2190, 2830 kc., 3 watts.

NEW—WBNS, Inc., Portable.—Construction permit for a new broadcast pickup station to be operated on 1646, 2190, 2090, 2830 kc., 20 watts.

Third Zone

WQAM—Miami Broadcasting Co., Miami, Fla.—Construction per-560 mit to install new equipment.

KWKH—International Broadcasting Corp., Shreveport, La.—Au-850 thority to install automatic frequency control.

WIOD-WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—970 Construction permit to change frequency from 1300 kc. to 970 kc., install new equipment. Amended to change power from 1 KW, 5 KW day, to 5 KW, and transmitter site from 600 Biscayne Blvd., Miami, Fla., to site to be determined, Miami, Fla.

NEW—Voice of Corsicana, Corsicana, Tex.—Construction permit 1200 for a new station to be operated on 1200 kc., 100 watts, unlimited time. Amended to change hours of operation from unlimited to daytime.

NEW—Charles T. Copeland, Jr., and W. H. May, Troy, Ala.—1210 Construction permit for a new station to be operated on 1210 kc., 100 watts, daytime.

WFBC—Greenville News-Piedmont Co., Greenville, S. C.—Modifi-1300 cation of construction permit (B3-P-220) to install new equipment, move transmitter, and increase power, requesting changes in equipment.

NEW—Jack E. Brantley, Savannah, Ga.—Construction permit for 1310 a new station to be operated on 1310 kc., 100 watts, unlimited time.

NEW—Isadore Goldwasser, Tuscaloosa, Ala.—Construction permit 1370 for a new station to be operated on 1370 kc., 100 watts, unlimited time. Amended to make antenna changes and to give transmitter site as First National Bank Bldg., 5th St. and 24th Ave., Tuscaloosa, Ala.

KBIX—Oklahoma Press Publishing Co., Muskogee, Okla.—Modifi-1500 cation of construction permit (B3-P-353) for approval of transmitter and studio sites at Barnes Bldg., corner Third and Wall Sts., Muskogee, Okla., and make changes in antenna.

NEW—J. E. Churchwell, G. O. Russell, H. O. Freeman, Jr., d/b as 1500 Panama City Broadcasting Co., Panama City, Fla.—Construction permit for a new station to be operated on 1500 kc., 100 watts, daytime.

W3XEN—Havens & Martin, Inc., Portable-Mobile.—Modification of construction permit to increase power and change equipment, power increased to 40 watts.

W5XAQ—East Texas Broadcasting Co., Portable-Mobile.—License to cover construction permit for a new general experimental station.

WIEF—Miami Broadcasting Co., Portable, Miami, Fla.—License to cover construction permit to make changes in equipment and increase power.

NEW—Pape Broadcasting Corp., Portable-Mobile.—Construction permit for a new broadcast pickup station to be operated on 2830 kc., 20 watts. Amended to include frequencies 1646, 2090 and 2190 kc.

Fourth Zone

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Authority to 550 determine operating power by direct measurement of antenna.

WEW—The St. Louis University, St. Louis, Mo.—Construction 760 permit to make changes in equipment.

WCFL—Chicago Federation of Labor, Chicago, Ill.—License to 970 cover construction permit (B4-P-701) for auxiliary transmitter.

NEW—Winona Radio Service, a partnership, Harry Dahl, Otto M. 1200 Schlabac, Maxwell H. White, Herman R. Wiecking, Winona, Minn.—Construction permit for a new station to be operated on 1200 kc., 100 watts, unlimited time.

WHBL—Press Publishing Co., Sheboygan, Wis.—Construction permit to install a new transmitter, erect a new vertical antenna, and move transmitter from 636 Center Avenue, Sheboygan, Wis., to site to be determined, near Sheboygan, Wis. Amended to make changes in antenna and give exact transmitter site as near Sheboygan, Wis.

NEW—Midway Broadcast Co., by Emmons L. Abeles, Secy., Eau 1300 Claire, Wis.—Construction permit for a new station to be operated on 1310 kc., 100 watts, unlimited time. Amended to change frequency from 1310 kc. to 1210 kc. and hours of operation from unlimited time to daytime on 100 watts.

NEW—Saint Cloud Broadcasting Co., by Emmons L. Abeles, Secy., 1310 Saint Cloud, Minn.—Construction permit for a new station to be operated on 1200 kc., 100 watts, unlimited time. Amended to change frequency from 1200 kc. to 1310 kc., power from 100 watts to 50 watts night, 100 watts day.

WTRC—The Truth Publishing Co., Inc., Elkhart, Ind.—Modification of construction permit (B4-P-412) authorizing changes in equipment and increase in power, requesting further changes in equipment, move of transmitter from Elkhart Hotel, Main and East Marion Sts., Elkhart, Ind., to at junction of State Highway 19 and Mishawaka Road, Elkhart, Ind., and for approval of antenna.

NEW—Evans Broadcasting Co., Kansas City, Mo.—Construction 1370 permit for a new station to be operated on 1370 kc., 100 watts, unlimited time. Requests facilities of KWKC.

KABE—National Battery Broadcast Co., Portable-Mobile.—License to cover construction permit for a new broadcast pickup station.

W9XAA—Chicago Federation of Labor, Chicago, Ill.—License to cover construction permit to change location of station.

NEW—Mississippi Valley Broadcasting Co., Portable-Mobile.—Construction permit for a new general experimental station to be operated on 31100, 34600, 37600, 40600 kc., 5 watts.

Fifth Zone

KMJ—James McClatchy Co., Fresno, Calif.—Authority to determine operating power by direct measurement of antenna.

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—780 Construction permit to install new equipment, change frequency from 950 kc. to 780 kc., power from 1 KW, 2½ KW day, to 1 KW, 5 KW day, and move transmitter 70 feet from present site at same address.

NEW—Smith, Keller & Cole, a partnership composed of Ralph E. 1200 Smith, A. H. Keller and H. Wadsworth Cole, San Diego, Calif.—Construction permit for a new station to be operated on 1200 kc., 100 watts, daytime.

NEW—Wm. B. Smullin, Sacramento, Calif.—Construction permit 1310 for a new station to be operated on 1310 kc., 100 watts, 250 watts day, unlimited time. Amended to make changes in equipment.

NEW—George Harm, Fresno, Calif.—Construction permit for a 1310 new station to be operated on 1310 kc., 100 watts, unlimited time. Amended to change transmitter site from McKinley and First Sts., Fresno, Calif., to southwest corner Clinton and N. First St., Fresno, Calif.

KRKO—KRKO, Inc., Everett, Wash.—Construction permit to install new equipment, increase power from 50 watts to 100 1370 watts, 250 watts day; change time from share-KVL to unlimited time; move transmitter from 2814 Rucker Avenue, Everett, Wash., to site to be determined, Everett, Wash. Requests time used by KVL, contingent upon KVL being granted permission to change frequency. (Filed under new name.)

KRKO—Lee E. Mudgett, Everett, Wash.—Voluntary assignment 1370 of license from Lee E. Mudgett to KRKO, Inc.

NEW—Harold H. Hanseth, Fresno, Calif.—Construction permit 1410 for a new station to be operated on 1410 kc., 1 KW, unlimited time. Amended to make changes in equipment.

NEW—The News Press Publishing Co., Santa Barbara, Calif.—1450 Construction permit for a new station to be operated on 1450 kc., 500 watts, unlimited time.

NEW—Nichols & Warinner, Inc., Portable-Mobile.—Construction permit for a new general experimental station to be operated on 31100, 34600, 37600, 40600 kc., 2 watts.

NEW—Don Lee Broadcasting System, Portable, San Francisco, Calif.—Construction permit for a new general experimental station to be operated on 31600, 35600, 38600, 41000 kc., 100 watts.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

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COPYRIGHT HEARINGS BEGUN

Copyright hearings were begun this week before the House Committee On Patents with Gene Buck, president of ASCAP as the first witness. The hearings were held on Tuesday and Wednesday and were scheduled to continue through Thursday.

Further hearings will be held on the same subject before the committee on March 3, 4, 5, 10, 11, 12, 17, 18 and 19. According to the present program broadcasters will present their testimony during the last few days of the hearings.

GOVERNMENT RADIO STATION RUMORED

There was talk in Washington on Wednesday in connection with the Pan American conference which President Roosevelt is considering calling, that the government will use a short wave station of its own.

While no official confirmation could be obtained of this rumor the story was to the effect that a short wave station would be erected with WPA funds and that the President would allocate some short wave frequency, under executive order, which he is empowered to do under the Federal Communications Act.

No one at the Communications Commission apparently knows anything of the proposed station, but it was pointed out in well informed circles that, if the plan is worked out along the lines discussed, the Commission would have nothing to do with such a project, it all being done under executive order.

COAXIAL CABLE DECISION

The Federal Communications Commission on Wednesday reached its second division in connection with the application of the American Telephone & Telegraph Company for authorization to construct a coaxial cable between New York and Philadelphia. The Commission in its decision granted the company permission to construct this cable for experimental purposes only and provided that before it could be used commercially the company would have to obtain further permission from the Commission. The telephone company had already told the Commission that it would allow other television experimenters to use the new cable and the Commission provides in this connection that there shall be no discrimination.

ADDITIONAL STATIONS SIGN FOR WARNER BROS. MUSIC

The following stations have signed the Warner Brothers contract since February 4, 1936. (See NAB Reports—p. 1214):

KFAB—Lincoln, Nebraska; KG CX—Wolf Point, Montana; KGER—Long Beach, California; KMED—Medford, Oregon; KMMJ—Clay Center, Nebraska; KOB—Albuquerque, New Mexico; KOIN—Portland, Oregon; KRKD—Los Angeles, California; KSLM—Salem, Oregon; KVS O—Ardmore, Oklahoma; WAML—

Laurel, Mississippi; WBCM—Bay City, Michigan; WCHV—Charlottesville, Virginia; WGCM—Mississippi City, Mississippi; WHIS—Bluefield, West Virginia; WJAR—Providence, Rhode Island; WJEJ—Hagerstown, Maryland; WMBO—Auburn, New York; WPAX—Thomasville, Georgia; WTAX—Springfield, Illinois.

NEW CALIFORNIA STATION RECOMMENDED

The Merced Star Publishing Company applied to the Federal Communications Commission for a construction permit for a new broadcasting station to be erected at Merced, Cal., to use 1040 kilocycles, 250 watts power and daytime operation.

Examiner John P. Bramhall in Report No. I-200 recommends that the application be granted "on condition that applicant install a suitable antenna and on a site which complies with the engineering standards of the Commission." The Examiner found that there is need for additional service in the area proposed to be served, and no interference would be caused by the erection of such a station.

ASKS RESTRAINING ORDER AGAINST FCC

The Monocacy Broadcasting Company, Rockville, Md., has asked the Supreme Court of the District of Columbia to restrain the Federal Communications Commission from holding a hearing in its case and from extending the time for its construction permit.

The record shows that this company was granted a construction permit for a new station at Rockville, Md., without a hearing. It later developed that Station WCAU, Philadelphia, filed a protest against the grant on the ground of interference. WCAU later rescinded its protest but the Commission set the case down for hearing anyhow. The Commission will file a motion to dismiss the appeal in the Court.

RECOMMENDS DENYING CHANGES FOR KFJM

Broadcasting station KFJM, Grand Forks, N. D., using 1370 kilocycles with 100 watts power unlimited time and special authorization to use 250 watts power until local sunset applied to the Federal Communications Commission to use 1410 kilocycles, with 1,000 watts power unlimited time.

Examiner Ralph L. Walker in Report No. I-199 recommends that the application be denied. He found that the use of 1,000 watts at night by the station would result in objectionable interference to Station KGNC, reducing the present service area of that station. It would also increase the overquota status of North Dakota and also of the zone.

RECOMMENDS POWER INCREASE FOR WDAE

Broadcasting station WDAE, Tampa, Florida, applied to the Federal Communications Commission to increase its power from 1,000 watts, with special authorization for 2,500 watts LS to 5,000 watts LS. The station operates on 1220 kilocycles with unlimited time.

Examiner R. H. Hyde in Report No. I-201 recommends that the application be granted. He found that the service would be improved "and made more efficient by the use of the increased power." The Examiner found also that "no interference with other stations would result from the use of such increased power; the improvement that would be effected in the applicant's service would not result in any detriment to the interests of the public in the reception of any other station or stations."

COMMITTEE REPORT ON RADIO AMENDMENT

Senator Wheeler, chairman of the Committee on Interstate Commerce has made a report on his own bill (S. 2243) providing

amendments to the radio act. The bill as reported was published in last week's Bulletin and the report in full is as follows:

The Committee on Interstate Commerce, to whom was referred the bill (S. 2243), to amend the Communications Act of 1934, relating to the allocation of radio facilities, having considered the same, report the bill back favorably to the Senate with the recommendation that it be passed as amended.

This bill seeks to restore to the Communications Act of 1934 similar language to that contained in the second paragraph of section 9 of the Radio Act of 1927. The language of the later act reads:

In considering applications for licenses and renewals of licenses, when and insofar as there is a demand for the same, the licensing authority shall make such a distribution of licenses, bands of frequency of wave lengths, periods of time for operation, and of power among the different States and communities as to give fair, efficient, and equitable radio service to each of the same.

Under the act of March 28, 1928, the above paragraph of section 9 of the Radio Act of 1927 was amended to read as follows:

It is hereby declared that the people of all the zones established by section 2 of this Act are entitled to equality of radio broadcasting service, both of transmission and of reception, and in order to provide said equality the licensing authority shall, as nearly as possible, make and maintain an equal allocation of broadcasting licenses, of bands of frequency or wave lengths, of periods of time for operation, and of station power, to each of said zones when and insofar as there are applications therefor; and shall make a fair and equitable allocation of licenses, wave lengths, time for operation, and station power to each of the States, the District of Columbia, the Territories and possessions of the United States within each zone, according to population. The licensing authority shall carry into effect the equality of broadcasting service hereinbefore directed, whenever necessary or proper, by granting or refusing licenses or renewals of licenses, by changing periods of time for operation, and by increasing or decreasing station power, when applications are made for licenses or renewals of licenses: *Provided*, That if and when there is a lack of applications from any zone for the proportionate share of licenses, wave lengths, time of operation, or station power to which such zone is entitled, the licensing authority may issue licenses for the balance of the proportion not applied for from any zone, to applicants from other zones for a temporary period of ninety days each, and shall specifically designate that said apportionment is only for said temporary period. Allocations shall be charged to the State, District, Territory, or possession wherein the studio of the station is located and not where the transmitter is located.

The above language, known as the "Davis amendment," was substantially carried over into the Communications Act of 1934. The bill repeals section 302 of the Communications Act, which reads as follows:

Sec. 302. (a) For the purposes of this title the United States is divided into five zones, as follows: The first zone shall embrace the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, and the District of Columbia; the second zone shall embrace the States of Pennsylvania, Virginia, West Virginia, Ohio, Michigan, and Kentucky; the third zone shall embrace the States of North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Mississippi, Arkansas, Louisiana, Texas, and Oklahoma; the fourth zone shall embrace the States of Indiana, Illinois, Wisconsin, Minnesota, North Dakota, South Dakota, Iowa, Nebraska, Kansas, and Missouri; and the fifth zone shall embrace the States of Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Washington, Oregon, and California.

(b) The Virgin Islands, Puerto Rico, Alaska, Guam, American Samoa, and the Territory of Hawaii are expressly excluded from the zones herein established.

Subsection (6) of section 307 of the Communications Act, which would be replaced by the language of this bill, reads as follows:

(b) It is hereby declared that the people of all the zones established by this title are entitled to equality of radio broadcasting service, both of transmission and of reception, and in order to provide said equality the Commission shall as nearly as possible make and maintain an equal allocation of broadcasting licenses, of bands of frequency, of periods of time for operation, and of station power to each of said zones when and insofar as there are applications therefor; and shall make a fair and equitable allocation of licenses, frequencies, time for operation, and station

power to each of the States and the District of Columbia, within each zone, according to population. The Commission shall carry into effect the equality of broadcasting service hereinbefore directed, whenever necessary or proper, by granting or refusing licenses or renewals of licenses, by changing periods of time for operation, and by increasing or decreasing station power, when applications are made for licenses or renewals of licenses: *Provided*, That if and when there is a lack of applications from any zone for the proportionate share of licenses, frequencies, time of operation, or station power to which such zone is entitled, the Commission may issue licenses for the balance of the proportion not applied for from any zone, to applicants from other zones for a temporary period of ninety days each, and shall specifically designate that said apportionment is only for said temporary period. Allocations shall be charged to the State or District wherein the studio of the station is located and not where the transmitter is located: *Provided further*, That the Commission may also grant applications for additional licenses for stations not exceeding one hundred watts of power if the Commission finds that such stations will serve the public convenience, interest, or necessity, and that their operation will not interfere with the fair and efficient radio service of stations licensed under the provisions of this section.

The legislation is recommended for practical reasons of administration by the Communications Commission, which has found that the drawing of artificial zone lines for guides in allocating radio facilities cannot satisfactorily be applied because of the physical laws governing radio transmission. As a consequence, the policy of Congress, to so distribute radio facilities that every section of the country will be adequately supplied, has been very difficult of effectuating.

On May 23, 1935, the Chairman of the Communications Commission wrote the chairman of your committee as follows:

With further reference to S. 2243, which was introduced by you March 13, 1935, I beg to advise that this Commission favors its adoption for the following reasons:

The existing law, which S. 2243 seeks to repeal, is contrary to natural laws and has resulted in the concentration of the use of frequencies in centers of population, and the restriction of facilities in sparsely populated States, even though interference consideration would permit the operation of one or more additional stations. Because of the size of the zones provided for by existing law, the distribution required by the Davis Amendment has resulted in providing ample broadcast service in small zones and lack of service in large zones. The experience of the Federal Radio Commission and this Commission has proved that the Davis Amendment is very difficult of administration and cannot result in an equality of radio broadcasting service.

This Commission is, therefore, in hearty accord with and favors the passage of S. 2243.

One amendment, the insertion of the words "a fair, efficient and" immediately before the word "equitable" in line 12 and the deletion of the word "an" in the same line, is recommended to make the language more nearly conform with the original wording in the Radio Act of 1927.

FCC RULES AMENDED

The Federal Communications Commission has announced the following amendments of its rules:

Rule 100.6 was amended to read as follows:

"100.6. Subject to the provisions of Sections 4(j), 412 and 606 of the Act, the files of the Commission shall be open to inspection as follows:

(a) Tariff schedules required to be filed under Section 203 of the Act, and annual and monthly reports required to be filed under Section 219 of the Act.

(b) All applications and amendments thereto filed under Title II or Title III of the Act; all documents filed with applications made when specific mention is made in the application referring to such document; authorizations issued upon such applications; all pleadings, depositions, transcripts of testimony, exhibits, examiners' reports, exceptions, and orders of the Commission.

(c) Other files in the discretion of the Commission upon written request describing in detail the documents to be inspected and the reasons therefor."

* * * * *

The Commission amended Rule 105.34 to read as follows:

"105.34 A. Each application or amendment thereto shall be personally subscribed and verified: (1) by the party filing said

application or amendment, or by one of the parties, if there be more than one; (2) by an officer of the party filing the application or amendment if the party be a corporation; *Provided, however,* That subscription and verification may be made by the attorney for the party (1) in case of physical disability of the party, or (2) his absence from the continental United States.

B. Each pleading initiating or supplementing a proceeding before the Commission shall be subscribed by the party or his attorney; *Provided, however,* That each pleading of fact verified by the affidavit of the attorney shall be made only when the facts are within the personal knowledge of the attorney, which said affidavit shall include a statement by affiant that said facts are within his personal knowledge."

The Commission directed that the following be substituted for the last paragraph of the present Rule 105.35:

"105.35. * * *

All pleadings or documents (other than applications under Title II, formal complaints, supplemental complaints, cross complaints and amended complaints) filed in any proceeding shall be served by the party filing the same, proof of which service shall be by signature of the party served or by affidavit showing service by registered mail (postage prepaid) of a true copy thereof, to the last known address of said party, and such proof shall be submitted to the Commission, together with the original and 8 copies of such pleading or document."

* * * * *

The Commission directed that the provision in Rule 105.36 calling for papers filed with the Commission to be 8 1-2 inches by 12 inches, be corrected to read "8 1-2 inches by 13 inches."

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following companies. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

No. 2721. A complaint has been issued against **R. M. Barnett**, trading as **Home and School Education Society**, 1621 Real Estate Trust Building, **Philadelphia**, alleging unfair competition in the sale of a set of books designated "Source Book," together with a "Perpetual Pictured Semi-Annual Loose Leaf Extension Service," and memberships in a "Perpetual Bureau of Research."

Through verbal assertions made by his agents, and by means of advertising literature and prospecti he furnishes them, the respondent is alleged to represent and to encourage his salesmen to represent to the purchasing public that, as a special introductory offer, a limited number of persons in each place visited by the salesmen will be given a set of the "Source Book" free if they subscribe for the semi-annual extension service for 10 years, at a price varying from \$49.50 to \$79.50; that the stated price is the total cost of the extension service to the purchaser, and that the regular price of the Source Book with the extension service would be twice the price quoted to the prospective purchaser, or some other sum in excess of the quoted price.

No. 2722. A complaint has been issued against **Samuel Goldberg**, trading as **U. S. Specialty & Mfg. Co.**, 10222 Superior Avenue, **Cleveland**, with unfair competition in the sale of candy.

The respondent, selling and distributing candy to wholesale dealers, jobbers, retailers and schools, is alleged to have represented to the effect that he controls and operates factories and is the manufacturer of the candy he sells, when, according to the complaint, this is not true.

No. 2723. Unfair competition through misbranding of wine is alleged in a complaint issued against **Shewan-Jones, Inc.**, engaged in the manufacture and sale of wine to wholesalers and retailers, and having offices at 85 Second St., **San Francisco**, and a plant at **Lodi, San Joaquin County, Calif.**

The respondent corporation is charged with misuse of the name "Chateau Yquem" on labels of bottles, on invoices and in advertising matter, to designate one of the brands of wines it sells, and by such practices, according to the complaint, represents to customers and furnishes them with the means of representing to vendees, including ultimate consumers, that the wine so sold is the specific wine designated "Chateau Yquem" produced in France, when in fact it is made at the respondent's plant at Lodi from domestic grapes.

No. 2724. In a complaint issued against **Gustave Goldstein**, trading as **Humania Hair & Specialty Mfg. Co.**, 10-12 East 23rd St., **New York City**, he is charged with unfair methods of com-

petition in the sale and distribution of an extensive line of hair goods, cosmetics and toilet preparations.

In his advertising matter, the respondent is alleged to have represented that 17 or 18 different preparations he sells in interstate commerce are effective treatments for either the hair, the scalp, various skin diseases, or deafness, whereas, according to the complaint, use of the respondent's preparations does not produce the beneficial effects claimed for them.

No. 2725. Charging unfair representations of medicine in advertising and on the radio, a complaint has been issued against **John J. McCloskey**, 727 West Wisconsin Ave., **Milwaukee**, trading as **H. B. Kimball Co.**, **H. B. Kimball**, and **Kimball Laboratories**.

Selling a stomach remedy called "Kimball Tablets," the respondent is alleged to have advertised that more than 100,000 chronic cases have been successfully treated, and that regardless of how long a person has suffered, "we positively guarantee results, or the treatment costs you nothing." The complaint alleges that these assertions are untrue.

No. 2726. Charging unfair competition in the sale of potato chip machines, a complaint has been issued against **Food Display Machine Corp.**, 500 North Dearborn St., **Chicago**.

In its advertising matter, the respondent is said to have represented to prospective purchasers that they can make from \$23.50 a day to \$300 a week selling potato chips made by the respondent's machine; that "There is no way to tell whether you'll make \$5,000 or \$15,000 the first year," and that "It is possible for a live wire to make a net profit of \$1,000 to \$1,500 a month," when, the complaint alleges, the actual earnings or profits are, on the average, much less than the amounts set forth in the respondent's advertisements.

No. 2727. **Nuway Printing Co.**, 12 South Clinton St., **Chicago**, also trading as **Professional Record Card Co.**, is named respondent in a complaint alleging unfair competition in the sale of dental record cards which it prints.

Among the companies in competition with the respondent are the **Kohlhaas Co.**, **Chicago**, and the **McCasky Register Co.**, **Alliance, O.**, both engaged in the printing and sale of record forms for the use of dentists, the complaint sets forth, and who in the course of their business have built up and now enjoy valuable good will.

The respondent, the complaint charges, in selling its products advertises by means of circulars in which, it is alleged, these statements appear: **Kohlhaas Type Dental Record Cards**, "McCasky Type Dental Cards," and "A Limited Supply of McCasky Type Record Cards."

No. 2728. **American Character Doll Co., Inc.**, 200 Fifth Ave., **New York City**, is charged with unfair competition in the sale of "Sally Jane" dolls, in a complaint.

In the sale of its product, also described as "Paratex" dolls, the respondent is said to distribute among the retail doll trade circulars bearing pictures of two dolls, each immersed in a jar of water, one doll appearing to show no ill effects from such immersion and the other appearing to be in a state of disintegration.

Stipulations

The Commission has issued the following cease and desist orders:

No. 01102. **C-T-C Corporation, successor to Haley M-O Co.** 15 Exchange Place, **Jersey City, N. J.**, agrees, in the sale of "Haley's C-T-C" effervescent tablets offered as a treatment for colds and other ailments, not to represent that the product will keep the system alkaline and free from acidity, that it is a competent and complete remedy for colds, that it will prevent or correct certain ailments caused by excessive acid in the blood or by any condition other than gastric hyperacidity, or that reducing diets cause acidity and that C-T-C tablets will counteract such acid conditions.

According to the stipulation, the respondent asserts it has discontinued advertising and selling "Haley's M-O," and that the rights, title and interest in that product have been sold to the **Charles H. Phillips Chemical Co.**

No. 01103. **E. W. Craghill and W. E. Brunson**, trading as **the Zulvar Co.**, 6513 Hollywood Boulevard, **Hollywood, Calif.**, agree to cease advertising that "Zulvar," offered as a remedy for rheumatism, is, when used either externally or internally, a competent treatment for skin diseases, colds, and other ailments. Other assertions to be discontinued are that the product contains no drugs, is recommended by many physicians, and that the trial offer of "Zulvar" is accepted at no risk to the purchaser, unless, in returning the product, the purchaser receives from the re-

spondents the total amount expended for the product, plus cost of packing and postage.

No. 01104. Percalx, Inc., Burley, Idaho, selling "Percalx," recommended for treatment of hay fever, asthma, chronic colds, and sinus infections, stipulates that it will refrain from making assertions that persons deficient in calcium usually suffer from the ailments enumerated, and that use of "Percalx" makes it possible to multiply by four times the daily intake of calcium. Other representations to be discontinued are that "Percalx" has relieved thousands of sufferers from asthma, sinus infections, chronic colds and hay fever, or affords relief to nine out of ten who suffer from these ailments, and that it will bring relief in cases where other remedies have failed or where treatments by physicians have been unsuccessful.

No. 01105. J. George and Walter U. Hauser and James J. Poole, doing business as Hauser Laboratory, 2924 Girard Ave., Minneapolis, Minn., have entered into a stipulation to desist from certain representations in the sale of "Liquid O2X," a remedy for athlete's foot, ringworm, eczema and other skin disorders. They agree to cease advertising that the product is a competent remedy for all forms of fungus skin disorders, that it clears up most skin diseases in a week, or that government reports show a rapid spread of skin infections caused by an almost invisible vegetable parasite. The respondents also stipulate that they will discontinue use of the word "Laboratory" in their firm name until they own and operate a laboratory.

No. 01106. Nelson E. Woolman and Lyle G. Jackson, trading as Power Seal Co., 1601 South Broadway, Los Angeles, and selling a cylinder and valve compound designated "Power Seal," stipulate that they will cease and desist from advertising that use of their product in engines will restore power and efficiency, seal up leaky rings and valves, fill up valve pits, or save oil and gas. Under the agreement, the respondents will refrain from representing they operate a laboratory, until such is a fact.

No. 01107. James Brown, Marshall, Mich., in business under the trade name "Prostaid-National," selling "Prostaid," offered as a treatment for prostate gland ailments, agrees to discontinue representations that the product is a 100 per cent effective, efficient and harmless treatment in cases of weakened, inflamed, or enlarged prostate gland.

No. 01122. Mark Laboratories, Inc., Homewood Station, Pittsburgh, Pa., selling "Mark-4" as a remedy for athlete's foot, has signed a stipulation to cease and desist from representing that its product is an effective remedy for athlete's foot, ringworm, poison ivy or other skin diseases, or that it will refresh tired, aching feet immediately, irrespective of the cause of the condition.

No. 1610. Brown Shoe Co., 16th St. and Washington Ave., St. Louis, agrees in its stipulation to cease using the word "Doctor" or abbreviation "Dr." as part of a trade name for shoes not made in accordance with the design of a doctor, and not containing special orthopedic features resulting from medical advice and services.

No. 1611. Mrs. Evelyn Beveridge, 6724 Hollywood Boulevard, Hollywood, Calif., trading as La Belle Laboratories in the manufacture of a depilatory, agrees to discontinue advertisements to the effect that use of her product will destroy the hair root so as to prevent regrowth of hair, or that it will permanently remove hair, or will never irritate or inflame the most delicate skin, when these are not the facts. The respondent also stipulates that she will cease advertising a "Special Offer; Send \$1.00 for \$1.50 Size," implying that the regular price of the article is \$1.50 and that the offer of sale for \$1.00 is a "Special" offer, when this is not true.

No. 1612. Royal Distilling Co., 2801 Blake St., Denver, will cease using as a part of its corporate name the word "Distilling" or derivatives thereof or other words of a similar meaning on labels or in advertising, or in any manner tending to deceive buyers into believing that the company is a distiller or actually owns and operates a distillery, when this is not true.

No. 1613. Peter P. Stone, trading as Merit Manufacturing Co., 2800 Newton Ave., Indianapolis, selling and distributing automobile stop-light and tail-light lenses, agrees to discontinue use in advertising of illustrations which do not accurately portray the lenses, and of illustrations which may have a tendency to deceive purchasers into believing that the lenses sold by the respondent are of the same design and reflecting properties as those illustrated in the advertisements, when this is not true.

Stone also agrees to stop employing the word "Manufacturers" as part of his trade name or in any way which may imply that he manufactures the products he sells, or operates a factory in which they are made.

No. 1615. Virginia Sheridan, Inc., 6500 South Oak Park

Ave., Chicago, manufacturer of cosmetics, including a preparation designed for concealing birth-marks or skin blemishes, agrees to stop using and assuming financial or other liability for certain advertising copy used by stores purchasing its products, such advertising matter containing allegations to the effect and implying that application of the respondent's product will remove skin blemishes or cause birth-marks, blemishes and scars to disappear, when this is not true. Provision is made, however, that when such assertions are used to describe the capability of the preparation to conceal disfigurements, these assertions shall be immediately accompanied by other statements indicating clearly that the effect of the application of the product is merely to conceal disfigurements and not to cause their removal.

Virginia Sheridan, Inc., also agrees to cease using or assuming liability for advertising matter employed by stores purchasing its product and containing representations to the effect that it is the only article on the market for concealing skin disfigurements.

No. 1616. Frank Gue, trading as Star Seed Co., Crawford, Nebr., agrees, in soliciting the purchase of and in purchasing cream or dairy products in interstate commerce, to cease the use in connection with advertisements of the phrase "Cream Producers' Own Organization," or any words of equivalent meaning, alone or in connection with the name "Star Seed Cream Club," in a manner implying or tending to deceive patrons having cream or other dairy products for sale into the belief that Frank Gue is conducting a cooperative creamery or organization, when this is not true. The stipulation shows that Gue sent patrons a small "membership card," on which it was stated that the patron receiving such card has been made a member of the "Star Seed Cream Club" and would be entitled to all benefits of the club.

No. 1617. Russell L. Post and Herman Ricker, of 134 South Market St., Galion, Ohio, trading as National Mailing Service, and as Reliable Products Co., selling advertising specialties, including blankets, by mail order, agree to stop using the words "Indian" or "Wyandotte 6" either independently or in connection with the use of Indian heads and Indian patterns in the weaving of blankets, and in advertising matter unless, in the latter case, such words are accompanied by appropriate phrases clearly indicating that the blankets are not made by American Indians. The respondents also agree to stop advertising "You pay no profit to the jobber and traveling salesman," implying that they are manufacturers.

No. 1618. Harry Cohen, of Des Moines, Iowa, trading as British Woolen Mills, agrees to stop using the word "British" as part of his trade name or in any other way having a tendency to deceive buyers into the belief that his products, men's suits and overcoats, are of British or English origin and imported into the United States, when this is not true, and from the use of the word "Mills," independently or in connection with the word "British," implying that he manufactures his products or owns and operates a mill in Great Britain or elsewhere, when this is not true.

No. 1619. Isadore N. Levy, Eva Levy and Louis Davidson, of Philadelphia, trading as Perfection Products, agree to desist from use in advertising or on labels of representations to the effect that their product "Vigair," will restore the original or natural color and vitality of youth to the hair, or effectively rid the scalp of dandruff and other similar troubles.

No. 2353. An order has been issued directing **Best & Co., Fifth Ave. at 35th St., New York City,** to discontinue unfair methods of competition in the sale of "Toyo" hats made from rice paper.

Respondent is ordered to cease representing in any manner that its "Toyo" hats are "Panama" hats, and to desist from using the word "Panama," alone or in connection with other words, so as to imply that such "Toyo" hats are Panamas.

No. 2414. O. F. Schoeck, doing business as the O. F. Schoeck School, 1903 Park Ave., Alton, Ill., has been ordered to cease and desist from the use of false and misleading advertising in connection with the sale and distribution of correspondence courses of study and instruction.

The respondent is ordered to discontinue representing through advertisements in the classified advertising pages of newspapers and magazines, or in any other manner, under such headings as "Help Wanted," "Men Wanted," "Wanted—Male Help," and "Employment," that he has positions or jobs at his disposal or that employment is offered to persons answering the advertisements.

No. 2635. Max Kipperman and Samuel Orenstein, 36 West 32nd St., New York City, trading as Samac Knitting Mills, have been ordered to cease and desist from unfair representations of their business.

The respondents are directed to stop representing, through their trade name and printed matter, by use of words such as "Mills," "Knitting," or "Manufacturers," that they own or control mills in

which their products are knitted or manufactured. They are also directed to stop asserting, by use of the term "100 Per Cent Pure Spun," or phrases of similar import, that the product which such phrase is used to describe, is made of 100 per cent pure spun wool, unless and until the articles so labeled are composed entirely of wool.

No. 2664. **McCambridge & McCambridge Co., Inc.**, of 12 L Street, S. E., **Washington, D. C.**, trading as Everfresh Products Co., has been ordered to stop misrepresentations in the sale of its "Everfresh Aspirin."

Advertisements by the respondent company in newspapers, sales circulars and by radio that its aspirin gives better or quicker relief than other forms of aspirin, are prohibited in the Commission's order to cease and desist.

FEDERAL COMMUNICATIONS COMMISSION ACTION HEARING CALENDAR

Monday, March 2

FURTHER HEARING BEFORE AN EXAMINER (Broadcast)

NEW—Champaign News-Gazette, Inc., Champaign, Ill.—C. P., 1370 kc., 100 watts, unlimited time.

Thursday, March 5

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-141:

NEW—Joplin Broadcasting Co., Pittsburg, Kans.—C. P., 1200 kc., 100 watts, daytime.

NEW—Pittsburg Publishing Co., Pittsburg, Kans.—C. P., 1500 kc., 100 watts, unlimited time.

NEW—Harold F. Foraker and Ray D. Luzadder, d/b as The Wichita Broadcasting Co., Wichita, Kans.—C. P., 1500 kc., 100 watts, unlimited time.

Examiner's Report No. I-142:

NEW—Black Hills Broadcast Co. (Robert Lee Dean), Rapid City, S. Dak.—C. P., 1370 kc., 100 watts, unlimited time.

Examiner's Report No. I-146:

NEW—William S. Thellman, New Castle, Pa.—C. P., 1420 kc., 100 watts, daytime.

Examiner's Report No. I-143:

KID—KID Broadcasting Co., Inc., Idaho Falls, Idaho.—C. P., 1320 kc., 500 watts, 1 KW LS, unlimited time. Present assignment: 1320 kc., 250 watts, 500 watts LS, unlimited time.

Examiner's Report No. I-147:

NEW—Arthur Westlund and Jules Cohn, Santa Rosa, Calif.—C. P., 1310 kc., 100 watts, unlimited time.

Examiner's Report No. I-96:

NEW—Charles C. Theis, Wichita, Kans.—C. P., 1210 kc., 100 watts, unlimited time.

Friday, March 6

HEARING BEFORE AN EXAMINER (Broadcast)

NEW—C. G. Hill, Geo. D. Walker, Susan H. Walker, Winston-Salem, N. C.—C. P., 1250 kc., 250 watts, daytime.

APPLICATIONS GRANTED

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Granted license to cover C. P. (auxiliary transmitter) for auxiliary purposes only; 1270 kc., 500 watts. Also granted modification of license to use present licensed transmitter as an auxiliary and auxiliary transmitter as a main transmitter.

NEW—Dorrence D. Roderick, El Paso, Tex.—Granted C. P. for new station, 1500 kc., 100 watts, unlimited time.

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Granted C. P. to make changes in equipment, on temporary basis only, because of pending application requesting facilities of this station.

WKRC—WKRC, Inc., Cincinnati, Ohio.—Granted extension of special experimental authority to operate with 1 KW day and night for period ending September 1, 1936.

WREC—WREC, Inc., Memphis, Tenn.—Granted extension of

special experimental authority to operate with 1 KW night, 2½ KW day, from March 1 to September 1, 1936.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Granted license for auxiliary transmitter to use old 2½-KW transmitter for emergency purposes only, to operate with 1 KW night, 2½ KW day.

WMT—Iowa Broadcasting Co., Cedar Rapids, Iowa.—Granted license to cover special authority to operate permanently with 1 KW night, 2½ KW day, using directional antenna at night, unlimited time, and approving transmitting equipment.

KGVO—Mosby's, Inc., Missoula, Mont.—Granted license to cover C. P. authorizing installation of new equipment, change in frequency to 1260 kc., increase in power to 1 KW, and change in transmitter site.

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Granted extension of special experimental authority to operate with 1 KW daytime.

KFBK—James McClatchy Co., Sacramento, Calif.—Granted license to cover C. P., 1490 kc., 5 KW, unlimited time; also authority to determine operating power by direct measurement of antenna input in compliance with Rule 137.

WOKO—WOKO, Inc., Albany, N. Y.—Granted license to cover C. P., 1430 kc., 500 watts night, 1 KW day, unlimited time. Also granted authority to determine operating power by direct measurement of antenna input in compliance with Rule 137.

KHBC—Honolulu Broadcasting Co., Ltd., Hilo, Hawaii.—Granted modification of C. P. to install new equipment and antenna; change frequency from 1420 kc. to 1400 kc.; increase power from 100 watts to 250 watts; and extend commencement date to 60 days after grant and completion date to 6 months thereafter.

WINS—Hearst Radio, Inc., New York City.—Granted renewal of license, 1180 kc., 1 KW, limited time.

WIBM—WIBM, Inc., Jackson, Mich.—Granted C. P. to make changes in transmitting equipment and install vertical antenna.

WCAO—Monumental Radio Co., Baltimore, Md.—Granted modification of C. P. to move transmitter 60 feet from present site, and make changes in present antenna.

WREC—WREC, Inc., Memphis, Tenn.—Granted modification of C. P. to extend completion date to April 29, 1936.

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Granted extension of special experimental authority to operate with power of 500 watts from March 1 to September 1, 1936.

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Granted extension of special experimental authority to operate with power of 1 KW for period 3-1-36 to 9-1-36.

NEW—Pape Broadcasting Corp., Portable-Mobile (Mobile, Ala.).—Granted C. P. (temporary broadcasting pickup) service, 1646, 2090, 2190, 2830 kc., 20 watts.

WIEK—Atlantic Broadcasting Corp., Portable-Mobile (New York City).—Granted C. P. (temporary broadcast pickup) for replacement transmitter and increase in power from 50 to 100 watts.

W8XWJ—The Evening News Assn., Detroit, Mich. (Portable-Mobile).—Granted license to cover C. P. for new general experimental broadcast station, frequencies 31600, 35600, 38600 and 41000 kc., 100 watts.

W1XAV—Shepard Broadcasting Service, Inc., Quincy, Mass.—Granted license (exp. spec. exp.), frequencies 61500 kc., 100 watts.

W1XER—Shepard Broadcasting Service, Inc., Quincy, Mass.—Granted license to cover C. P. (exp. gen. exp.) for new fixed general experimental broadcast station, frequencies 13600, 35600, 38600, 41000 kc., 500 watts.

KABE—National Battery Broadcast Co., Portable-Mobile (St. Paul).—Granted license to cover C. P. (temporary broadcast pickup), frequencies 1622, 2060, 2150, 2790 kc., 25 watts.

NEW—Radio Air Service Corp., Portable-Mobile (Cleveland, Ohio).—Granted C. P., frequencies 31100, 34600, 37600, 40600 kc., 10 watts, to communicate as a broadcast pickup station only in the temporary service on an experimental basis.

KILU—Arkansas Radio & Equipment Co., Portable (Little Rock, Ark.).—Granted modification of license to add frequencies 2060, 2790 kc. Also granted renewal of license in accordance with modification.

NEW—Racine Broadcasting Corp., Portable-Mobile.—Granted C. P. for broadcast pickup station, frequencies 3100, 34600, 37600 and 40600 kc., 10 watts. Also granted license covering same.

NEW—National Broadcasting Co., Inc., New York City.—Granted C. P. for special experimental station for relay visual broadcasting service, frequency 177000 kc., 15 watts.

W2XF—National Broadcasting Co., Inc., New York City.—Granted C. P. covering change in transmitting equipment and increase in power from 5 to 12 KW.

W2XK—National Broadcasting Co., Inc., New York City.—Granted C. P. for increase in power from 2½ KW to 15 KW.

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Rule 137.

WSYR—WSYU—Central New York Broadcasting Corp., Syracuse, N. Y.—Granted extension of present license for period of one month.

KFDM—Sabine Broadcasting Co., Inc., Beaumont, Tex.—Granted renewal of license; 560 kc., 500 watts, with additional 500 watts day. 7.7 amperes for 1 KW, antenna resistance 17 Ohms. Unlimited.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Granted renewal of license; 770 kc., 10 KW. Simultaneous daytime operation with station WBBM from 6 a. m. to 6:45 p. m.; Sept., Oct., 5:45 p. m.; Nov. 5:15 p. m.; Dec., 5:00 p. m.; Jan., 5:30 p. m.; CST. Shares time at night with Station WBBM as follows: WBBM 4-7 and KFAB 3-7 time.

WTAG—Worcester Telegraph Publishing Co., Inc., Worcester, Mass.—Granted renewal of license; 580 kc., 500 watts, unlimited time. Also granted renewal for auxiliary transmitter.

KGMB—Honolulu Broadcasting Co., Ltd., Honolulu, Hawaii.—Granted renewal of license, 1320 kc., 250 watts, unlimited time.

KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—Granted renewal of license; 890 kc., 250 watts, with additional 250 watts from local sunrise to local sunset only, unlimited time.

WIBW—Topeka Broadcasting Association, Inc., Topeka, Kans.—Granted renewal of license; 580 kc., 1 KW, with an additional 4 KW from local sunrise to local sunset only. Shares time with KSAC.

WJAR—The Outlet Co., Providence, R. I.—Granted extension of special experimental authority to operate with a power of 500 watts nighttime to Sept. 1, 1936.

W2XIS—Standard Cahill Co., Inc., New York City.—Granted modification of C. P. so as to delete the 10 general experimental frequencies leaving 4 allocated to miscellaneous experimental service: 31600, 35600, 38600 and 41000 kc., change equipment, increase power to 100 watts, and operate station in broadcast service experimentally under special authority contained in Rule 320.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KEHE, Los Angeles; KFNF, Shenandoah, Ia.; KGBU, Ketchikan, Alaska; KHQ, Spokane, Wash.; KSFO, San Francisco; KTSJ, San Antonio, Tex.; WFLA-WSUN, Clearwater, Fla.; WJAY, Cleveland, Ohio; WMCA and auxiliary, New York City; WMT, Cedar Rapids, Ia.; WOW, Omaha, Neb.; KFQD, Anchorage, Alaska; KLX, Oakland, Cal.; WDEV, Waterbury, Vt.; WELI, New Haven, Conn.; WIND, Gary, Ind.; WJAX, Jacksonville, Fla.; WQAN, Scranton, Pa.; WWJ, Detroit, Mich.

WJR—WJR, The Goodwill Station, Detroit, Mich.—Granted renewal of license for the period ending Aug. 1, 1936, for auxiliary transmitter.

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Granted renewal of license for the period ending Aug. 1, 1936, for auxiliary transmitter.

W6XO—The Crosley Radio Corp., Mason, Ohio.—Granted renewal of special experimental station license for experimental service, effective Feb. 21, to expire May 21, 1936, in exact conformity with existing license.

The following stations were granted renewal of licenses on a temporary basis only subject to whatever action may be taken by the Commission upon the pending applications for renewal of licenses which were designated for hearing:

KELW, Burbank, Cal.; KFRC, San Francisco, Cal.; KFUO, Clayton, Mo.; KMTR, Los Angeles; KSEI, Pocatello, Idaho; KUSD, Vermillion, S. Dak.; WMMN, Fairmont, W. Va.; WOS, Jefferson City, Mo.; WPHR, Petersburg, Va.; WTMJ, Milwaukee, Wis.

KFYR—Meyer Broadcasting Co., Bismarck, N. Dak.—Granted renewal of license on a temporary basis only to conform to Commission's action of February 8th, with reference to this station's application for renewal of license.

KFKA—The Mid-Western Radio Corp., Greeley, Colo.—Granted renewal of broadcast station license for the regular period.

KHJ—Don Lee Broadcasting System, Los Angeles, Cal.—Granted renewal of broadcast station license for auxiliary transmitter for the regular period.

The following stations were granted renewal of licenses on a temporary basis only, from March 1 to April 1, 1936, pending receipt and/or action on applications for renewal:

KFPY, Spokane, Wash.; WFIL and auxiliary, Philadelphia, Pa.; WLBI, Stevens Point, Wis.

WSAJ—Grove City College, Grove City, Pa.—Granted renewal of license for the period ending June 1, 1936.

WWL—Loyola University, New Orleans, La.—Extended special temporary experimental authorization heretofore issued WWL, for the period March 1 to April 1, 1936, subject to the same conditions as contained in existing authority, pending consideration of pending petition of WLWL and petitions in opposition thereto.

WJBW—Chas. O. Carlson, New Orleans, La.—Extended present license on a temporary basis only, from March 1 to April 1, 1936, subject to whatever action may be taken on application for renewal of license pending before the Commission.

W8XAR—Westinghouse E and M Co., Saxonburg, Pa.—Granted renewal of special experimental license for the period March 23 to June 23, 1936, in exact conformity with existing license.

WLEZ—The Norfolk Daily News, Portable—Granted renewal of broadcast pickup station license for temporary service for period ending Nov. 1, 1936.

KWKH—International Broadcasting Corp., Sbreveport, La.—Extended special temporary experimental authorization heretofore issued KWKH, for the period March 1 to April 1, 1936, subject to same conditions as in existing authority, pending consideration of pending petition of WLWL and petitions in opposition thereto.

SET FOR HEARING

NEW—Ben S. McGlashan, San Diego, Cal.—Application for C. P., 1210 kc., 100 watts, daytime. Site to be determined.

NEW—The Tribune, Great Falls, Mont.—Application for C. P. for new station; 550 kc., 1 KW night, 5 KW day, unlimited time. Site to be determined.

NEW—Lookout Broadcasting Corp., Chattanooga, Tenn.—Application for C. P. for new station; 1420 kc., 100 watts. Daytime only. Site to be determined.

NEW—E. Anthony & Sons, Inc., Pawtucket, R. I.—Application for C. P. for new station; 1200 kc., 100 watts night, 250 watts day. Unlimited time. Facilities WNRI. Site to be determined.

NEW—Albert Lea Broadcasting Corp., Albert Lea, Minn.—Application for C. P. for new station; 1200 kc., 100 watts, unlimited time. Site to be determined.

NEW—R. C. Goshorn & Lester E. Cox, d/b as Capitol Broadcasting Co., Jefferson City, Mo.—Application for C. P. for new station; 920 kc., 500 watts daytime. Site to be determined.

NEW—Power City Broadcasting Corp., Niagara Falls, N. Y.—Application for C. P. for new station; 630 kc., 250 watts daytime. Site to be determined.

NEW—The Steffen Ice & Ice Cream Co., Wichita, Kans.—Application for C. P. for new station; 1210 kc., 100 watts, unlimited time.

NEW—J. T. Bilben & N. G. Barnard Walker, Minn.—Application for C. P. for new station; 1310 kc., 100 watts, unlimited.

NEW—Peninsula Newspapers, Inc., Palo Alto, Cal.—Application for C. P. for new station; 1160 kc., 250 watts, daytime.

WCB D—WCB D, Inc., Chicago, Ill.—Modification of license to change location of studio from Karcher Hotel, Waukegan, to 128 North Pulaski Road, Chicago.

NEW—W. E. Day, Creston, Ia.—Application for C. P. for new station; 1500 kc., 100 watts, unlimited time. Site to be determined.

NEW—Harold Johnson & Leland M. Perry, d/b as Johnson & Perry, Cedar City, Utah—Application for C. P. for new station; 1310 kc., 100 watts, unlimited time. Site to be determined.

NEW—State Capitol Broadcasting Assn. (R. B. Anderson, Pres.), Austin, Tex.—Application for C. P. for new station; 1120 kc., 500 watts night, 1 KW day, S. H. (all hours not used by WTAW) using directional antenna.

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio—Transfer of control of the WGAR Broadcasting Co. (license of WGAR), from the present four stockholders to WJR, the Goodwill Station, a Michigan Corporation (1450 kc., 500 watts night, 1 KW day, unlimited).

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio—Application for C. P. to make changes in equipment and increase day power to 5 KW, using conventional non-directional antenna for day operation.

MISCELLANEOUS

KFPM—Dave Ablowich, t/r as The New Furniture Co., Greenville, Tex.—Denied petition asking Commission to reconsider action in designating for hearing applications for renewal of license and assignment of license.

KFOX—Nichols & Warinner, Inc., Long Beach, Cal.—Denied petition asking Commission to reconsider and grant application to assign license to Hal Nichols, Inc. Designated for hearing on Jan. 10, 1936.

KFRU—KFRU, Inc., Columbia, Mo.—Granted permission to use nighttime hours when relinquished by WOS, which has been granted C. P. for a police frequency, subject to Rule 131.

W. T. Knight, Jr., Savannah, Ga.—Denied petition asking Commission to reconsider action in designating for hearing application for new station to operate on 1310 kc., 100 watts, full time, and to grant same.

WWJ—The Evening News Assn., Inc., Detroit, Mich.—Retired to closed files C. P. and modification of C. P., heretofore granted for authority to move transmitter, for want of prosecution.

WGBF—Evansville On the Air, Inc., Evansville, Ind.—Denied special temporary authorization to operate simultaneously with KFRU, and with reduced power of 250 watts, from 7 to 8 p. m. March 5; from 7 to 8:30 p. m. March 6; and from 7 to 10 p. m. (CST) March 7, 14, 21 and 28, 1936, in order to broadcast special programs.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—License further extended on a temporary basis to April 1, 1936.

NEW—ABC Broadcasting Co., Big Spring, Tex.—Dismissed with prejudice application for C. P. for new radio station to operate on 1500 kc., 100 watts, daytime.

APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were dismissed at request of applicants:

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Modification of license; 890 kc., 500 watts, 1 KW LS, unlimited time.

WCOL—WCOL, Inc., Columbus, Ohio—C. P., 1210 kc., 100 watts, 250 watts, LS, unlimited time.

NEW—M. M. Oppegard, Grand Forks, N. Dak.—C. P., 1310 kc., 100 watts, 250 watts, LS, unlimited time.

NEW—Bismarck Tribune Co., Bismarck, N. Dak.—C. P., 500 kc., 1 KW, 5 KW, LS. Unlimited time.

KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—C. P., 1370 kc., 100 watts, 250 watts, LS, shares with KCRC.

NEW—American Broadcasting Corp. of Ohio, Cleveland, Ohio—C. P., 880 kc., 1 KW, unlimited time.

The following application, heretofore set for hearing, was dismissed for failure of applicant to answer form letter, adopted by Broadcast Division requiring applicants to signify their desire to be heard within 10 days after receipt of said form letter:

NEW—A. E. Hughes, d/b as Valdosta Broadcasting Co., Valdosta, Ga.—C. P., 1500 kc., 100 watts, unlimited.

The following application heretofore set for hearing, was dismissed inasmuch as it has been superseded by an application under the name of Smith, Keller & Cole:

NEW—Ralph E. Smith, San Diego, Cal.—C. P., 1200 kc., 100 watts, daytime.

APPLICATIONS DENIED

NEW—Eugene DeBogory, tr/as Dallas Radio Research Engrs., Dallas, Tex.—Application for C. P., 1570 kc., 1 KW, unlimited (exp. broadcast), heretofore set for hearing, was denied as in cases of default for failure to file an appearance.

ORAL ARGUMENTS

NEW—Ex. Rept. 1-163: Paul R. Heitmeyer, Salt Lake City, Utah.—Oral argument granted for April 23, 1936.

NEW—Ex. Rept. 1-173: Paul R. Heitmeyer, Cheyenne, Wyo.—Oral argument granted for April 23, 1936.

NEW—Wyoming Radio Educational Assn., Cheyenne, Wyo.—Oral argument granted for April 23, 1936.

WFEA—Ex. Rept. 1-180: New Hampshire Broadcasting Co., Manchester, N. H.—Oral argument granted for April 23, 1936.

NEW—Ex. Rept. 1-184: W. H. Kindig, Hollywood, Calif.—Oral argument granted for April 23, 1936.

KFAC—Los Angeles Broadcasting Co., Inc., Los Angeles, Calif.—Oral argument granted for April 23, 1936.

WCAO—Ex. Rept. 1-187: The Monumental Radio Co., Baltimore, Md.—Oral argument granted for April 30, 1936.

WICC—Ex. Rept. 1-187: Southern Connecticut Broadcasting Corp., Bridgeport, Conn.—Oral argument granted for April 30, 1936.

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Oral argument granted for April 30, 1936.

APPLICATIONS RECEIVED

First Zone

WTAG—Worcester Telegram Publishing Co., Inc., Worcester. 580 Mass.—Construction permit to make changes in equipment.

WMAL—National Broadcasting Co., Inc., Washington, D. C.—630 Modification of license to increase power from 250 watts, 500 watts day, to 500 watts day and night.

NEW—Elmira-Star-Gazette, Inc., Elmira, N. Y.—Construction permit for a new station to be operated on 1200 kc., 250 watts, daytime.

NEW—The Ogdensburg Advance Co., Watertown, N. Y.—Construction permit for a new station to be operated on 1270 kc., 250 watts, unlimited time. Amended to make antenna changes, give studio site as Public Square, Watertown, N. Y., and transmitter site to be determined, Watertown, N. Y.

WEVD—Debs Memorial Radio Fund, Inc., New York, N. Y.—1400 Modification of license to change hours of operation from share-WBBR, WFAB and WHAZ to unlimited time. Requests facilities of WBBC, WLTH, WARD and WVFW. Amended to change frequency from 1300 kc. to 1400 kc.

Second Zone

WDBJ—Times-World Corp., Roanoke, Va.—Construction permit 930 to install new equipment; increase power from 1 KW to 1 KW night, 5 KW day; move transmitter from First and Kirk Ave., S. W., Roanoke, Va. to Colonial Ave., Colonial Heights, Roanoke, Va., and studio from American Theater Bldg. (corner Kirk Ave. and Jefferson St.), Roanoke, Va., to corner 2nd and Campbell Ave., S. W., Roanoke, Va.

NEW—Nolan S. Walker, Canton, Ohio.—Construction permit for 1200 a new station to be operated on 1200 kc., 100 watts, 250 watts day, unlimited time. Requests facilities of WHBC.

NEW—Radio Air Service Corp., Cleveland, Ohio.—Construction permit for a new general experimental station to be operated on 31600, 35600, 38600, 41000 kc., 50 watts.

NEW—Pittsburgh Radio Supply House, Portable-Mobile.—Construction permit for a new general experimental station to be operated on 31100, 34600, 37600, 40600 kc., 5 watts.

Third Zone

NEW—The Birmingham News Co., Birmingham, Ala.—Construction permit for a new station to be operated on 590 kc., 500 watts, 1 KW, unlimited time.

NEW—Grover C. Maxwell, George A. Sancken and Herbert C. 610 Lorick, Augusta, Ga.—Construction permit for a new station to be operated on 610 kc., 250 watts, 500 watts day, unlimited time.

NEW—Ben L. Taylor, Phil B. Whitaker and Mrs. Phil B. Whitaker, 1200 Chattanooga, Tenn.—Construction permit for a new station to be operated on 1200 kc., 100 watts, daytime.

WDAE—Tampa Times Co., Tampa, Fla.—Extension of special experimental authorization to operate with power of 2½ KW day, with equipment changes, from 4-1-36 to 10-1-36.

WIOD-WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—1300 Construction permit to make changes in equipment.

NEW—Red River Valley Broadcasting Corp., Sherman, Tex.—

1310 Construction permit for a new station to be operated on **1310 kc.**, 100 watts, daytime. Consideration under Sec. 307 (b).

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Construction permit to make changes in equipment.

Fourth Zone

WWAE—Hammond-Calumet Broadcasting Corp., Hammond, Ind.
1200 —Modification of license to change hours of operation from S-WFAM to unlimited day to local sunset, share-WFAM night.

NEW—Pemberton Gordon, d/b as Mid-Missouri Broadcasting Service, Jefferson City, Mo.—Construction permit for a new station to be operated on **1310 kc.**, 100 watts, daytime.

KSO—Iowa Broadcasting Co., Des Moines, Iowa.—Construction permit to make changes in equipment and increase power from 500 watts, 1 KW day, to 500 watts, 2½ KW day.

NEW—R. J. Laubengayer, Salina, Kans.—Construction permit for a new station to be operated on **1500 kc.**, 100 watts, unlimited time.

Fifth Zone

KDON—Richard Field Lewis, Del Monte, Calif.—Voluntary assignment of license from Richard Field Lewis to Monterey Peninsula Broadcasting Co.

KICA—The Southwest Broadcasting Co., Clovis, N. Mex.—Voluntary assignment of license from The Southwest Broadcasting Co. to Western Broadcasters, Inc.

KLO—Interstate Broadcasting Corp., Ogden, Utah.—Construction permit to make changes in equipment; increase power from 500 watts to 1 KW, 5 KW day; install directional antenna; move transmitter from R. 4, Riverdale Rd., approximately 4 miles southwest of Ogden, Utah., to site to be determined. Amended giving exact transmitter site as 3 miles southwest of center of Kaysville, on Lake Shore, near Kaysville, Utah, and make changes in antenna.

KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Modification of construction permit (5-P-B-2837) as modified to move transmitter locally; increase power; install new equipment; move transmitter from 1000 S. Hope St. to 3100 S. Cloverdale Ave., Los Angeles, Calif.; and extend commencement and completion dates. Amended to change transmitter site from 3100 S. Cloverdale Ave. to 82nd St. and Compton Ave., Los Angeles County, California.

NEW—Western Broadcast Co., Los Angeles, Calif.—Construction permit for a new general experimental station to be operated on **31600, 35600, 38600, 41000 kc.**, 100 watts.

Alaska

NEW—Edwin A. Kraft, Petersburg, Alaska.—Construction permit for a new station to be operated on **1420 kc.**, 100 watts, unlimited time.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

NAB REPORTS

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DUFFY BILL HEARINGS COMMENCE

Broadcasters were characterized as "termites," "racketeers" and "pirates" by spokesmen for the American Society of Composers, Authors and Publishers during hearings on the Duffy copyright bill which commenced before the House Committee on Patents on Tuesday, February 25.

Appearing for the Society, Gene Buck, president, stated that his organization was opposed to removal of the \$250.00 minimum damages provision from the law and charged that the "power trust" was behind the provisions of the Duffy bill under which the two-cent royalty on phonograph records would be retained.

Mr. Buck, Nathan Burkan, attorney for the Society, and E. C. Mills, general manager, testified for the Society. Mr. Buck introduced to the committee during the hearings Charles Wakefield Cadman, Irving Berlin, George Gershwin, Mrs. Nevin, widow of the composer, Ethelbert Nevin, Billy Hill, and Rudy Vallee. Vallee was the only one of this group to testify.

Early in his testimony, Buck admitted that "copyright is a mystic maze" and argued that the composers of the nation were not receiving adequate revenue from the use of their works by broadcasters, hotels, taverns, motion picture exhibitors and other public places where music is used.

"There is not a composer or author in these United States getting 50 per cent of the income that he got before this tremendous mechanical invasion came upon us, Buck said.

Removal of the \$250.00 damages clause from the law would "legalize piracy."

"Congressmen have frequently said to me, 'If I buy that sheet of music, why can't I play it, why can't I do anything I want with it?'" said Buck. "It just so happens that that sheet of music is bought by you for private use, like a phonograph record; but the minute you take that piece of music, if there is an admission charged at the door for commercial purposes, or if you are going to sell that piece of music over again, either on a broadcasting station or in a theater or in a hotel, that is the so-called public performing right that is involved here, which these termites would like to eliminate."

Buck stated that "never in the history of the Society has a bootblack stand, a bot-dog stand, or a barber shop been approached."

In 22 years only \$8,800 was collected by the Society in court proceedings for infringement, Buck said.

During the time Buck was on the stand he gave some statistical information about the Society's licensing activities. He said his salary was \$35,000 a year. Broadcasters in 1935 paid more than \$2,500,000 to the Society; the hotels \$190,000 and the movie theaters nearly \$860,000. The total collections last year were about \$4,000,000.

He said he favored the Sirovich bill as against the Duffy bill and that the American Federation of Labor "stands with this Society because they are in the same boat."

NOTES TO SALES STAFF

The continued gain of radio advertising presages increased time sales during the spring months, especially in the regional network and national non-network fields. (See Total Broadcast Advertising, page 1234).

The marked rise during the month in national transcription volume also should be of interest, as should be the continued strong showing of both national and local live talent volume. (See Non-network Advertising by Type of Rendition, page 1235).

The downward trend in announcement volume, combined with the marked upswing in both talent and transcriptions, shows what can be done in the way of selling full radio broadcast advertising facilities (See same, page 1235).

ADVERTISING UNDER ATTACK

The American system of broadcasting came under attack while Buck was on the stand. He said that American authors and composers receive less money than they receive in England or any country in Europe where the nations do not permit advertising.

Discussing wired radio, which he said was controlled by the "power trust" and had a hand in writing the Duffy bill, Buck said:

"It is intensively interesting. It eliminates all static. It is clear reception. There is no advertising; you do not have to listen to some of this 'blah' to get some of the fine stuff that we get on the air.

"Do you believe that the members of your organization would be better off financially if the Government were to take over the broadcasting stations?" asked Congressman Dunn of Pennsylvania.

"That is a very difficult question for me to answer, Mr. Dunn," said Buck. "I do not know enough about government ownership. I could not answer that question. It takes an exhaustive study of its effects."

"I am going to persist and continue, provided that you people do not believe it is a detriment, to advocate that the Government take over broadcasting," Dunn said.

BROADCASTERS ARE BLAMED

The broadcasters were held responsible for the "false propaganda" in Congress and were said to have advocated the institution of the suit against the Society by the Department of Justice, according to Society witnesses. The broadcasters, too, were blamed for the difficulties which are troubling the Society in the State of Washington.

Broadcasters likewise were blamed for the trouble the Society has found in Wisconsin. At one time during the questioning of Burkan by Congressman O'Malley of Wisconsin, Burkan said:

"We have been having a lot of trouble in your state."

"I know, and you are going to have some more," O'Malley retorted.

WHY THE GOVERNMENT CASE SAGGED

The Government suit against the Society came in for discussion during the hearings.

"This is the reason that the Government's case sagged and broke down, because the Government discovered that instead of us being the 'racketeers' the 'racketeers' were the broadcasters," Burkan said.

Burkan then proceeded to tell of his cross-examination of Government witnesses at the adjourned trial and accused the National Broadcasting Company of "pirating" songs of non-members of the Society.

"You do not say that the Department of Justice is guilty of improper motives in bringing the suits?" O'Malley asked.

"I do not say that, but they (the broadcasters) stuck a gun up against our bellies and said, 'If you do not give us a renewal of the contract for five years, we are going to retain Newton D. Baker and Mr. Newton D. Baker is going to file a case with the Department of Justice.'"

"Is the Government to be called in for the purpose of seeing to it that we give them a better contract or a worse contract?" Burkan asked.

DEEMS TAYLOR TESTIFIES

Deems Taylor, nationally known composer, testified on behalf of the Society. He opposed the compulsory license provisions in the bill and objected to the elimination of the \$250.00 statutory damages.

"That is the rock upon which ASCAP rests," he said.

Congressman O'Malley questioned Mr. Taylor, as he had previously questioned both Buck and Burkan, about the qualifications for membership in the Society. It was brought out that usually a composer must have five songs published to be eligible for membership; that the publisher must be a "recognized" publisher; and that "recognition" means, almost in every case, that the publisher be a member of ASCAP.

DIFFERENCES IN COMMITTEE

During the tense days of the hearings, members of the House Patents Committee differed upon questions of procedure. Congressman Church of Illinois objected to the procedure under which opponents of the bill were heard first and frequently there were requests for rulings from the chair on the admissibility of documentary evidence. In each instance, however, documentary evidence offered was admitted.

SIGMUND ROMBERG TAKES STAND

Sigmund Romberg, composer, member of ASCAP Board, and president of the Songwriters Protective Association, also testified against the Duffy bill. He spoke briefly, pointing out the possible dangers to entering the International Convention at this time when works of American authors were not receiving proper protection in European countries. Mr. Romberg said his works had been excluded from Germany.

WARNER BROTHERS DISCUSSED

The split between the Society and Warner Brothers was injected into the hearings by Congressman Deen while questioning Buck.

Buck said that it was the contention of the Society that they had the right to license the works of their composer members and that they would defend NBC and CBS in the suits filed by Warner Brothers against the network companies.

"Why did Warner Brothers break away from the Society," Deen asked.

"Because they wanted more money; human greed. Yes, plain greed, g-r-e-e-d," Buck explained.

LICENSING PRACTICES SCRUTINIZED

Congressman O'Malley of Wisconsin, and Congressman Deen of Georgia, took a leading part in interrogating representatives of the Society on its methods of fixing fees.

Buck explained the factors considered by the Society in fixing license fees in the following language:

"The custom that we have in the society is to set what we call a sustaining fee, which is based on first the hours granted to them by the Government on their wave lengths. Some great stations can operate twenty-four hours a day. Some stations will have only six hours a day, and some four hours. There is a limited number of wave lengths. So when we set a fee to give this man accessibility to all our works, we take into consideration first the number of hours he has allocated to him by the United States Government; second, the location of their broadcasting station—and I will show you how important that is.

"You can have a broadcasting station of 50,000 watts broadcast in New York City tonight and you will hit twenty-two million listeners because it is a densely populated section of country.

"On the other hand, let us take Mr. Lanham's country down in Texas, the same operation, 50,000 watts, can not hit that radius of listeners. They also possibly might have to have a lot of power in that station to overcome a static condition that they may have all the year around. So we take that into consideration.

"We take in the first place that the Government has given them a free wave length or a limited wave length, and next the location of the station, and then the very important thing, the power of the station. Those are the three factors."

UNWILLING TO LET COURTS DECIDE

Spokesmen for the Society said that they needed the \$250.00 provision in the law for the purpose of protecting the composers against piracy of their works. Throughout the hearing, these spokesmen were careful to confine their remarks to the composer and only incidentally did reference to publisher members creep into their testimony.

Some members of the Committee were of the opinion that the rights of composers would be adequately protected by permitting courts to fix damages and believed courts would be fair about it. Witnesses for the Society dodged each question on this issue.

The question of using the \$250.00 damages as a bargaining basis for rights came up time and again.

"Now will you tell me what restrictions there are under the present law that would in any way curb this amount that you set as the license value? Assuming, for the sake of argument, that you were greedy, could you set any arbitrary figure without any control whatever?" asked Congressman Barry.

"If I understand your question, sir—that they must take what price we set?" said Buck.

"That is right," explained Barry, "Must they take what price you set?"

"True, true, true," replied Buck.

RUDY VALLEE SERVES WARNING

Rudy Vallee had his day on the stand on March 3. He said he opposed the Duffy bill and favored the Sirovich bill although he admitted he had read neither but depended upon a memorandum prepared by Burkan.

"I ask for the privilege of warning, more or less, the organizations that are attacking this Society, among whom are many of my friends in the radio, night club and hotel field, that are attacking the American Society, the creators of music, so vital to their welfare and organizations, that it might be called digging their own graves, throwing a boomerang that will react to our own detriment and doing themselves irreparable damage," Vallee predicted.

"I feel especially that radio, more even than the motion picture or the hotel, is going to kill the goose that lays the golden eggs, if they persist in their refusal to pay the society the money that the Society feels is due to the creators of music which furnish such a tremendous part of each radio program," he went on.

According to Vallee, composers write primarily for money.

"I do not think any man can be a bricklayer during the day and come home and write great songs at night," he opined.

"I do not see how anyone would want to write for the glory of it," he said.

Vallee said the present rates paid to ASCAP are a "joke."

"I am putting myself in jeopardy with interests that I today serve and will probably serve in the future," said the bandsman. "As most of you know, I am engaged in radio work today; in fact, it is the greater part of my work. I hope some day to be an executive in radio," he said.

Vallee said he had written about 20 songs and was one of the lowest paid members of the Society. He said he was appearing for the "little fellow."

HEARINGS ECHO IN HOUSE

On Wednesday, March 3, Chairman Sirovich addressed the House on the pending Duffy copyright bill.

He said he opposed entering the International Union because of restrictions imposed against American authors and motion picture producers by European countries.

He vigorously defended the American Society, urged defeat of the Duffy bill, and pleaded for retention of the \$250.00 minimum damage clause.

He was followed by Congressman Zioncheck of Washington, who spoke briefly in support of the Duffy bill and characterized the copyright hearings as "somewhat in the nature of a circus."

PRALL REAPPOINTED CHAIRMAN

President Roosevelt has reappointed Commissioner Anning S. Prall chairman of the Federal Communications Commission until March 11, 1937. The Communications Act provides that the chairman of the Commission shall be appointed by the President.

COUZENS ASKS REPORTS

Senator Couzens of Michigan introduced a resolution (S. Res. 240) this week calling upon the Federal Communications Commission to send full reports on its recent investigation to the Senate. The resolution which is awaiting action and was not sent to any committee is as follows:

"Whereas the Federal Communications Commission, on January 9, 1936, appointed a subcommittee from its membership to investigate what was known and described by the Commission as 'The Willard Hotel Incident'; and

"Whereas on February 14, 1936, the Commission issued a report of its findings on that investigation; and

"Whereas it would be helpful to the Committee on Interstate Commerce of the United States Senate to have all memoranda, statements, testimony, and reports made to or obtained by the Commission and by the Department of Justice for the Commission during the investigation herein referred to: Therefore be it

"Resolved, That the Federal Communications Commission shall forward to the United States Senate all of the memoranda, documents, statements, testimony, reports made to or obtained by the Commission and by the Department of Justice for the Commission in relation to and as part of that investigation."

NEW CONNECTICUT STATION RECOMMENDED

The Thames Broadcasting Corporation filed an application with the Federal Communications Commission asking for a construction permit for the erection of a new broadcasting station at New London, Conn., to use 1500 kilocycles, 100 watts power, and daytime operation.

Examiner Ralph L. Walker, in Report No. I-202, recommends that the application be granted. He found that the applicant is in all ways qualified to construct and operate the proposed station, that there is need for daytime broadcast service in the area to be served, and that the operation of the proposed station will not adversely affect the interests of any existing station by reason of interference.

TEL. & TEL. ACCEPTS DECISION

The American Telephone & Telegraph Company has notified the Federal Communications Commission that it has accepted its decision of February 26 in connection with the proposed construction of the coaxial cable between New York and Philadelphia for experimental television work.

In its decision the Commission found that it had jurisdiction over the construction of the cable and that it is in the public interest that it be constructed. A number of restrictions were put on its construction, including a clause that there shall be no discrimination between television experimenters who wish to make use of the cable as agreed to by the telephone company.

NEWSPAPER STATISTICS AVAILABLE

Copies of Section D, Volume IV, of "Market and Newspaper Statistics," and of "Totals of Cities," are available at \$2.00 each for the former and \$1.00 each for the latter by the American Association of Advertising Agencies.

Cities included in Section D are:

Freeport-Lynbrook (New York)	New Orleans
Gary	Staten Island (New York)
Hartford	Paterson
Long Beach	Salt Lake City
Lowell	San Antonio
Lynn	Scranton
New Haven	Utica

NEW FLORIDA STATION RECOMMENDED

The Fountain of Youth Properties, Inc., has filed an application with the Federal Communications Commission asking for a construction permit for the erection of a new broadcasting station at St. Augustine, Florida, to use 1210 kilocycles, 100 watts power, and unlimited time on the air.

Examiner R. H. Hyde, in Report No. I-203, has recommended that the application be granted. "It is concluded from the evidence," says the Examiner, "showing a lack of broadcast facilities in the applicant's area, either of transmission or dependable reception, and the showing of interest on the part of the public, that there is a need for the station the applicant proposes to construct."

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

Campbell Transportation Company, Pittsburgh, Pa. (2-1910, Form A-2)
Stuart Court Property Corp., New York City. (2-1911, Form E-1)
Voting Trust for same, New York City. (2-1912, Form F-1)
Citizens Independent Telephone Co., Terre Haute, Ind. (2-1913, Form A-2)
Indiana Associated Telephone Corp., Lafayette, Ind. (2-1914, Form A-2)
Properties & Construction Co., New York City. (2-1915, Form A-1)
Silvercote Products, Inc., Chicago, Ill. (2-1917, Form A-1)
Hepburn & McTavish, Inc., Los Angeles, Calif. (2-1918, Form A-1)
H. R. Holtzman Corp., Detroit, Mich. (2-1919, Form A-1)
Lincoln Service Corp., Washington, D. C. (2-1920, Form A-2)
Bondholders Committee for Madison Ave. Offices, Inc., New York City. (2-1922, Form D-1)
Arthur Fels Bond & Mortgage Co., Kansas City, Mo. (2-1923, Form D-1)
I. F. Steinmeyer, St. Louis, Mo. (2-1924, Form E-1)
National Fund, Inc., Jersey City, N. J. (2-1926, Form C-1)
Comstock Cedar Hill Gold Mines, Inc., Reno, Nev. (2-1927, Form A-1)
Bondholders Committee for First Baptist Church, New Orleans, La. (2-1928, Form D-1)
Coastland Oil Corporation, Houston, Tex. (2-1931, Form A-1)
Parker-Wolverine Company, Detroit, Mich. (2-1933, Form A-1)
Prudential Investing Corporation, Detroit, Mich. (2-1934, Form A-1)
General Houses, Inc., Chicago, Ill. (2-1935, Form A-1)
Time Controlled Indicators, Inc., Wilmington, Del. (2-1936, Form A-1)
Rochester Distilling Company, Inc., Rochester, N. Y. (2-1940, Form A-1)

LOTTERIES DISCUSSED IN EXAMINER'S REPORT

Of considerable significance is the Report of FCC Examiner George H. Hill (Examiner's Report I-197) relating to the application for renewal of license of Station WRBL, Columbus, Georgia.

This report contains a discussion of lotteries and gift enterprises, and in it the Examiner reaches the conclusion that certain programs broadcast constitute violations of Section 316 of the Communications Act of 1934. While the report is not final and although the Examiner's findings are subject to review by the Commission, it is nevertheless significant of a trend in the regulation programs which no broadcaster can afford to overlook.

The report is printed here in full:

The application of WRBL Radio Station, Inc., for renewal of license was designated for hearing because of the filing of an application by David Parmer for a construction permit requesting the facilities of Station WRBL. These applications were heard before an Examiner on June 28, 1935.

During the hearing the applicant, David Parmer, entered a motion to withdraw his application for a construction permit and the Examiner, on August 24, 1935, made his report (No. I-95) recommending that the motion for withdrawal of the application for a construction permit be granted, and that the application of WRBL Radio Station, Inc., for renewal of license also be granted.

Thereafter complaints were filed with the Commission concerning certain programs broadcast over Station WRBL by Muscogee Chevrolet Company, Burrus Motor Company, Better Housing Exposition, Police Benefit Wrestling Matches, and Woodcrest Hardware Company. The Commission reopened the case and directed that a hearing be held at Columbus, Georgia, to determine the following issues:

- (1) To determine the nature and character of the program service rendered by Station WRBL;
- (2) To determine whether or not Station WRBL has operated in violation of Section 316 of the Communications Act of 1934;
- (3) To determine whether the granting of this application would serve the public interest, convenience and necessity.

The Facts

Station WRBL is licensed to operate at Columbus, Georgia, on the 1200 kilocycle frequency with power of 100 watts, unlimited time. The station is owned and operated by WRBL Radio Station, Inc., and prior to July 7, 1935, the stock of the licensee corporation was owned by J. W. Woodruff, Sr., and David Parmer, each owning fifty per cent of the stock. Mr. Woodruff was President and Mr. Parmer Vice-President of the corporation. Mr. Parmer was also Director and Program Manager of the station.

It was shown that serious dissension arose between Mr. Woodruff and Mr. Parmer prior to July 7, 1935, with the result that proper supervision of the programs broadcast over Station WRBL was not exercised. Mr. Roy Luttrell now owns the stock formerly owned by Mr. Parmer. Mr. Parmer has not been connected with the station in any capacity since July 7, 1935. WRBL is the only radio broadcast station located at Columbus, Georgia, and is the only station rendering consistent service of a local nature to the Columbus area.

A number of officials of local governmental, civic, religious, cultural and labor organizations testified that the station is rendering a meritorious service and filling a real need in the community. An improvement in the programs broadcast over Station WRBL has been noted since the first hearing. More live talent has been employed than formerly, more time is devoted to religious, educational and civic programs, and recordings have been curtailed. The facilities of the station are made available to all worth-while civic and patriotic activities without cost.

A considerable portion of the evidence relates to broadcasts made over Station WRBL by the Muscogee Chevrolet Company, Burrus Motor Company, Better Housing Exposition and Police Benefit Wrestling Matches. The following are excerpts from these broadcasts:

MUSCOGEE CHEVROLET COMPANY

May 16, 1935.

"Would you like to win an automobile free without having to buy anything or be obligated in any way?"

"The Muscogee Chevrolet Company, 1501 First Avenue will give away free one nice 1929 automobile to the one guessing the nearest correct speedometer reading on this car that is on display in their used car lot adjoining the Chevrolet Building.

"This car will be given to the lucky person Saturday noon, June 8, 1935. Go down and join this guessing contest.

"Guessing will stop Friday, 6 p. m., June 7, 1935."

BURRUS MOTOR COMPANY

May, 1935.

"A used car absolutely free! That is exactly right! On the first day of June, 1935, at exactly 3:30 p. m., the Burrus Motor Company, 1238 First Avenue, is going to give away a splendid used car absolutely free. It may be a \$200 used car or truck or it may be a \$500 used car or truck, it all depends on how lucky you are.

"Now here's the proposition, every purchaser of a used car from Burrus during the month of May will be given a chance to draw this used car. If you are the lucky one, you will win the used car you have bought from the Burrus Motor Company.

"Say for instance, you have bought a \$400 or \$500 used car from Burrus, or whatever price you have bought, and the number of your ticket is drawn, you will be refunded every penny you have paid for the car you purchased. If you have paid cash for the car, you will be refunded the cash, or if you have traded in a used car as down payment, and made notes for the difference, you will be given cash for the amount your used car was traded in for, and your notes given back to you. In short, you will keep the car you purchased and will be returned everything you have paid for it.

"This is the most gigantic offer ever made on the part of the Burrus Motor Company. You will have a chance out of about 75 or 100 to win your car free, or one chance out of the number of used cars sold by Burrus during the month of May, as there will be only one chance given to each purchaser of a used car during this month.

"The radio special under the canopy at the Burrus used car department for today is ——. Take a look at the stock of used cars at Burrus—1238 First Avenue. Reconditioned and guaranteed!"

THE CHANCELLOR COMPANY

June 16, 1935.

"The Chancellor Company offers a sensational gift absolutely free! Here is your big opportunity to win a \$225 miniature racing car. Contest starts tomorrow, June 17, 1935, and ends Saturday night, August 31, 1935. This contest is open to boys and girls in Columbus, Fort Benning and nearby towns, between the ages of nine and ninety-nine.

"Contest starts tomorrow, June 17th, and ends Saturday night, August 31st.

"Everyone entering has an equal chance. Here's how it works.

"For every dollar spent for cash or every dollar paid on account during the months of June, July and August you will be given a free ticket which will entitle you to the drawing Saturday night, August 31st, 7:30 p. m.

"One ticket will win the car, but the more tickets you have the better opportunity you have to win the car.

"Save every ticket on all cash purchases made or any money paid on accounts between now and August 31st, and ride in a fine Automobile FREE.

"Be sure and call by and see this wonderful racing car on display in front of Chancellor Company. It has a real motor; is air cooled; gives sixty miles per gallon; has air balloon tires; and runs eighteen miles per hour.

"Try your luck and win a very valuable prize or gift."

BETTER HOUSING EXPOSITION

March 25, 1935.

"Ladies and Gentlemen—We now offer one of the most sensational, interesting and important features to be broadcast from the Federal Better Housing Exposition. We are going to interrupt the musical program for a few minutes in order to present several gifts of baskets of groceries. These baskets are furnished by King Grocery Company, with twelve stores in Columbus, together with the cooperation of many firms whose products are in the baskets.

"King Grocery Company is a consistent user of WRBL Radio service and has a most attractive and informative booth here at the Exposition, which is well worth your seeing.

"Before shaking the box and drawing the first lucky number, let me explain how you win these baskets of groceries: Every one holding a paid admission ticket is entitled to one free number after entering the building. You drop the stub bearing a duplicate number in the box and hold the duplicate until the numbers are drawn. There will be many baskets given each night and several numbers will be drawn and baskets given during this broadcast period each night.

"I now have the big thrill! LISTEN! We shake the box and draw the number, yes, sir and yes, maam! It is the lucky number ——. Will the winner please step forward and receive his gift of a large basket of groceries."

POLICE BENEFIT WRESTLING MATCHES

August 23, 1935.

(By Ralph Rogers): "And here is the drawing for the sixty hucks, and here is Jess, and he will tell you about it."

(By Jess Swicegood): "Here is the drawing, ladies and gentlemen. They are bringing the bread box up in the ring with Jimmy Calloway and the second gentleman, I don't know who he is. This gentleman is Mr. Glenn of the Nehi Bottling Plant. Mr. Glenn has one of the books, and his colleague has the other. You know each number carries a name in the books. They are drawing out a number now. I registered myself tonight. My number is 78. I believe Ralph's is 127. And they have drawn a number. What is that name? C. B. Bray, 833 First Avenue. He has got something to bray about all right. I could bray if I was him. And he isn't here. He doesn't answer and he doesn't win. Be sure to be down here Tuesday night. There will be seventy dollars in the jackpot. You don't have to buy a ticket in order to register and get your name in the pot. You can register around town any place almost. All that is necessary for you to do is to have your name in the hook and be in hearing distance. You don't have to be a paid admission in order to win, but if

you are on the outside of the gate and hear your name called you can come in and take the money away. And here is the announcement concerning the opponents for the next match."

WOODCREST HARDWARE COMPANY

June 20 and 22, 1935.

"Woodcrest is on the air . . . As the music begins we hear Ted Weems and his music in the recording —. How good a guesser are you? If you want to try your luck at guessing and also have a chance at winning a real prize that would cost you thirty-five dollars if you tried to buy it, listen for the big announcement at the end of this program.

"But now let's listen to the recording by Ted Weems and his orchestra as they play —.

"How is that lawn or garden of yours coming along? Are you giving it the care you should? Are the weeds or grass growing as well as the flowers, or is the garden clean and fresh? Couldn't you do a much better job if you had all the necessary tools? Well at the prices these tools and garden equipment is being sold at Woodcrest Hardware there is no reason why you shouldn't have everything that is necessary for the perfect garden. You owe it to yourself to go by Woodcrest Hardware at 1242 Broadway and see all these garden supplies and get their prices. Now for Ted Weems and his orchestra in the recording —.

"As the program of Woodcrest Hardware continues we want to remind you that regardless of your hardware needs they can be filled at Woodcrest Hardware at 1242 Broadway and you will be surprised at the very low prices on all their merchandise. Every article is of the highest grade and is made by the leading manufacturers.

"And now as we listen to Ted Weems in the recording — get ready for the big news which we will give you immediately after this number.

"And now for that announcement you have been waiting for—Woodcrest Hardware has just started the biggest guessing game in the history of Columbus—and here are the details: Go by Woodcrest Hardware at 1242 Broadway and look at the pile of pocket knives in the show window. Then go just inside the door and on a table you will see a box and guessing blanks. All you have to do is put your name and address on the card along with your guess as to how many knives are in the window and drop the card in the box. Isn't it simple? No obligation whatsoever! In the event your guess is the nearest to the correct number you will be given your choice as to the prize. You may have your choice of a seventeen-jewel Elgin, thirty-five dollar men's pocket watch or a twenty-six piece set of silverware with a value of thirty-five dollars. How is that for real prizes? Listen again! A thirty-five dollar Elgin pocket watch or a thirty-five dollar set of silverware! And remember there is no obligation whatsoever on your part. All you have to do is go by the Woodcrest Hardware at 1242 Broadway and guess the nearest number to the correct number of pocket knives in their window.

"The contest will close Saturday, July 20th, at 5 o'clock and the prizes will be awarded to the lucky person at 6 o'clock.

"Be sure and listen again Saturday evening at this same time for more news about the big guessing game. Until then Woodcrest Hardware leaves you with this thought—Make your hardware troubles Woodcrest problems."

June 22, 1935.

"Woodcrest is on the air. Ted Weems and his orchestra open the program with the recording —.

"Did you hear the sensational announcement made on this program last Thursday evening concerning the big guessing contest now being conducted by Woodcrest Hardware at 1242 Broadway? If you did, you want to be sure and go by and make your guess. If you did not hear the announcement, be sure and listen for it at the end of this program.

"We continue the musical part of the program now as Ted Weems and his orchestra are heard in the recording —.

"Are you in need of tools, hardware, jewelry or cooking utensils? If you are, there is no need for you to do without them any longer as you can get all these things at a very low cost at the Woodcrest Hardware at prices that are unbelievably low, and it is all the best merchandise that money can buy. Why not go by and see for yourself?

"Now the recording by Ted Weems' orchestra titled —.

"And now for the big announcement about the guessing game! Here are the details." (This was followed by same announcement used on June 20, 1935.)

All of the foregoing programs were broadcast while the former

management was in control of the station, with the exception of the Police Benefit Wrestling Matches and this program was accepted on the assurance of the Columbus Police authorities that the plan was legal and also on the opinion and with the approval of counsel. However, these broadcasts were promptly discontinued as soon as they were challenged and no program containing a suggestion of the award of prizes has since been accepted by the station. It is the policy of the present management to refuse to broadcast any programs of a doubtful nature. It is conceded by the applicant that the programs broadcast by the Burrus Motor Company, the Chancellor Company and the Better Housing Exposition involve a violation of the lottery laws, but it is contended that the programs of the Muscogee Chevrolet Company and the Police Benefit Wrestling Matches were legal.

By the weight of the authority of Federal and State Courts of last resort and text writers, three elements must be present to constitute a lottery, to wit, consideration, chance, and prize. From a careful consideration of the continuity of the Muscogee Chevrolet Company and the Police Benefit Wrestling Matches, it is doubtful whether such programs involved a violation of Section 316 of the Communications Act of 1934. Lotteries and gift enterprises are defined in the following citations which appear to be supported by the weight of authority:

"The three essential elements of a lottery are: First consideration; second, prize; and third, chance. To make a lottery, these three elements or ingredients must be present; chance alone will not do so, nor will chance even when coupled with consideration alone." 17 R. C. L. p. 1222.

"In conformity with the definitions already stated, it is obvious, as has been repeatedly stated, that the three necessary elements of a lottery are the offering of a prize, the awarding of the prize by chance, and the giving of a consideration for an opportunity to win a prize." 38 C. J. p. 289.

"A lottery is any scheme for the disposal or distribution of property by chance among persons who have paid, or promised or agreed to pay, any valuable consideration for the chance of obtaining such property, or a portion of it, or for any share of or interest in such property, upon any agreement, understanding, or expectation that it is to be distributed or disposed of by lot or chance, whether called a 'lottery,' a 'raffle,' or a 'gift enterprise,' or by whatever name the same may be known." Black's Law Dictionary, 3rd Ed., p. 1134.

"A lottery is a scheme by which, on one's paying money or some other thing of value, he obtains the contingent right to have something of greater value, if an appeal to chance, by lot or otherwise under the direction of the manager of the scheme, should decide in his favor." Bouvier's Law Dictionary, Vol. 2, p. 281.

"In order to constitute a lottery, there must be a consideration, chance and prize. That is to say, a person must pay something for the opportunity to try for a prize by chance or lottery." U. S. v. Purvis, 195 Fed. 618.

"To be like a lottery there must be something staked, a larger possible winning, and the winning or losing must depend on lot or chance and not on skill or judgment." Boasberg v. U. S., 60 Fed. (2d) 185.

"A 'gift enterprise,' in a broad sense, may be defined as a scheme under which presents are given to purchasers of goods as an inducement to buy, although in the sense in which the term is commonly applied it is a scheme under which goods are sold for their market value but by way of inducement each purchaser is given a chance to win a present or prize." 38 C. J. 296.

"A gift enterprise, moreover, has been defined as 'a scheme for the division or distribution of certain articles of property, to be determined by chance, among those who have taken share in the scheme; and as a sporting artifice by which, for example, a merchant or tradesman sells his wares for their market value, but by way of inducement gives to each purchaser a ticket which entitles him to a chance to win certain prizes, to be determined after the manner of a lottery.'" 17 R. C. L. 1211; citing Matter of Gregory, 219 U. S. 210 and Russell v. Equitable Loan, etc., 129 Ga. 154.

"A gift enterprise is usually considered in the books as a species of lottery, and a lottery, according to a recognized authority, has these three essential elements: consideration, prize, and chance." Corporate Organization & Audit Co. v. Hodges, 47 A. pp. D. C. 460; L. R. A. 1918 E, 491.

"Scheme by the Chamber of Commerce and certain merchants, whereby merchants purchased tickets from the Chamber of Commerce, which they gave to their customers entitling them to a chance or prize offered by the Chamber of Commerce, held not to constitute a lottery or gambling device * * * in that it lacked one essential element, in that customers paid nothing for

tickets and stood no chance to lose, since, in order to constitute gambling, winner must either pay consideration for a chance to win, or without paying anything in advance, stand chance to lose or win." *R. J. Williams Furniture Company v. McComb Chamber of Commerce*, 147 Miss. 649; 57 A. L. R. 421.

Conclusions

1. The programs broadcast over Station WRBL by Burrus Motor Company, the Chancellor Company and other programs of a like nature did not serve public interest, convenience or necessity and involved a violation of Section 316 of the Communications Act of 1934. However, other programs broadcast over the station were generally meritorious and served public interest, convenience and necessity.

2. The applicant has assured the Commission that programs involving lottery or gift enterprises will not in the future be broadcast over the station and that the station will in all respects be operated in accordance with the Rules and Regulations of the Commission.

3. The entire record considered, the Examiner is of the opinion that the granting of the application of WRBL Radio Station, Inc., for renewal of license would serve public interest, convenience and necessity.

Recommendations

It is accordingly recommended that the application of WRBL Radio Station, Inc., for renewal of license be granted.

George H. Hill,
Examiner.

BROADCAST ADVERTISING IN JANUARY

Developments of the Month

Total broadcast advertising volume in January amounted to \$8,035,160. The usual seasonal declines occurred during the month, gross time sales decreasing 7.5% as compared to December. National network volume declined slightly more than the usual seasonal amount as did local broadcast advertising. National non-network business, on the other hand, showed less than seasonal declines.

Broadcast advertising volume during the month exceeded that of January 1935 by 8.7%. The heaviest increases continued to be in the regional network and national non-network fields. National network volume was approximately the same as during the corresponding month of last year.

Local station advertising continued its growth of recent months. Volume over local stations was the only portion of the non-network field to increase as compared to December. January local station advertising was 23.1% greater than during the corresponding month of 1935. Declines in non-network advertising were general throughout all portions of the country. Non-network volume in the South and the North Central States experienced the greatest gain as against last year.

National non-network transcription volume was the only portion of the rendition field to gain as compared to December, and also showed the greatest increase over last January. Compared to January of the previous year, announcement volume was down in both the national non-network and local fields.

In the national network field, gasoline and accessory, beverage and miscellaneous advertising showed the greatest gains as compared to the corresponding month of 1935. Trends as a whole were spotty. Increases were prevalent throughout most of the regional network field, with drug, cosmetic, and confectionery advertising taking the lead. Gains also were general in national non-network advertising, the most important increases taking place in beverage, confectionery, soap and kitchen supply and tobacco advertising. The only declines of importance were with regard to gasoline and accessories, and financial sponsorship.

Gains were well distributed throughout the local broadcast advertising field, though most of them were minor ones. Automotive, gasoline and accessories, clothing and household equipment advertising showed the greatest increases as compared to January 1935. Retail broadcast advertising declined 29.4% as compared to December and showed a gain of 5.1% as against January of the preceding year.

Total Broadcast Advertising

Total broadcast advertising over stations and networks during the month under review is set forth in Table I.

TABLE I
TOTAL BROADCAST ADVERTISING

Class of Business	Gross Time Sales	
	Dec., 1935	Jan., 1936
National networks	\$4,944,445	\$4,740,560
Regional networks	127,174	95,340
National non-network	1,707,140	1,626,500
Local	1,907,600	1,572,760
Total	\$8,686,359	\$8,035,160

Gross time sales of the medium declined 7.5% as compared to December. National network volume decreased 4.1%; national non-network advertising dropped 4.7% and regional network volume decreased 25.1%. Local broadcast advertising declined 21.3% as compared to the December level.

National network volume and local broadcast advertising declined slightly more than the usual seasonal amount, while the drop in the national non-network field was slightly less than normal for January.

Compared to January of the preceding year, total broadcast advertising volume rose 8.7%. Gains throughout the medium were as follows: National networks, 0.6%; regional networks, 64.5%; national non-network advertising, 32.3%; local broadcast advertising, 13.1%. The gains in the regional network and national non-network fields were continuations of the trends which have been noticeable for the past year.

Comparison with Other Media

Advertising volume placed in major media during January is found in Table II.

TABLE II
ADVERTISING BY MAJOR MEDIA

Advertising Medium	Gross Time and Space Sales	
	Dec., 1935	Jan., 1936
Radio broadcasting	\$8,686,359	\$8,035,160
National magazines ¹	9,681,025	8,256,125
National farm papers	452,976	421,999
Newspapers ²	49,170,000	39,280,000
Total	\$67,990,360	\$55,993,284

¹ Publishers' Information Bureau.

² Estimated.

National magazine volume declined 17.1% as compared to December and was 9.3% below the January 1935 level. National magazines have been making a comparatively poor showing as against preceding periods for some time.

National farm paper advertising decreased 7.3% as compared to the previous month but exceeded the January 1935 level by 37.4%. This was the greatest gain experienced by any medium during the month under review.

Newspaper advertising decreased 20.2% as against December but remained 7.6% above last January. Automotive advertising was 39.5% below January 1935. Total display advertising, on the other hand, gained 5.6%, while department store volume rose 5.1%. Newspaper retail advertising rose 6.9%, while general advertising increased 18.0%.

Non-network Advertising

General non-network advertising declined 11.4% as compared to December and showed a gain of 22.2% as against the corresponding month of last year. Local stations continued to show the most pronounced relative growth of non-network volume. Local station volume in January alone exceeded that of the preceding month, rising 0.9% as against December. Volume for this class of transmitter was 39.1% greater than during the preceding January.

Clear channel and high-powered regional station volume declined 11.5% during the month, while regional station advertising dropped 15.5%. Clear channel and regional non-network business during January exceeded that of the corresponding month of the previous year by 23.8%, while regional station non-network volume rose 18.4%.

Greatest advertising by power of station is found in Table III.

TABLE III
NON-NETWORK ADVERTISING BY POWER OF STATION

<i>Power of Station</i>	<i>Gross Time Sales</i>	
	<i>Dec., 1935</i>	<i>Jan., 1936</i>
Over 1,000 watts	\$1,683,850	\$1,489,900
250-1,000 watts	1,446,490	1,221,120
100 watts	484,400	488,240
Total	\$3,614,740	\$3,199,260

Declines in non-network volume as compared to December were general throughout the country with the exception of the Mountain and Pacific Coast region, where non-network advertising dropped 16.5%. The average decrease was approximately 10%.

Compared to the preceding January, non-network advertising experienced its principal gains in the North Central and in the South Atlantic-South Central States. Non-network volume rose 57.5% in the former area and 36.8% in the latter. There was a decline of 1.0% in the New England-Middle Atlantic area and an increase of 1.6% in the Pacific and Mountain States. Non-network advertising by geographical areas is set forth in Table IV.

TABLE IV
NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

<i>Geographical District</i>	<i>Gross Time Sales</i>	
	<i>Dec., 1935</i>	<i>Jan., 1936</i>
New England-Middle Atlantic Area..	\$765,000	\$686,350
South Atlantic-South Central Area...	715,530	631,410
North Central Area.....	1,420,650	1,286,400
Pacific and Mountain Area.....	713,560	595,100
Total	\$3,614,740	\$3,199,260

Non-network Volume by Type of Rendition

Electrical transcription volume was the only portion of the national non-network field to experience an increase as compared to the preceding month. National transcription volume rose 13.0%. National live talent business declined 17.4% as compared to December, while announcement volume decreased 2.2%.

National transcription advertising showed the greatest gains as against the previous January, rising 71.8%. National live talent volume increased 22.5% as against the corresponding month of last year, while announcement volume declined 4.8%. Trends in national non-network rendition continued to be the same as in recent months with the exception of the pronounced rise in electrical transcription volume, which is comparatively new.

Declines as compared to December were general in the local broadcast advertising field and were as follows: Electrical transcriptions, 31.3%; live talent, 10.1%; records, 17.2%; announcements, 22.3%. The marked decline in local transcription sponsorship seems to indicate that it has been the middle-sized retail establishment which for the most part has sponsored transcription library programs during recent months; since it is this type of retail organization which makes the most pronounced curtailment in its advertising following the Christmas period.

Local transcription and live talent advertising showed approximately the same increase over January of last year, the former rising 22.8% and the latter 23.4%. Record sponsorship increased 20.1%, while announcement volume declined 5.5%.

Transcription volume in the non-network field as a whole, national and local combined, rose 1.1% as against the preceding month and 61.0% as against the previous January. Live talent volume declined 13.1% during the month and gained 22.3% as compared to the corresponding period of 1935. Announcement volume decreased 20.5% as against December and was 4.4% below January of last year.

National non-network and local broadcast advertising volume by type of rendition employed is found in Table V.

TABLE V
NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

<i>Type of Rendition</i>	<i>National Non-network</i>		<i>Gross Time Sales</i>		<i>Local</i>		<i>Total</i>	
	<i>Dec., 1935</i>	<i>Jan., 1936</i>	<i>Dec., 1935</i>	<i>Jan., 1936</i>	<i>Dec., 1935</i>	<i>Jan., 1936</i>	<i>Dec., 1935</i>	<i>Jan., 1936</i>
Electrical transcriptions	\$574,550	\$649,280	\$206,080	\$140,180	\$780,630	\$789,460		
Live talent programs	877,520	732,970	995,380	894,000	1,872,900	1,626,970		
Records	10,130	4,720	75,640	52,470	85,770	57,190		
Announcements	244,940	239,530	630,500	486,110	875,440	725,640		
Total	\$1,707,140	\$1,626,500	\$1,907,600	\$1,572,760	\$3,614,740	\$3,199,260		

Sponsor Trends in January

Declines were general throughout the national network field as compared to the preceding month. The heaviest declines occurred in clothing, which dropped 24.9%; financial advertising which decreased 23.0%; and radio set advertising which dropped 16.8%. Two gains were listed, confectionery advertising, which rose 3.6% and household equipment volume which increased 12.0%.

Declines were fairly general throughout the entire regional network field. Two gains of importance are to be noted, the first of these was a four-fold increase in drug and pharmaceutical advertising and a 28.8% rise in household equipment volume.

The principal gain of importance during the month in the national non-network field was a 38.4% increase in automotive volume. Household equipment advertising rose 15.0%, while minor increases occurred in the financial and kitchen supply fields. The heaviest decreases of the month occurred in the radio set, tobacco and beverage fields.

Declines were also general in local broadcast advertising, the most important ones occurring in the clothing, cosmetic, household equipment and miscellaneous fields. Marked gains occurred in local drug and pharmaceutical advertising and in confectionery volume.

Comparison with January 1935

Compared to January of the preceding year, national network

advertising exhibited conflicting trends. Principal gains were as follows: Gasoline and accessories, 44.6%; beverages, 19.7%; household equipment, 148.7%; and miscellaneous, 107.0%. Drug advertising continued its decline of recent months and was 18.2% below the level of last January.

Principal gains in the regional network field were as follows: Drugs and pharmaceuticals, 120.6%; cosmetics, 300%; household equipment, 46.8%. Confectionery advertising over regional networks rose from \$250 in January 1935 to \$6,778 during the corresponding month of the current year.

The principal gain in the national non-network field was a 200.0% rise in automotive advertising. A similar gain was recorded in the radio set field. Other important gains in national non-network volume were as follows: Drugs and pharmaceuticals, 29.0%; food stuffs, 59.2%; beverages, 28.1%; confectionery, 33.5%; soaps and kitchen supplies, 39.6% and tobacco, 44.9%. The principal decline of importance was a 16.6% drop in gasoline and accessories volume.

Principal increases in the local broadcast advertising field were as follows: Clothing, 28.0%; food stuffs, 22.2%; beverages, 42.0%; confectionery, 158.2%. There were no declines of major importance.

Broadcast advertising during January by major product and service groups is found in Table VI.

TABLE VI
RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS
(January 1936)

<i>Type of Sponsoring Business</i>	<i>Gross Time Sales</i>				
	<i>National Networks</i>	<i>Regional Networks</i>	<i>National Non-network</i>	<i>Local</i>	<i>Total</i>
1a. Amusements	—	—	\$8,570	\$30,130	\$38,700
1-2. Automobiles and accessories:					
(1) Automobiles	\$338,406	—	216,040	72,880	627,326
(2) Accessories, gas and oil	415,364	\$11,886	87,740	70,920	585,910
3. Clothing and apparel	28,781	884	33,810	224,160	287,635
4-5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals	507,927	13,876	443,700	89,600	1,055,103
(5) Toilet goods	938,413	4,060	70,430	23,020	1,035,923
6-8. Food products:					
(6) Foodstuffs	909,743	28,847	333,160	214,250	1,486,000
(7) Beverages	357,873	4,906	43,320	89,380	495,479
(8) Confections	126,085	6,778	36,200	17,500	186,563
9-10. Household goods:					
(9) Household equipment and furnishings	38,460	7,195	48,940	130,250	224,845
(10) Soap and kitchen supplies	243,996	894	44,040	7,240	296,170
11. Insurance and financial	35,390	1,258	10,810	70,500	117,958
12. Radios	92,823	—	14,450	11,150	118,423
13. Retail establishments	—	—	10,880	123,440	134,320
14. Tobacco products	358,948	6,510	22,980	4,780	393,218
15. Miscellaneous	348,351	8,246	201,430	393,560	951,587
Total	\$4,740,560	\$95,340	\$1,626,500	\$1,572,760	\$8,035,160

Details as to Sponsor Trends

Details as to trends in broadcast advertising volume in various sponsoring groups are as follows:

1a. **Amusements.** National non-network volume up 289.9% compared to December. Local up 4.8%. Total rise 25.2%. National non-network down 11.7% as against same month of preceding year. Local down 24.2%. Total down 23.8%.

1. **Automotive.** Compared to December, national network volume down 11.0% and local 2.8%. National non-network volume up 38.4%. National non-network up 200.0% compared to January 1935, and local up 1.4%. National network down 8.9%.

2. **Accessories and gasoline.** Declines during month as follows: National networks 1.4%, regional networks 9.3%, national non-network 17.2%, and local 3.9%. Compared to January of previous year, gains as follows: National networks 44.6%, regional networks 26.6%, local 2.9%. National non-network down 16.6%.

3. **Clothing.** Declines compared to December as follows: National networks 24.9%, regional networks 59.3%, national non-network 19.3%, and local 31.0%. National network volume unchanged from last January. Regional network business down 74.6%. National non-network advertising up 39.0% and local up 28.0%.

4. **Drugs and pharmaceuticals.** National networks down 4.0% and national non-network 1.6% as compared to December. Regional networks up 432.0% and local 62.8%. Compared to corresponding month of 1935, national networks down 18.2% and local unchanged. Regional networks up 120.6% and national non-network 29.0%.

5. **Toilet goods.** Declines from preceding month as follows: National networks 3.4%, regional networks 63.4%, national non-network 18.5%, and local 33.8%. National network volume 2.8% above last January and regional network triple that month's level. National non-network down 11.8% and local up 16.8%.

6. **Foodstuffs.** National network volume 10.5% below last January. Regional network business up 24.1%, national non-network 59.2%, and local 20.2%. Compared to preceding month, declines as follows: National networks 5.2%, regional networks 14.9%, national non-network 9.5%, and local 2.2%.

7. **Beverages.** Declines as compared to December as follows: National networks 11.2%, regional networks 18.5%, national non-network 23.8%, and local 15.4%. Gains compared to January 1935 as follows: National networks 19.7%, national non-network 28.1%, and local 42.0%.

8. **Confectionery.** National network volume 3.6% above December and local advertising up 19.6%. Regional network volume down 68.4% and national non-network 17.5%. Regional network volume up materially as against last January. National non-network up 33.5% and local 158.2%. National network down 35.3%.

9. **Household equipment.** National network volume 12.0%

ahead of December. Regional networks up 28.8% and national non-network up 15.0%. Local down 29.3%. Compared to corresponding month of 1935 gains were as follows: National networks 148.7%, regional networks 46.8%, national non-network 6.8%, and local 10.0%.

10. **Soaps and kitchen supplies.** National network volume 1.3% below previous month. Regional networks down 80.3% and local down 38.6%. National non-network up 8.7%. National non-network up 39.6% as against previous January and local up 173.0%. National network down 4.5%.

11. **Financial and insurance.** National network volume down 23.0% as against preceding month and local 8.0%. National non-network up 3.9%. National network business 17.2% under January 1935 level. National non-network down 53.7% and local up 24.7%.

12. **Radios.** Declines from previous month as follows: National networks 16.8%, national non-network 45.0%, and local 60.4%. National non-network volume double that of January of preceding year. National network volume down 4.0% and local 32.8%.

13. **Department and general stores.** National non-network volume declined 38.8% as against December, and local 20.2%. National non-network business 50.5% above corresponding month of preceding year. Local business down 12.7%.

14. **Tobacco products.** Declines as compared to preceding month as follows: National networks 4.8%, regional networks 38.0%, national non-network 41.7%, and local 45.7%. Gains as against January 1935 as follows: National networks 9.8%, national non-network 44.9%, and local 236.9%.

15. **Miscellaneous.** Declines from December as follows: National networks 5.2%, regional networks 42.0%, national non-network 7.9%, and local 23.3%. Gains as compared to the corresponding month of last year as follows: National networks 107.0%, regional networks 64.1%, national non-network 32.1%, and local 13.1%.

Retail Broadcast Advertising

Broadcast advertising sponsored by retail establishments of various kinds decreased 29.4% as compared to the preceding month. This seems to be more than the usual seasonal downward swing. Retail broadcast advertising, however, showed a gain of 5.1% as compared to January of last year. This is the smallest gain to have been recorded in recent months. Declines were fairly general as compared to December throughout the various retail groups. Principal gains as against January 1935 were as follows: gasoline and accessories, 53.5%; clothing, 33.0%; groceries and delicatessens, 82.0%; beverage retailers, 27.8%, and hardware stores, 45.8%. There were no declines of major importance with the exception of a 9.6% decrease in department store volume.

Retail broadcast advertising during the month is found in Table VII.

TABLE VII

RETAIL BROADCAST ADVERTISING OVER
INDIVIDUAL STATIONS

Type of Sponsoring Business	Gross Time Sales	
	Dec. 1935	Jan. 1936
Automobiles and accessories:		
Automobile agencies and used car dealers	\$78,510	\$75,930
Gasoline stations, garages, etc.....	37,450	27,785
Clothing and apparel shops.....	340,000	236,550
Drugs and toilet goods:		
Drug stores.....	28,050	21,375
Beauty parlors.....	12,200	8,880
Food products:		
Grocery stores, meat markets, etc.....	77,530	60,590
Restaurants and eating places.....	22,800	18,390
Beverage retailers.....	5,840	12,800
Confectionery stores.....	7,140	8,930
Household goods:		
Household equipment dealers.....	46,745	32,000
Furniture stores.....	107,668	74,080
Hardware stores.....	11,330	6,390
Radio retailers.....	22,885	11,380
Department and general stores.....	172,125	134,320
Tobacco shops.....	1,370	2,340
Miscellaneous	171,430	75,320
Total	\$1,143,073	\$807,060

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following companies. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

No. 2729. A complaint has been issued against **E. F. Agee, Hillcrest Building, Omaha, Nebr.**, alleging unfair methods of competition in selling correspondence school courses in secretarial work and business administration.

Operating as "Commercial Extension University," "Commercial Extension of Omaha," and "Commercial Extension College," the respondent, through sales agents designated as "registrars," is alleged to inform prospective students that they have been specially selected for an offer of enrollment in his courses because of their high scholastic standing; that his "registrars" are empowered to offer an exceptionally low price, which represents the cost of materials only, that tuition is given free to those who become students; and that the regular price for the identical courses offered is much higher than the alleged exceptional price.

The complaint charges that students are not selected on the basis of scholastic ability; that the purported exceptional price is the only price quoted any prospect, and is, in fact, the regular price, and that the representation that any regular price is much higher than the quoted price is untrue.

No. 2730. Trading as **Marajah & Co.** and as **Kala Products Co., W. H. Charleston, 5930 South Parkway, Chicago**, engaged in the sale of cosmetics and medicinal preparations, is named respondent in a complaint alleging unfair methods of competition.

In newspapers, magazines and advertising literature, the respondent represents, the complaint alleges, that "Five Finger Grass" is a rare herb possessing magical qualities; that "Kala's Specific Hair Grower" is an absolute remedy for falling hair, itching scalp and dandruff, and that it promotes a fabulous growth of hair; that "Kala's Specific Bleaching Creme and Skin Whitener" bleaches and whitens the skin and relieves sunburn and skin eruptions, and that "Kala's Facial Creme" penetrates and is absorbed by the skin.

No. 2731. In a complaint issued against **T. G. Cooke, 1920 Sunnyside Ave., Chicago**, trading as **Institute of Applied Science**, he is charged with unfair competition in the sale of a correspondence school course in finger printing, which is represented as including instruction in the science of ballistics.

In the conduct of his business the respondent is alleged to have advertised the use of a textbook entitled "Forensic Ballistics, The Science of Examining Guns and Ammunition in Crimes," and, in connection with the sale of this course, represented and advertised that "Low Tuition Rates Still in Effect, Include Secret Service, Bertillon, Photography and Ballistics Courses."

No. 2732. **Garten Table Pad Co., Inc., 131 Market St., Phila-**

delphia, is charged in a complaint with unfair competition through misrepresenting the nature of the materials in certain table pads it manufactures and sells in interstate commerce.

By means of circulars distributed among the retail trade, the respondent represents, according to the complaint, that the table pads it offers for sale and sells have "a soft back covering that will not harm the polished surface of a table," and that they "can be had in a felted or genuine felt back, depending on the quality of the pad."

Stipulations

The Commission has issued the following cease and desist orders:

No. 1620. **F. H. Lawson Co., Evans and Whateley Sts., Cincinnati**, is engaged in selling bathroom and medicine cabinets equipped with mirrors manufactured and sold to it by the **Mid-West Glass Co., 2235 Buck Street, Cincinnati**. The Lawson company agrees to discontinue use in advertising matter of the words "copper-backed," or words of similar meaning, to describe the mirrors attached to its cabinets, so as to imply that such mirrors are made by electrolytically applying a protective coating or a continuous layer of solid copper to the silver nitrate reflecting surfaces of the mirrors, when such is not the fact.

No. 1621. **Mid-West Glass Co.**, referred to in the stipulation signed by **F. H. Lawson Co. (1620)**, entered into a similar stipulation, agreeing not to use the words "copper-back," or similar words, in branding or labeling its mirrors, so as to imply that the mirrors are made by an electrolytic coating process. According to the stipulation, the respondent manufactures its mirrors under license of and by a process developed by **Peacock Laboratories, Inc., Philadelphia**.

No. 1622. **Hayes Reding, 2 N. W. 9th St., Oklahoma City, Okla.**, doing business as **Hayes Candy Manufacturer**, formerly known as **H. & H. Candy Co.**, agrees to discontinue, in selling or promoting the sale of his candy products, use of any method of sale involving a lottery or scheme of chance, whereby an article is given as a prize in consideration of the purchase of any other article.

No. 1623. **Newbarre Granite Co., Inc., South Ryegate, Vt.**, stipulates it will desist from use of the word "Newbarre" as part of its corporate name in selling the granite it quarries, and also agrees to discontinue use of the word "Barre" in connection with the prefix "New," or in any way which may tend to mislead purchasers into the belief that the respondent's product is produced from a quarry in the Barre district of Vermont, when such is not the fact.

No. 1624. **Rhode Island Textile Co., 211 Prairie Ave., Pawtucket, R. I.**, is engaged in manufacturing and selling narrow fabrics, including corset laces. It agrees to discontinue use of the words "silk finish" or "silk" on labels affixed to its products, so as to imply or tend to lead purchasers into the belief that its products are silk-finished or are composed of or contain silk, when such representation is untrue; unless, when the words "silk finish" are used merely to describe the sheen of the product, such words shall be accompanied by other words printed in equally conspicuous type, to indicate clearly that the laces are not composed of and do not contain silk, but are made of some other product.

No. 1625. **Better Hearing, Inc., 1 West 34th St., New York City**, dealer in hearing aid devices called "Aurophone" and in accessories. Agrees to stop using in its circulars in connection with its corporate name, the phrase "America's Oldest Organization Specializing Exclusively in Scientific Hearing Aids," or similar assertions which may have a tendency to mislead buyers into believing that **Better Hearing, Inc.**, has been in existence longer than any of its competitors or is the oldest organization of its particular kind, when this is not true. The respondent also agrees to stop using in its circulars in this connection the representation "Founded in 1904."

No. 1626. **Burton Bros. Co., Inc., 7 South 15th St., Richmond, Va.**, deals in flavoring extracts, hair dressing, pharmaceuticals, aspirin and other products, some of which, according to the stipulation, it makes or compounds, and others, including aspirin, it purchases in bulk from manufacturers. The respondent agrees to cease using the word "Manufacturing," either alone or in connection with "Chemists," or with other words affixed to its aspirin products, implying that the company manufactures such aspirin or tending to deceive buyers into believing that it owns and operates the plant or factory in which this aspirin is made.

No. 1627. **Gibbs & Co., 21 South Wabash Ave., Chicago**, manufacturer of barber shop and beauty parlor supplies, is said to have advertised in its "Hand Book of Beauty Shop Equipment

and Supplies, No. 35," the "Gibbs Chrome Checker Back Booth Mirror," described as a plate mirror 8 inches in diameter, when in fact, according to the stipulation, this article was not made of plate glass, but of a glass inferior thereto. The respondent, in its stipulation, agrees to stop using the word "plate" when describing for sale products not made from plate glass.

No. 1628. Benrose Silk Manufacturing Corporation, 1450 Broadway, New York City, converter of silk and rayon goods, will cease use of the word "manufacturing" in connection with its corporate name, and the word "mills" on letterheads or in advertising matter, or in connection with the city names "Allentown, Pa.," or "Easton, Pa.," or in any way which may tend to deceive buyers into believing that the company manufactures its products and operates mills in the cities indicated, when this is not true.

No. 1629. Kelement, Inc., 11 West 42nd St., New York City, selling dehydrated kelp in tablet form for medicinal use under the name "Kelement," agrees to stop advertising that "Kelement" will keep the human body well, or supply it with an adequate mineral reserve, or that kelp products are naturally rich in calcium, phosphorus, copper and iron, or otherwise exaggerating the mineral content of kelp. The respondent also agrees to cease representing that "Kelement" is not a drug; that it contains an adequate supply of food-iodine and all the organic mineral elements necessary to keep the body healthy and free from disease, or that the product is a complete substitute for other medicinal preparations.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, March 9

HEARING BEFORE AN EXAMINER (Broadcast)

NEW—A. Staneart Graham, K. V. Baxter, Norman Baxter, d/b as Pittsburg Broadcasting Co., Pittsburg, Kans.—C. P., 790 kc., 1 KW daytime.

Wednesday, March 11

HEARING BEFORE AN EXAMINER (Broadcast)

KLO—Interstate Broadcasting Corp., Ogden, Utah.—C. P., 1400 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 1400 kc., 500 watts, unlimited time.

Thursday, March 12

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-149:

NEW—Reporter Broadcasting Co., Abilene, Tex.—C. P., 1420 kc., 100 watts, 100 watts LS, unlimited time.

NEW—Wm. O. Ansley, Jr., d/b as Guilford Broadcasting Co., Abilene, Tex.—C. P., 1420 kc., 100 watts, 100 watts LS, unlimited time.

Examiner's Report No. I-153:

NEW—Roberts MacNab Co., Arthur L. Roberts, R. B. MacNab, A. J. Breitbach, Gen. Mgr., Jamestown, N. Dak.—C. P., 1310 kc., 100 watts, 100 watts LS, unlimited time.

Examiner's Report No. I-138:

NEW—Chicago Broadcasting Association, Limited Partnership, Kleofas Jurgelonis, general partner; Jos. F. Budrik, Laurent V. Radkins and Vlasdas G. Jurgelonis, limited partners, Chicago, Ill.—C. P., 1300 kc., 100 watts, 100 watts LS, unlimited time.

NEW—Big Spring Herald, Inc., Big Spring, Tex.—C. P., 1500 kc., 100 watts, unlimited time.

NEW—Plainview Broadcasting Co., Plainview, Tex.—C. P., 1500 kc., 100 watts, daytime.

NEW—The North Texas Broadcasting Co., Paris, Tex.—C. P., 1500 kc., 100 watts, daytime.

HEARING BEFORE AN EXAMINER (Broadcast)

WIRE—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—C. P., 1400 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 1400 kc., 500 watts, 1 KW LS, unlimited time.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—C. P., 630 kc., 500 watts, 1 KW LS, simultaneous day, sharing night with WOS and KFRU. Present assignment: 630 kc., 500 watts, simultaneous day, sharing night with WOS and KFRU.

APPLICATIONS GRANTED

WMFJ—W. Wright Esch, Daytona Beach, Fla.—Granted C. P. to install new transmitter and vertical radiator at present location.

KPDN—Pampa Daily News, Inc., Pampa, Tex.—Granted modification of C. P. approving transmitter site east of city limits of Pampa (studio at 212 N. Ballard St., Pampa), and approving equipment.

KFSG—Echo Park Evangelistic Assn., Los Angeles, Calif.—Granted modification of license to increase day power from 1 KW to 2½ KW and use transmitter of station KRKD.

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Granted authority to determine operating power by direct measurement of antenna input in compliance with terms of Rule 137.

KMJ—James McClatchy Co., Fresno, Calif.—Granted authority to determine operating power by direct measurement of antenna input in compliance with terms of Rule 137.

KGBX—KGBX, Inc., Springfield, Mo.—Granted consent to voluntary assignment of license to Springfield Broadcasting Company.

KOOS—H. H. Hanseth, Inc., Marshfield, Ore.—Granted modification of license to change name from H. H. Hanseth, Inc., to Pacific Radio Corporation (1200 kc., 250 watts, daytime only).

WQAM—Miami Broadcasting Co., Miami, Fla.—Granted C. P. to install new equipment.

KWKH—International Broadcasting Corp., Shreveport, La.—Granted authority to install new automatic frequency control equipment.

KSCJ—Perkins Bros. Co. (The Sioux City Journal), Sioux City, Iowa.—Granted amended C. P. as follows: Move transmitter site, make changes in antenna and radiating system, and increase hours of operation from simultaneous day WTAQ, S.H.-night, to unlimited time. Application for special temporary authority to cover this grant was retired to the files.

WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Granted special temporary authority to operate with power of 250 watts from 8 p. m. to 9:30 p. m., EST, March 5, 1936, in order to broadcast the 15th anniversary banquet of Rion-Bowman Post No. 632, Veterans of Foreign Wars.

W3XEN—Havens & Martin, Inc., Portable-Mobile.—Granted modification of C. P. (temporary broadcast pickup) to make changes in equipment and increase power from 20 to 40 watts.

WIEF—Miami Broadcasting Co., Portable-Mobile.—Granted license to cover C. P. (temporary broadcast pickup), 1646, 2090, 2190, 2830 kc., 50 watts.

W9XAA—Chicago Federation of Labor, York Township, Ill.—Granted license to cover C. P. (experimental relay broadcasting) authorizing moving of transmitter to present site of broadcast station WCFL.

W5XAQ—East Texas Broadcasting Co., Portable-Mobile.—Granted license to cover C. P. (general experimental), frequencies 31100, 34600, 37600, 40600 kc., 30 watts.

NEW—WBNS, Inc., Portable (Columbus, Ohio).—Granted C. P. (temporary broadcast pickup), frequencies 1646, 2090, 2190, 2830 kc., 3 watts.

NEW—Onondaga Radio Broadcasting Corp., Portable-Mobile (Syracuse, N. Y.).—Granted C. P. (temporary broadcast pickup), frequencies 1646, 2090, 2190, 2830 kc., 45 watts.

SET FOR HEARING

KRNT—Iowa Broadcasting Co., Des Moines, Iowa.—Application for C. P. to install new equipment, increase power from 500 watts night, 1 KW day, to 1 KW night, 5 KW day, and install directional antenna.

WAWZ—Pillar of Fire, Zarephath, N. J.—Application for modification of license to increase power from 500 watts night, 1 KW day, to 1 KW day and night.

WOL—American Broadcasting Co., Washington, D. C.—Application for C. P. to make changes in equipment; move transmitter from 1111 H St., N. W., to about ½ mile east Riggs and Iager Roads, Md., and studio site to be determined in Washington, D. C.; change frequency from 1310 kc. to 1230 kc. and power from 100 watts to 1 KW.

NEW—Auburn Publishing Co., Auburn, N. Y.—Application for

- C. P. for new station, 1420 kc., 100 watts, unlimited time, site to be determined.
- NEW—Jefferson Broadcasting Co., Ormond O. Black, Pres., Birmingham, Ala.—Application for C. P. for new station, 1200 kc., 100 watts night, 250 watts day, unlimited time.
- NEW—Amended to read: W. I. S. E. Broadcasting Co., St. Paul, Minn.—Application for C. P. for new station, 630 kc., 250 watts, unlimited time, facilities of KGDE; site to be determined.
- NEW—Saginaw Broadcasting Co., Saginaw, Mich.—C. P., already in hearing docket, amended to read: 1200 kc., 100 watts night, 250 watts day, specified hours; site to be determined.
- KUJ—KUJ, Inc., Walla Walla, Wash.—C. P., already in hearing docket, amended to read: Move station locally to site to be determined; install new equipment; change frequency from 1370 kc. to 1250 kc.; increase power from 100 watts to 250 watts.
- NEW—C. W. Snider, Wichita Falls, Tex.—C. P., already in hearing docket, amended to read: 1500 kc., 100 watts, unlimited time; site to be determined.

MISCELLANEOUS

- KSL—Radio Service Corp., Salt Lake City, Utah.—Granted petition to intervene in re application of KLO for C. P. to operate on 1400 kc., 1 KW day, 5 KW night, at Ogden, Utah.
- KGU—Advertiser Pub. Co., Ltd., Honolulu, T. H.—Denied petition asking Commission to reconsider action of February 11, 1936, in granting application of KGMB for license to cover C. P.
- Chas. C. Theis, Wichita, Kans.—Oral argument set for March 5, 1936, on Examiner's Report No. 1-96, recommending grant of application for new station to operate on 1210 kc., 100 watts, unlimited time, continued until March 19, 1936.
- Springfield Newspapers, Inc., Springfield, Mo.—Permitted to file answer as respondent in re the application of A. Stancart Graham, d/b as Pittsburg Broadcasting Co., for new station at Pittsburg, Kans.
- Kidd Brothers, Taft, Calif.—Appearance and statement of facts accepted in re application for new radio broadcasting station.
- WEEL—Edison Electric Illuminating Co. (Respondent), Boston, Mass.—Denied motion to strike the notice of desire to be heard and statement of facts to be proved at hearing on March 17, 1936, filed by J. R. Maddox and Dr. W. B. Hair, d/b as Chattanooga Broadcasting Co., for a new station at Chattanooga. Respondent permitted to file answer any time prior to March 5, 1936.
- Tulare—Kings Counties Radio Associates, Visalia, Calif.—Denied request that Commission schedule its application for new station for hearing this week. Application is for 1190 kc., 250 watts, daytime.
- KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Denied petition that Commission reconsider and grant application to modify license so as to change hours of operation from sharing with KCRC to full time. Designated for hearing January 30, 1936.
- WAAW—Omaha Grain Exchange, Omaha, Nebr.—Granted regular renewal of license.
- Charleston Broadcasting Corp., Charleston, W. Va.—Answer to appearance of WDBO accepted.
- KHSL—Golden Empire Broadcasting Co., Chico, Calif.—Denied petition asking Commission to reconsider and grant application for modification of license to change frequency from 950 kc. to 630 kc., and increase hours of operation from daytime only with 250 watts to unlimited with 250 watts.
- E. Anthony & Sons, Inc., Pawtucket, R. I.—Granted protest requesting Commission reconsider action of January 21, 1936, in granting extension of the completion date of station WNRI to June 4, 1936, and directed that the application be designated for hearing, upon the protest of E. Anthony & Sons, Inc., against such grant and that said authorization be suspended and heard upon the issues contained in said protest.

REMANDED TO DOCKET

- Valley Broadcasting Co., Pomona, Calif.—Remanded to docket application for C. P. to erect new station at Pomona to operate on 1160 kc., 250 watts, LS.

APPLICATIONS DISMISSED

The following applications, heretofore designated for hearing, were dismissed at request of applicants:

- WTMV—Miss. Valley Broadcasting Co., Inc., E. St. Louis, Ill.—Applied for C. P., 1500 kc., 100 watts, 250 watts LS, unlimited time.
- NEW—Alex F. Suss, Maryville, Calif.—Applied for C. P., 1210 kc., 100 watts, unlimited time.
- NEW—Alex F. Suss, Sacramento, Calif.—Applied for C. P., 1310 kc., 100 watts, unlimited time.

ACTION ON EXAMINERS' REPORTS

- WILL—Ex. Rep. No. 1-111: University of Ill., Urbana, Ill.—granted modification of license to change frequency from 890 kc. to 580 kc.; change hours of operation from sharing with KUSD and KFNF to daytime, 1 KW. Examiner P. W. Seward sustained. Other effective May 5, 1936.
- NEW—Ex. Rep. No. 1-123: Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Denied C. P. for new station to operate on 1480 kc., 5 KW, daytime. Examiner R. L. Walker sustained. Order effective May 12, 1936.
- KADA—Ex. Rep. No. 1-182: C. C. Morris, Ada, Okla.—Denied special experimental authorization to operate unlimited time; 1200 kc., 100 watts. Examiner P. W. Seward reversed. Order effective May 5, 1936.
- KG CX—Ex. Rep. No. 1-164: E. E. Krebsbach, Wolf Point, Mont.—Denied C. P. to move transmitter; make changes in equipment; change frequency from 1310 kc. to 1450 kc.; increase power from 100 watts night, 250 watts day, to 1 KW; change hours of operation from specified hours to unlimited time. Examiner J. P. Bramhall reversed. Order effective April 7, 1936.
- WEDC—Ex. Rep. No. 1-169: Emil Denmark, Inc., Chicago, Ill.—Granted renewal of license, 1210 kc., 100 watts, specified hours. Examiner R. H. Hyde sustained. Order effective April 14, 1936.
- NEW—Ex. Rep. No. 1-175: Golden Empire Broadcasting Co., Redding, Calif.—Granted C. P. for new broadcast station to operate on 1200 kc., 100 watts, unlimited time. Examiner M. H. Dalberg sustained. Order effective April 21, 1936.
- KFPY—Ex. Rep. No. 1-176: Symons Broadcasting Co., Spokane, Wash.—Granted C. P. to install new equipment; change transmitter site; increase power from 1 KW to 1 KW night, 5 KW day, 890 kc., unlimited time. Examiner Geo. H. Hill sustained. Order effective April 28, 1936.
- WSPD—Ex. Rep. No. 1-179: Toledo Broadcasting Co., Toledo, Ohio.—Granted C. P. to make changes in equipment and increase power from 1 KW, 2½ KW LS, to 1 KW, 5 KW LS; 1340 kc., unlimited time. Examiner P. W. Seward sustained. Order effective April 28, 1936.
- WJBC—Ex. Rep. No. 1-181: Wayne Hummer and Harry Dee, d/b as Kaskaskia Broadcasting Co., Bloomington, Ill.—Granted C. P. to make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts day; 1200 kc., share time with WJBL. Examiner John P. Bramhall sustained. Order effective April 28, 1936.
- WHBU—Ex. Rep. No. 1-183: Anderson Broadcasting Corp., Anderson, Ind.—Granted C. P. to make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts day; 1210 kc., unlimited time. Order effective May 5, 1936.
- WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—Granted C. P. to install new equipment; move transmitter and studio; increase power from 1 KW to 1 KW night, 5 KW day; 1250 kc., unlimited time. Examiner R. L. Walker sustained.

APPLICATIONS RECEIVED

First Zone

- WORL—Broadcasting Service Organization, Inc., Needham, Mass. 920 —Modification of license to increase power from 500 watts to 1 KW.
- NEW—Rensselaer Polytechnic Institute, Troy, N. Y.—Construction permit for a new general experimental station to be operated on 31600, 35600, 38600, 41000 kc., no power specified. Amended giving power as 1 KW.
- NEW—Onondaga Radio Broadcasting Corp., Portable-Mobile.—Construction permit for a new broadcast pickup station to be operated on 2090, 2790, 2830 and 2760 kc., 45 watts. Amended to change frequencies to 1646, 2090, 2190 and 2830 kc.

Second Zone

- NEW—Harold F. Gross and Edmund C. Shields, Saginaw, Mich.—
950 Construction permit for a new station to be operated on 1210 kc., 100 watts, 250 watts day, unlimited time. Requests facilities of WJIM if WJIM's application for 1010 kc. is granted. Amended to make changes in equipment, change frequency from 1210 kc. to 950 kc., power from 100 watts, 250 watts day, to 500 watts, hours of operation from unlimited to daytime. Omit request for WJIM's facilities.
- WJBK—James F. Hopkins, Inc., Detroit, Mich.—Modification of
1500 construction permit to make changes in equipment; move transmitter from 12897 Woodward Avenue, Highland Park, Mich., to site to be determined, Detroit, Mich.; install vertical antenna; extend commencement date from 9-30-35 to date of grant and completion date from 3-30-36 for six months.

Third Zone

- NEW—Jonas Weiland, Kinston, N. C.—Construction permit for a
1200 new station to be operated on 1210 kc., 100 watts, 250 watts day, unlimited time. Amended to change frequency from 1210 kc. to 1200 kc.
- WJNO—Hazlewood, Inc., West Palm Beach, Fla.—Modification of
1200 construction permit (B3-P-159) for equipment changes (antenna) and change transmitter site from El Varano Hotel, West Palm Beach, Fla., to near West Palm Beach, Fla.
- KFPM—Voice of Greenville, Greenville, Tex.—Construction permit
1310 to make changes in equipment; increase power from 15 watts to 100 watts; change hours of operation from specified hours to daytime. Amended to change transmitter site from 2109 Park Street (rear) to site to be determined, Greenville, Tex.
- WNBR—Memphis Broadcasting Co., Memphis, Tenn.—Consent to
1430 transfer control of corporation from Francis S. Chamberlin, Mallory Chamberlin, Charles W. Brunner and Ceylon B. Frazer to Memphis Commercial Appeal, Inc., 224 shares of stock.

Fourth Zone

- NEW—I. T. U. Radio Station, Inc., Indianapolis, Ind.—Construction permit for a new station to be operated on 560 kc., 1

KW, 5 KW day, unlimited time, facilities of WIND, Gary, Ind. Amended to change name from International Typographical Union of N. A. to I. T. U. Radio Station, Inc.; change studio site from 28th and Meridian Sts. to 2820 N. Meridian St., Indianapolis, Ind.; and make changes in antenna.

- NEW—Glenn Van Auker, Indianapolis, Ind.—Construction permit
600 for a new station to be operated on 600 kc., 1 KW, daytime.
- WEMP—Milwaukee Broadcasting Co., Milwaukee, Wis.—Construction permit to install new equipment; change frequency
1010 from 1310 kc. to 1010 kc., 100 watts to 250 watts, 500 watts day, hours of operation from daytime to unlimited.
- NEW—The Courier-Post Publishing Co., Hannibal, Mo.—Construction permit for a new station to be operated on 1310 kc.,
1310 100 watts, unlimited time.
- KFJM—University of North Dakota, Grand Forks, N. Dak.—
1370 Special experimental authorization to operate on 250 watts day for period ending 1-1-36. Amended to change ending date to 7-1-36.

Fifth Zone

- KVL—KVL, Inc., Seattle, Wash.—Construction permit to make
1070 changes in equipment; change frequency from 1370 kc. to 1070 kc., power from 100 watts to 250 watts, and hours of operation from share-KRKO to daytime only. Amended to make changes in antenna system.
- KFJI—KFJI Broadcasters, Inc., Klamath Falls, Ore.—Construction permit to make changes in equipment.
1210
- NEW—Luther E. Gibson, d/b as Times-Herald Publishing Co.,
1320 Vallejo, Calif.—Construction permit for a new station to be operated on 1320 kc., 250 watts, daytime. Amended giving exact transmitter site as in the vicinity of Mare Island Navy Yard, between Vallejo and South Vallejo, Calif.
- NEW—The News Press Publishing Co., Santa Barbara, Calif.—
1410 Construction permit for a new station to be operated on 1450 kc., 500 watts, unlimited time. Amended to change frequency from 1450 kc. to 1410 kc.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

NAB REPORTS

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DUFFY BILL HEARINGS

Hearings on the Duffy Copyright Bill S. 3047 which were commenced before the House Patents Committee on February 25 are continuing. Witnesses for the ASCAP were heard during the first six days. The hearings are confined to two hours per day and to three days per week. Senator Duffy, author of the Bill, and Dr. McClure of the Department of State who, as chairman of an Inter-Departmental Committee, assisted in drafting the bill were heard Tuesday (10) and Wednesday (11) and are scheduled to appear for further questioning Thursday (12). The NAB expects to appear before the Committee next Tuesday (17).

PIONEER RADIO TAX CASE

Oral argument was held Monday before the United States Supreme Court on the question of the right of a state to levy a privilege tax on radio broadcasting.

This question came up for the first time in the Supreme Court in the case of Fisher's Blend, Inc., vs. The Tax Commission of the State of Washington. The case came direct from the Supreme Court of the State of Washington. Several cases in other states are awaiting a decision in this case.

MORE STATIONS SIGN WITH WARNER BROS.

The following additional stations have signed the Warner Brothers contract: W2XR, New York City; KGEZ, Kalispell, Mont.; KADA, Ada, Okla.; KGW, Portland, Ore.; KEX, Portland, Ore.

WATCH FOR THIS

A NAB member has informed headquarters of an experience he has had with "the man who brings you health through color rays."

According to this information the man, for the purpose of the broadcast program, sits on a 300-pound cake of ice and has ice water dashed over him and then eats ice cream. He protects himself from the effect of this exposure with his color ray.

"In all the talks," states the communication, "prior to the broadcast he swears by everything that is holy that all he is doing is going to make a broadcast and says his machine helps to prevent common colds. After the broadcast folders are mailed to everybody in the phone book." NAB members will want to watch for this.

CBS FILES ANSWER TO MUSIC SUIT

In its answer filed February 28, in the Federal Court in reply to the complaint of Harms, Inc., Columbia Broadcasting System reiterated its claim that Columbia stations are still licensed to broadcast music published by the Warner group. Columbia, however, is continuing its policy of not broadcasting any Warner music.

The suit brought by Harms, Inc., contended that a performance of "I Get a Kick Out of You" shortly after midnight on New Year's Eve over WABC constituted a copyright infringement. Columbia denies that it is guilty of infringement, and sets forth in addition the grounds on which it contends that WABC was entitled to perform the number.

The answer points out that both Harms and Cole Porter, the composer, were members of ASCAP at the time WABC obtained from ASCAP the license which grants performing rights in the Warner Bros. compositions up to 1941. Cole Porter, the answer further asserts, remains a member of ASCAP and has specifically assigned his rights to ASCAP for this period.

Not only does Columbia continue to claim that the performance is licensed, but it also claims that Harms, by reason of its actions and representations, is barred from asserting any infringement claim.

TELEPHONE HEARINGS CALLED

The Federal Communications Commission has announced that the Telephone Division will begin hearings in its telephone investigation on March 17 in this city.

The hearings are in connection with the general telephone investigation called for by Congressional resolution directing a special investigation of all telephone companies engaged directly or indirectly in telephone communications in interstate commerce, and certain other kinds of companies.

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

International Commodities Corporation, New York City (2-1943, Form A-1)
Springfield City Water Co., Springfield, Mo. (2-1944, Form A-2)
Spencer Chain Stores, Inc., Boston, Mass. (2-1945, Form A-2)
The Famise Corp., Philadelphia, Pa. (2-1947, Form A-1)
Southeastern Indiana Corp., Indianapolis, Ind. (2-1948, Form E-1)
American Midland Co., Detroit, Mich. (2-1949, Form A-1)
Barnett Petroleum Co., Houston, Texas (2-1950, Form A-1)
Lednew Corp., Jersey City, N. J. (2-1951, Form A-1)
Kingston Products Corp., Kokomo, Ind. (2-1953, Form A-2)
S. F. Bowser & Co., Fort Wayne, Ind. (2-1954, Form E-1)
Mansul Chemical Co., Jacksonville, Florida (2-1955, Form A-1)
Essex Brewing Co., Haverhill, Mass. (2-1956, Form A-1)
Burry Biscuit Corp., Linden, N. J. (2-1958, Form A-1)

PRALL COMMENTS ON FCC WORK

The Federal Communications Commission on Wednesday made public the following statement in connection with the reappointment of Mr. Prall as chairman of the Commission:

Anning S. Prall of New York today began his second year as Chairman of the Federal Communications Commission. He was reappointed for another year by President Roosevelt in an order to become effective March 11.

Mr. Prall, as Chairman, serves as a member of each of the three divisions of the Commission—Broadcast, Telephone and Telegraph. Last July he was appointed by President Roosevelt for a seven-year term, after having served a six-month tenure under his original appointment. He is a native of Staten Island, New York, and represented that district in Congress for twelve years as a Democratic member prior to joining the Commission.

Upon beginning his second year as Chairman of the Commission, Mr. Prall said today:

"Naturally, I am gratified over my reappointment by President Roosevelt to serve as Chairman of the Commission for an-

other year. It will be my constant effort to justify his trust in me by acquitting my office in the best interests of the people of the United States.

"In appraising the work of the Federal Communications Commission it should be kept in mind that, except for radio, the Commission has undertaken an entirely new work. It is breaking new ground in the regulation of telephones and telegraphs. Of necessity, this work has been slow and arduous. The Commission was desirous of avoiding mistakes that might result from undue haste.

"The Commission has not been infallible. It may have made errors of judgment but, I am confident, if it has made any they are inherent in the functioning of any new organization and it will profit by them in its future work."

SUITS BEGUN BY WARNER BROTHERS

Warner Brothers have announced officially that they have begun the following suits against radio stations and hotels, etc., based on alleged infringement of song copyrights owned by them:

M. Witmark & Sons vs. Associated Broadcasters, Inc., operators of Station WEST, for the alleged infringement of "Sweethearts Forever" on February 27th, 1936. Damages sought: \$250.

Remick Music Corp. vs. Associated Broadcasters, Inc., operators of Station WEST, for the alleged infringement of "Sweet Georgia Brown" on February 26th, 1936. Damages sought: \$250.

Harms, Inc. vs. WGAL, Inc., operators of Station WGAL, for the alleged infringements of "Sleepy Valley" on February 20th and 21st, 1936. Damages sought: \$500.

Harms, Inc. vs. Southern Broadcasting Stations, Inc., operators of Station WGST, for the alleged infringement of "That Old Fashioned Mother of Mine" on January 23rd, 1936. Damages sought: \$5,000.

Harms, Inc. vs. W. D. R. C., Inc., operators of Station WDRC, for the alleged infringement of "That Old Fashioned Mother of Mine" on January 23rd, 1936. Damages sought: \$5,000.

Harms, Inc. vs. Maine Broadcasting Co., operators of Station WLBZ, for the alleged infringement of "That Old Fashioned Mother of Mine" on January 23rd, 1936. Damages sought: \$5,000.

Harms, Inc. vs. Buffalo Broadcasting Corp., operators of Station WKBW, for the alleged infringement of "That Old Fashioned Mother of Mine" on January 23rd, 1936. Damages sought: \$5,000.

Harms, Inc. vs. W. H. E. C., Inc., operators of Station WHEC, for the alleged infringement of "That Old Fashioned Mother of Mine" on January 23rd, 1936. Damages sought: \$5,000.

Harms, Inc. vs. WOKO, Inc., operators of Station WOKO, for the alleged infringement of "That Old Fashioned Mother of Mine" on January 23rd, 1936. Damages sought: \$5,000.

Harms, Inc. vs. Pittsburgh Radio Supply House, Inc., operators of Station WJAS, for the alleged infringement of "That Old Fashioned Mother of Mine" on January 23rd, 1936. Damages sought: \$5,000.

Harms, Inc. vs. Station WESG for the alleged infringement of "That Old Fashioned Mother of Mine" on January 23rd, 1936. Damages sought: \$5,000.

Remick Music Corp. vs. Southern Broadcasting Stations, Inc., operators of Station WGST, for the alleged infringement of "Put On Your Old Grey Bonnet." Damages sought: \$5,000.

Harms, Inc. vs. Southern Broadcasting Stations, Inc., operators of Station WGST, for the alleged infringement of "London On a Rainy Night." Damages sought: \$5,000.

Remick Music Corp. vs. York Broadcasting Co., operators of Station WORK, for the alleged infringement of "Sweet Georgia Brown." Damages sought: \$5,000.

M. Witmark & Sons vs. York Broadcasting Co., operators of Station WORK, for the alleged infringement of "Where the River Shannon Flows." Damages sought: \$5,000.

Harms, Inc. vs. Howell Broadcasting Co., Inc., operators of Station WEBR, for the alleged infringement of "Gringola." Damages sought: \$500.

Harms, Inc. vs. Associated Broadcasters, Inc., operators of Station KSFO, for the alleged infringement of "Continental" and "You Let Me Down." Damages sought: \$600.

Remick Music Corp. vs. WSJS for the alleged infringement of "Sweet Georgia Brown." Damages sought: \$250.

Harms, Inc. vs. Durham Radio Corporation, operators of Station WDNC, for the alleged infringement of "That Old Fashioned Mother of Mine." Damages sought: \$5,000.

Harms, Inc. vs. North Carolina Broadcasting Co., operators of Station WBIG, for the alleged infringement of "That Old Fashioned Mother of Mine." Damages sought: \$5,000.

Harms, Inc. vs. Florida Broadcasting Co., operators of Station WMBR, for the alleged infringement of "That Old Fashioned Mother of Mine." Damages sought: \$5,000.

Harms, Inc. vs. Station WDAE for the alleged infringement of "That Old Fashioned Mother of Mine." Damages sought: \$5,000.

Harms, Inc. vs. Orlando Broadcasting Co., operators of Station WDBO, for the alleged infringement of "That Old Fashioned Mother of Mine." Damages sought: \$5,000.

Harms, Inc. vs. W. L. A. C., Incorporated, operators of Station WLAC, for the alleged infringement of "That Old Fashioned Mother of Mine." Damages sought: \$5,000.

Harms, Inc. vs. Voice of St. Louis, Inc., operators of Station KMOX, for the alleged infringement of "That Old Fashioned Mother of Mine." Damages sought: \$5,000.

T. B. Harms vs. WVO Broadcasting Company (WNEW) for the alleged infringement of the song "Every Now and Then"; and M. Witmark & Sons vs. Marcus Loew Booking Agency (WHN) for the alleged infringement (two times) of the song "Where the River Shannon Flows." In each case \$5,000 damages and an accounting of the profits are sought.

M. Witmark & Sons vs. Don Lee Broadcasting System (KHJ, Los Angeles) for the alleged infringement of the song "Mine Alone," seeking \$5,000 damages and an accounting of the profits.

Remick Music Corp. vs. Don Lee Broadcasting System (KHJ, Los Angeles) for the alleged infringement of the song "Whistle and Blow Your Blues Away," seeking \$5,000 damages and an accounting of the profits.

M. Witmark & Sons vs. Northern Corporation (WMEX, Boston) for the alleged infringement of the song "Gypsy Love Song," seeking \$5,000 damages and an accounting of the profits.

Remick Music Corp. vs. Onondaga Radio Broadcasting Corp. (WFLB, Syracuse) for the infringement of the song "Get Happy," seeking \$5,000 damages and an accounting of the profits.

M. Witmark & Sons vs. Central New York Broadcasting Corporation (WSYR, Syracuse) for the alleged infringement of the song "The Words Are In My Heart," seeking \$5,000 damages and an infringement of the profits.

Remick Music Corp. vs. WCFL Cooperative System, Inc. (WCFL, Chicago) for the alleged infringement of the song "Put On Your Old Grey Bonnet," seeking \$250 damages and an accounting of the profits.

M. Witmark & Sons vs. WWL Development Company, Inc. (WWL, New Orleans) for the alleged infringement of the song "Let's Have Breakfast in Bed," seeking \$5,000 damages and an accounting of the profits.

M. Witmark & Sons vs. WCFL Cooperative System, Inc. (WCFL, Chicago) for the alleged infringement of the songs "That Old Irish Mother of Mine," "Lulu's Back In Town" and "Sunrise and You," seeking \$750 damages and an accounting of the profits.

Remick Music Corp. vs. Associated Broadcasters, Inc. (KSFO, Los Angeles) for the alleged infringement of the song "Sweet Georgia Brown," seeking \$300 damages and an accounting of the profits.

Harms, Inc. vs. 1 Fifth Avenue for the alleged infringement of four numbers, "Dancing in the Dark," "As Time Goes By," "Night and Day" and "April in Paris," for which \$1,000 damages and an accounting of the profits are demanded.

M. Witmark & Sons vs. A. & U. Restaurant, Inc., operators of the Hollywood Restaurant, for the alleged infringement of "Lullaby of Broadway" and "Forty-Second Street," for which \$500 damages and an accounting of the profits are sought.

Harms, Inc. vs. Plaza Operating Co., operators of the Hotel Plaza, for the alleged infringement of "Dancing in the Dark," for which \$250 damages and an accounting of the profits are sought.

Harms, Inc. vs. Waitt Operating Co., operators of the Hotel Weylin, for the alleged infringement of "A Picture of Me Without You," "April in Paris," "Night and Day," "Miss Otis Regrets," and "Why Shouldn't I," for which \$1,250 damages and an accounting of the profits are sought.

Harms, Inc. vs. St. Moritz-On-The-Park, Inc., operators of the St. Moritz Hotel, for the alleged infringement of "Where Am I" and "Begin the Beguine," for which \$500 damages and an accounting of the profits are sought.

Remick Corp. vs. Village Grove Amusement, Ltd., operators of The Nut Club, for the alleged infringement of "Moonlight Bay," "Would You Like To Take A Walk" and "Nagasaki," for which \$1,000 damages and an accounting of the profits are sought.

New World Music Corp. vs. Paradise Catering Corp., operators of the Paradise Restaurant, for the alleged infringement of "I

Got Rhythm," for which \$250 damages and an accounting of the profits are sought.

Harms, Inc. vs. Vincent Astor, operator of the Hotel St. Regis, for the alleged infringement of "I Get A Kick Out of You" and "Why Shouldn't I," for which \$500 damages and an accounting of the profits are sought.

M. Witmark & Sons vs. New Yorker Hotel Corp., operator of the Hotel New Yorker, for the alleged infringement of "Rose In Her Hair" and "Ah, Sweet Mystery of Life," for which \$500 damages and an accounting of the profits are sought.

Remick Music Corp. vs. The Village Farm Barn for the alleged infringement of "Put On Your Old Grey Bonnet," "Memories," "Sweet Georgia Brown" and "Would You Like To Take A Walk," for which \$1,000 damages and an accounting of the profits are sought.

Other new Harms actions against broadcasters include nine for the alleged infringement of "That Old Fashion Mother of Mine" on January 23rd, 1936. Damages of \$5,000 each are sought from radio stations WFEA, WCAU, KOMA, WKRC, WBNS, WSMK, WSPD, WADC and WMBG. The tenth suit is against Station WORK for the alleged infringement of "L'Amour Toujours L'Amour" on February 24th. Damages of \$5,000 are sought from that station also.

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following companies. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

No. 2733. Charging unfair representations in radio programs, newspapers and other printed matter concerning washing machines sold in interstate commerce, a complaint has been issued against **Taylor Washing Machine Co., 2921 West Madison St., Chicago.**

The complaint charges the company, through its sales representatives, with procuring sales contracts by fraud and false pretenses and with false and misleading assertions which "lull the public and prospective purchasers into a false sense of security and trust in dealing with respondent."

The company is charged with a lack of good faith in soliciting customers by advertising a "free home trial" and a "free home demonstration" of its \$49.50 Taylor washing machine. In this connection, it is alleged that the respondent procures signatures to instruments in writing and in blank by falsely representing such paper to be a "receipt," "insurance policy" or evidence of the signer's "willingness to accept a demonstration" covering the washing machine delivered or to be delivered and represented as on trial or demonstration, when in fact, according to the complaint, the respondent's undisclosed intention is to use such instruments as contracts, or to convert them into contracts of sale for merchandise.

Threats of suits and harassment in employment are among the methods assertedly used by the respondent to impose on prospective purchasers the provisions of contracts to which they were not legally bound, and it is charged that the respondent, without authority of State laws, exercised powers of attorney to assign wages and salaries under purchase contracts.

These practices are alleged to constitute unfair methods of competition in violation of the Federal Trade Commission Act.

No. 2734. A complaint has been issued charging **H. E. Martindale, trading as Federal Institute of Meats & Marketing, 805½ Sheridan Road, Menominee, Mich.,** with representations to the effect that his correspondence school business is a branch of or connected with the United States Government.

Martindale, who sells courses in butchery and meat packing, is alleged to have advertised his business as the "Central States Division, Federal Institute-Meats-Marketing, Washington, D. C. H. E. Martindale, Divisional Director. Central States Office, Menominee, Mich."

No. 2735. Unfair methods of competition in connection with the sale of silver-plated ware is alleged in a complaint issued against **International Silver Co.,** having its principal place of business at **Meriden, Conn.,** with sales offices at Chicago, New York, San Francisco, St. Louis and Toronto, and factories at Meriden, Wallingford, Norwich and Waterbury, Conn., and Hamilton and Niagara Falls, Canada.

According to the complaint, the respondent features the word "Rogers" in the trade names of various brands of silver-plated ware it manufactures and sells to customers, including retail department stores and jewelry stores, and further described two of its brands, "Anchor Rogers Anchor" and "Star Rogers & Bros.

A-1," as "Original Rogers Silver-Plate" and "Genuine Rogers Silver-Plate."

These two particular brands were for many years sold to the purchasing public at \$50 for a set of 50 pieces, it is alleged, and to retail dealers at a discount of 50 per cent, but for the last two or three years, the complaint charges, the respondent has allowed retailers an additional trade discount of 40 per cent on the purchase price of the two brands. This 50 plus 40 per cent discount makes the net purchasing price to retailers \$15 a set, the complaint points out, and permits them to make a corresponding reduction in the retail price at which they resell the sets.

In connection with the sale of "Anchor" and "Star" products, International Silver Co., it is charged, furnishes retailers with booklets and price lists which describe its "half-price sales plan" and which booklets contain samples of advertising for the use of retailers in promoting the sales plan, and, according to the complaint, many retailers have made use of the suggested newspaper advertisements, which represent that sales of such sets are "half-price sales," and that the normal value and the usual and customary retail and selling price of each set is \$50, or approximately that sum. In many instances, the complaint sets forth, the respondent pays a portion of the cost of the newspaper advertising.

The complaint alleges, however, that the price the respondent represents as the customary sales price does not reflect the true customary sales price, but is fictitious and exaggerated, and further alleges that the respondent's practice of falsely advertising its products for sale at half of the represented regular retail price tends to deceive purchasers as to the quality, value, grade and price of its silver-plated ware.

Such alleged misrepresentations, it is charged, enable retailers to increase their sales of the respondent's ware, lessen the market for the products of manufacturers who honestly represent the true retail value of their silver-plated ware, and tend to divert trade to the respondent from competitors who truthfully advertise and sell their products at half-price, or who do not misrepresent the actual value of such products.

No. 2736. **Capon Water Co., Capon Springs Mineral Water, Inc., and Louis Austin,** president of and majority stockholder in both companies, located at 1712 Walnut St., **Philadelphia,** are named respondents in a complaint alleging unfair competition in the sale and distribution of a mineral water designated "Capon Springs Water." Austin also operates a branch office at Capon Springs, West Virginia.

The complaint charges that the respondents, in promoting the sale of their product, circulate booklets and leaflets which contain assertions, many made by doctors and laymen, representing that their mineral water will cure or is beneficial in the treatment of a wide variety of afflictions and diseases, including kidney, bladder and liver disorders, rheumatism, acid conditions, diabetes, and high blood pressure, when, in fact, the complaint alleges, use of the water, whether by drinking or by external application, is not a cure or a beneficial treatment for the diseases and afflictions enumerated.

No. 2738. Misbranding of the porcelain ware and china ware it sells in interstate commerce is alleged in a complaint issued against **Atlas China Co., Inc., 710 Wythe Ave., Brooklyn, N. Y.**

The complaint charges that the respondent company purchases supplies of foreign and domestic-made porcelain ware and china-ware, undecorated and known as "blanks," which it causes to be processed, decorated and branded with the words "Limoges," "French Decoration" and "Hand Painted."

Stipulations

The Commission has issued the following cease and desist orders:

No. 1630. **Strem Studios, Inc., 429 Penn Ave., Pittsburgh,** having branches in Boston, Washington, Detroit, Columbus, O., and Richmond, Va., dealer in photographic portraits, agrees to stop advertising that its work is "Photography's Latest Creation," "Distinctive Portraiture," or that its "Gold-O-Graf" photographs are made in natural colors, are oil paintings or made on motion picture film, when, in fact, according to the stipulation, the pictures are produced by application of transparent oil colors and are not oil paintings, and are not made on motion picture film. The respondent also stipulates that it will not misrepresent its prices.

Orders for "Gold-O-Graf" photographs, according to the stipulation, were obtained by salesmen, who gave purchasers coupons entitling them to the portraits at alleged reduced prices. These visits were followed up by cameramen who took the pictures and collected the balances due, forwarding the negatives to the Pittsburgh studio. Proofs were then delivered to the customers

by so-called "proof men" and additional orders solicited. The price of \$1.95 and other prices advertised as special or reduced, were in fact the regular and usual prices, according to the stipulation.

No. 1631. La Mode Garment Co., 711 West Lake St., Chicago, manufacturing women's dresses, underwear, pajamas, and uniforms for waitresses, agrees to stop using the word "Linene," simulating the word linen, implying that certain of its products are made of the fiber of the flax plant, when this is not true.

No. 1632. J. H. Smith Veneers, Inc., 433 East Erie St., Chicago, engaged in importing, processing and veneering of woods, will no longer use phrases such as "African Walnut," or "Oriental Walnut," implying that the products are made of wood derived from trees of the walnut family, when this is not true.

No. 1633. Samuel and Isadore Sobel, trading as Sobel Brothers, 150 Duane St., New York City, wholesalers of shoes, will discontinue employing the word "Doctor" or the abbreviation "Dr.," or any imitation thereof in connection with the trade name or brand for their products, in any way tending to mislead buyers into believing that the shoes are made in accordance with the design or under supervision of a doctor, or contain special orthopedic features resulting from medical advice and services, when this is not true. The stipulation says that recently the respondents caused the designation "Dr." to be changed to "De," so that certain of their trade names read "De Benedict's," "De Cushman's" and "De Bell."

No. 1634. M. Burton Arouson, Harrison & Dearborn Sts., Chicago, trading as M. Burton & Co., jobbers and wholesalers of jewelry, will cease using in printed matter the word "gold," alone or in connection with the word "solid," implying that rings so described are made wholly of gold. The stipulation provides that when initials affixed to such rings are composed in part of gold, the word "gold," if used as descriptive only of the initials, shall be conspicuously accompanied by suitable markings to clearly indicate the actual carat or fineness of the gold used, and to show that only the initials are thus described.

No. 1635. Elliott E. Goldman, 1566 Vyse Ave., Bronx, New York City, trading as The London Pipe Co., selling smoking pipes by mail order, agrees to stop using the phrase "The London Pipe Company" in any manner tending to deceive buyers into believing that the respondent is associated with The London Pipe Co., Ltd., of London, England, established in 1837. The respondent's products are not made or manufactured in London, England, or by The London Pipe Co., Ltd., of that city, according to the stipulation, but are made by a concern in the United States. The respondent also agrees to desist in advertising his products for sale "For a limited time only, \$1.00," when this price is not a special price for a limited time only.

Nos. 1636-1637. Troy Blanket Mills, of Troy, N. H., agrees, in selling its blankets and automobile robes, either directly or through a sales agency, to forego use on labels attached to its goods of the words "All Wool," implying that they are composed wholly of wool, when, according to the stipulation, they are made in part of material other than wool. The respondent sold its products branded "All Wool," through its sales agency, L. C. Chase & Co., Inc., of Sanford, Me., according to the stipulation. L. C. Chase & Co. entered into a similar stipulation with the Commission.

No. 1638. Moses B. Nierenberg, 43 West 33rd St., New York City, trading as Dundee Knitting Co., manufacturing knitted outerwear, consisting of sweater coats, ribbed coats, bathing suits and other articles, will cease using the words "Jersey City, N. J.," and "Newark, N. J.," in connection with the word "Mills," implying that the respondent has a factory in either of these cities, when this is not true. The stipulation points out that the respondent's products are made in Brooklyn.

No. 1639. Trading as The Church Merchant Laboratories, 1619 North Bailey St., Philadelphia, Eddie Adair and Cornelius Henney, co-partners, selling a product called "Lady-Luck," agree to discontinue representing that use of this article will prevent runs, snags and breaks in hosiery, rayons, silk, chiffon and lingerie, or that its use makes the fabrics treated therewith proof against all spot-producing materials or makes the colors fast. The respondents agree to ban use of the word "Laboratories" as part of their trade name, when, in fact, they do not own, control or operate a laboratory.

No. 1640. Dextora Company, 600 North White River Parkway, Indianapolis, manufacturing malt and health food products, agrees not to employ on labels or other advertisements, the words "Malt Syrup," to designate products not made entirely from malted barley. The respondent also will discontinue describing a product not composed wholly of barley malt flavored with

hops, by means of the following assertions: "100% Pure," "Unadulterated," "Made from selected barley malt and choicest Oregon hops," and "Wizard Malt Syrup is a concentrated extract of pure barley malt flavored from the juice of the choicest selected Oregon hops." The expression "Triple Strength" will not be employed in representing malt products not of triple strength.

No. 2116. The Goodyear Tire and Rubber Company, of Akron, Ohio, its subsidiaries and their officers, agents, etc., are directed to cease and desist from discriminating in price between Sears, Roebuck & Co., and the respondent Goodyear's retail dealer customers by selling automobile tires to the said Sears, Roebuck & Co. at net realized prices which are lower than the net realized prices at which the said respondent sells the same sizes of tires of comparable grade and quality to individual tire dealers or other purchasers.

In arriving at the said net realized prices, the order requires the respondent to "take into account and make due allowance, and only due allowance, for differences in the cost of transportation and selling tires to individual tire dealers on the one hand and Sears, Roebuck & Co. on the other." The order concludes by stating that nothing therein "shall restrict the respondent's liberty to remove the discrimination either by increasing its price to Sears, Roebuck & Co., or by lowering its price to its other customers."

No. 2474. United Distilling Co., 216 East Pearl St., Cincinnati, has been ordered to discontinue representing that it is a distiller of the whiskies, gins and other spirituous beverages it sells in interstate commerce.

Under the order, the respondent is directed to cease and desist from representing, through use of its corporate name on stationery, in advertising, on labels of bottles, or in any other way, that its beverages are manufactured through the process of distillation, or that it owns or operates a plant where such beverages are distilled, until it actually does own and operate a plant for such purposes.

No. 2682. Sessions Clock Co., Forestville, Conn., has been ordered to discontinue certain unfair methods of competition in the sale of its products.

The company is directed to stop representing directly or by implication in catalogues, advertising matter, or on labels, that the cases of clocks made and sold by it are mahogany, when not made from wood derived from trees of the mahogany family.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, March 16

HEARING BEFORE AN EXAMINER (Broadcast)

WSMB—WSMB, Inc., New Orleans, La.—Renewal of license, 1320 kc., 500 watts, 1 KW LS, unlimited time.

Tuesday, March 17

HEARING BEFORE AN EXAMINER (Broadcast)

WAIM—Wilton H. Hall, Anderson, S. C.—C. P., 590 kc., 250 watts, 1 KW LS, unlimited time. Present assignment: 1200 kc., 100 watts, unlimited time.

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Modification of license, 580 kc., 1 KW, unlimited time. Present assignment: 580 kc., 250 watts, unlimited time.

Wednesday, March 18

HEARING BEFORE AN EXAMINER (Broadcast)

WHBI—May Radio Broadcast Corp., Newark, N. J.—Modification of license, 1250 kc., 1 KW, 5 KW LS, share with WNEW. Present assignment: 1250 kc., 1 KW, 2½ KW LS, shares with WNEW.

NEW—Carl S. Taylor, Dubois, Pa.—C. P., 780 kc., 250 watts, daytime.

Thursday, March 19

HEARING BEFORE AN EXAMINER (Broadcast)

NEW—Eugene DeBogory, tr/as Dallas Radio Research Engineers, Dallas, Tex.—C. P., 1570 kc., 1 KW, unlimited time.

NEW—Gulf Coast Broadcasting Co., Corpus Christi, Tex.—C. P., 1330 kc., 250 watts, 500 watts LS, unlimited time.

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-159:

NEW—Robert E. Cole, d/b as Washington Broadcasting Co., Washington, Pa.—C. P., 1330 kc., 250 watts LS, daytime (facilities of WNBO).

Examiner's Report No. I-160:

WADC—Allen T. Simmons, Tallmadge, Ohio.—C. P., 1320 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 1320 kc., 1 KW, 2½ KW LS, unlimited time.

Examiner's Report No. I-150

NEW—Clark Standiford, Visalia, Calif.—C. P., 1310 kc., 100 watts, unlimited time.

Examiner's Report No. I-96:

NEW—Charles C. Theis, Wichita, Kans.—C. P., 1210 kc., 100 watts, unlimited time.

APPLICATIONS GRANTED

WDBJ—Times-World Corp., Roanoke, Va.—Granted C. P. to install new equipment, increase day power from 1 to 5 KW, move transmitter and studio locally in Roanoke.

WIOD-WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—Granted C. P. to install new equipment.

WRJN—Racine Broadcasting Corp., Racine, Wis.—Granted modification of C. P. covering changes in equipment, approval of antenna and transmitter site from Racine to Mt. Pleasant, Wis.

KBIX—Oklahoma Press Pub. Co., Muskogee, Okla.—Granted modification of C. P. approving transmitter site and studio in Muskogee, and proposed antenna system.

KWBG—W. B. Greenwald, Hutchinson, Kans.—Granted consent to voluntary assignment of license to The Nation's Center Broadcasting Co., Inc.

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Granted C. P. to make changes in equipment.

WHBL—Press Publishing Co., Sheboygan, Wis.—Granted C. P. to move station locally and make changes in equipment and antenna system.

KYA—Pacific Broadcasting Corp., San Francisco, Calif.—Granted consent to voluntary assignment of license to Hearst Radio, Inc.

NEW—Ben S. McGlashan, Portable-Mobile and aboard Aircraft NC-351Y (Los Angeles).—Granted C. P. for general experimental broadcast pickup service, frequencies 31100, 34600, 37600 and 40600 kc., 10 watts.

NEW—Miss. Valley Broadcasting Co., Inc., Portable-Mobile, East St. Louis, Ill.—Granted C. P. for general experimental broadcast pickup service, frequencies 31100, 34600, 37600 and 40600 kc., 5 watts.

NEW—Atlantic Broadcasting Corp., Portable-Mobile, New York City.—Granted C. P. for general experimental broadcast pickup service, frequencies 31100, 34600, 37600, 40600, 86000-400000, 401000 and above, 50 watts.

NEW—Nichols & Warinner, Inc., Portable-Mobile, Long Beach, Calif.—Granted C. P., general experimental broadcast pickup service, frequencies 3100, 34600, 37600 and 40600 kc., 2 watts.

NEW—WBNS, Inc., Portable, Columbus, Ohio.—Granted C. P. for broadcast pickup station in temporary service, frequencies 1646, 2090, 2190 and 2830 kc., 20 watts.

NEW—Voice of Longview, Texas, Portable-Mobile.—Granted C. P., broadcast pickup, temporary service, frequencies 1622, 2060, 2150 and 2790 kc., 40 watts.

SET FOR HEARING

NEW—Donald A. Wike and H. E. Studebaker, d/b as Wike and Studebaker, Baker, Ore.—Application for C. P. for new station, 1370 kc., 100 watts night, 250 watts day, unlimited time, site to be determined.

KLO—Interstate Broadcasting Corp., Ogden, Utah.—C. P., already in hearing docket, amended to read: Make changes in equipment; move transmitter to 3 miles southwest of center of Kaysville, on Lake Shore near Kaysville, Utah; install directional antenna; increase power from 500 watts night and

day to 1 KW night, 5 KW day; extend commencement date to within 15 days after grant and completion date to within 60 days thereafter.

KWBG—The Nation's Center Broadcasting Co., Inc., Hutchinson, Kans.—Application for C. P. to install new equipment; move transmitter locally, approximately 3 miles; change frequency from 1420 kc. to 1120 kc.; increase power from 100 watts to 1 KW.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Application for C. P. to make changes in equipment; install approved antenna system; increase night and day power from 100 to 500 watts, hours of operation from unlimited to specified hours, requesting facilities of WGCM.

WJAC—WJAC, Inc., Johnstown, Pa.—Application for C. P. to make changes in equipment; increase day power from 100 watts to 250 watts; move transmitter site locally.

WRDW—Augusta Broadcasting Co., Augusta, Ga.—Application for C. P. to make changes in equipment; move transmitter from Augusta, Ga., to Satcher Estate, on edge of the city, North Augusta, S. C.; increase power from 100 watts night and day to 250 watts night, 500 watts day; change frequency from 1500 kc. to 1240 kc.

NEW—Foreign Lands Corp., Honolulu, T. H.—Application for C. P. for new station, 600 kc., 1 KW, unlimited time, site to be determined.

NEW—The Brockway Co., Watertown, N. Y.—Application for C. P. for new station, 1270 kc., 250 watts, daytime, site to be determined.

NEW—Black Hawk Broadcasting Co., Waterloo, Iowa.—Application for C. P. for new station, 1370 kc., 100 watts, unlimited time, site to be determined.

NEW—WKY Radiophone Co., Oklahoma City, Okla.—Application for C. P. for new experimental relay station, frequencies 6020, 9510, 11810, 15170, 17760, 21480 kc., 5 KW night and day.

NEW—The Farmers & Bankers Life Ins. Co., Wichita, Kans.—Application for C. P. for new station, 1210 kc., 100 watts, unlimited time.

NEW—Frank M. Dunham, Fort Dodge, Iowa.—Application for C. P. for new station, 1210 kc., 100 watts, unlimited.

NEW—Theodore E. Johnson, Houston, Tex.—Application for C. P. for new station, 1210 kc., 100 watts, unlimited.

KGMB—Honolulu Broadcasting Co., Ltd., Honolulu, T. H.—Consent to the transfer of control of the Honolulu Broadcasting Co., Ltd. (a Hawaiian corporation, licensee of station KGMB and permittee station KHBC), to the Pacific Theatres & Supply Co., Ltd. (also a Hawaiian corporation).

NEW—Winona Radio Service, a partnership, Winona, Minn.—Application for C. P. for new station, transmitter and studio site to be determined with Commission's approval; 1200 kc., 100 watts, unlimited.

NEW—Earl Weir, St. Petersburg, Fla.—Application for C. P. for new station, 1370 kc., 100 watts, unlimited.

ORAL ARGUMENTS GRANTED

NEW—Ex. Rep. No. 1-189: Golden Empire Broadcasting Co., Sacramento, Calif.—Oral argument granted to be held April 30, 1936.

NEW—Royal Miller, Sacramento, Calif.—Oral argument granted to be held April 30, 1936.

WTFI—Ex. Rep. No. 1-195: Liberty Broadcasting Co., Athens, Ga.—Oral argument granted to be held April 16, 1936.

NEW—Ex. Rep. No. 1-196: V. H. Lake and H. E. Stanford, L & S Broadcasting Co., Atlanta, Ga.—Oral argument granted to be held April 16, 1936.

ACTION ON EXAMINERS' REPORTS

KID—Ex. Rep. No. 1-143: KID Broadcasting Co., Inc., Idaho Falls, Idaho.—Granted C. P. to move transmitter, and increase power from 250 watts night, 500 watts day, to 500 watts night, 1 KW day; 1320 kc., unlimited time. Examiner R. L. Walker sustained in part. Order effective May 19, 1936.

NEW—Ex. Rep. No. 1-146: William S. Thellman, New Castle, Pa.—Denied C. P. for new station to operate on 1420 kc., 100 watts, daytime. Examiner M. H. Dalberg sustained. Order effective May 26, 1936.

NEW—Ex. Rep. No. 1-178: E. L. Clifford, Pottsville, Pa.—Denied C. P. for new broadcast station to operate on 580 kc., 250 watts, daytime. Examiner M. H. Dalberg sustained. Order effective May 26, 1936.

- WJAS—Ex. Rep. No. 1-190: Pittsburgh Radio Supply House, Pittsburgh, Pa.—Granted modification of C. P. to increase day power from 2½ KW to 5 KW, 1290 kc.; 1 KW night, 5 KW day, unlimited time. Examiner R. L. Walker sustained. Order effective May 19, 1936.
- NEW—Ex. Rep. No. 1-194: Geo. E. Carter, Homer G. Wolfe and Clara I. Knight, d/b as Carter & Wolfe, Mansfield, Ohio.—Denied C. P. for new broadcast station to operate on 1370 kc., 50 watts night, 100 watts day, unlimited time (site to be determined). Examiner R. L. Walker sustained. Order effective May 19, 1936.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KDYL, Salt Lake City; KFBB, Great Falls, Mont.; KFIO, Spokane, Wash.; KFKU, Lawrence, Kans.; KFOX, Long Beach, Calif.; KFSG and auxiliary, Los Angeles; KGCA, Decorah, Iowa; KGGF, Coffeyville, Kans.; KGH, Billings, Mont.; KHSL, Chico, Calif.; KLCN, Blytheville, Ark.; KOIN, Portland, Ore.; KOL, Seattle, Wash.; KPAC, Port Arthur, Tex.; KQW, San Jose, Calif.; KRGV, Weslaco, Tex.; KRKD and auxiliary, Los Angeles; KROW, Oakland, Calif.; KRSC, Seattle, Wash.; KWLC, Decorah, Iowa; WBRC, Birmingham, Ala.; WCAD, Canton, N. Y.; WCAL, Northfield, Minn.; WCSH, Portland, Maine; WDAE, Tampa, Fla.; WDEL, Wilmington, Del.; WDOD, Chattanooga, Tenn.; WDSU, New Orleans, La.; WPBM, Indianapolis, Ind.; WHA, Madison, Wis.; WIS, Columbia, S. C.; WKAQ, San Juan, P. R.; WLB, Minneapolis, Minn.; WMAC, Boston, Mass.; WNBZ, Saranac Lake, N. Y.; WORC, Worcester, Mass.; WREN, Lawrence, Kans.; WRR, Dallas, Tex.; WTAW, College Station, Tex.; WTCN, Minneapolis, Minn.; WXYZ, Detroit, Mich.

MISCELLANEOUS

- KXL—KXL Broadcasters, Portland, Ore.—Granted order to take depositions in re application for renewal of license.
- WBNX—Standard Cahill Co., Inc., New York City.—Granted oral argument on April 16, 1936, on application for C. P. to install new equipment, move transmitter, and increase power from 250 watts to 1 KW.
- NEW—Plain Dealer Pub. Co., and Monroe F. Rubin and Ruth Rubin.—Denied petition requesting Broadcast Division to hear application for transfer of control of WHK and WJAY to the U. B. Company instead of to an examiner.
- WHBI—May Radio Broadcast Corp., Newark, N. J.—Granted continuance of hearing, set for March 18, 1936, on application for increased daytime power from 2½ to 5 KW.
- WAAW—Omaha Grain Exchange, Omaha, Nebr.—Denied motion to reconsider and grant application to assign license to Nebraska Broadcasting Co. Case to proceed to hearing as heretofore ordered.
- L & S Broadcasting Co., Atlanta, Ga.—Granted request that oral argument on its application for a C. P. to erect new radio station at Atlanta be consolidated with oral argument on application of WFTI to move station from Athens to Atlanta.
- KDYL—Intermountain Broadcasting Corp., Salt Lake City.—Suspended grant made February 13 to install new equipment, to make local move, and increase day power to 5 KW, and set application for hearing on protest of KLO, Ogden, Utah.
- Metro Broadcasting Co., Los Angeles, Calif.—Remanded to docket for purpose of receiving certain documentary evidence and for taking further testimony.
- G. D. Goff, Tampa, Fla.—Granted oral argument, before Broadcast Division on March 26, 1936, on application for C. P. to erect new radio station at Tampa to operate on 1500 kc., 100 watts, unlimited.
- Dorrence D. Roderick, El Paso, Tex.—In this case concerning the application for C. P. for new station to operate on 1500 kc., 100 watts, unlimited time, the Broadcast Division, upon its own motion, reconsidered its action of February 21, 1936, in granting the application and designated the same for hearing. (Action taken March 3, 1936.)

APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were dismissed at request of applicants:

- NEW—Springfield Newspapers, Inc., Springfield, Mo.—Applied for C. P., 790 kc., 1 KW, daytime.
- NEW—Voice of Black Hills, Rapid City, S. Dak.—Applied for C. P. for new station, 1200 kc., 100 watts, specified hours.

- WWRL—Long Island Broadcasting Corp., Woodside, L. I., N. Y.—Applied for modification of license, 1500 kc., 100 watts, 250 watts LS, specified hours (to change specified hours).
- KFOX—Nichols & Warinner, Inc., Long Beach, Calif.—Applied for voluntary assignment of license, 1250 kc., 1 KW, unlimited.
- WEST—Associated Broadcasters, Inc., Easton, Pa.—Applied for modification of C. P., 1200 kc., 100 watts, 250 watts LS, unlimited day, shares WKBO night.
- NEW—R. C. Coshorn and Lester E. Cox, d/b as Capitol Broadcasting Co., Jefferson City, Mo.—Applied for C. P., 920 kc., 500 watts, daytime.

APPLICATION DENIED

The Ohio Broadcasting Co., Canton, Ohio.—Denied special temporary authority to operate station WHBC pending action on application for assignment of license and C. P. from Edward P. Graham to the Ohio Broadcasting Co., but for a period not to exceed 30 days.

APPLICATIONS RECEIVED

First Zone

- WMCA—Knickerbocker Broadcasting Co., Inc., New York, N. Y.—570 Modification of license to increase power from 500 watts to 1 KW day and night.
- WHN—Marcus Loew Booking Agency, New York, N. Y.—License 1010 to cover construction permit (B1-P-336) for changes in equipment and increase in day power.
- WHN—Marcus Loew Booking Agency, New York, N. Y.—License 1010 to use old W.E. 304-A (1-KW) transmitter as an auxiliary transmitter.
- WHN—Marcus Loew Booking Agency, New York, N. Y.—Authority 1010 to determine operating power by direct measurement of antenna.
- WEVD—Debs Memorial Radio Fund, Inc., New York, N. Y.—1300 Modification of license to change frequency from 1300 kc. to 1400 kc. and hours of operation from share-WBBR, WFAB and WHAZ to unlimited time, facilities of WBBC, WLTH, WARD and WVFW. Amended to install directional antenna.
- WBNY—Roy L. Albertson, Buffalo, N. Y.—License to cover construction permit (B1-P-402) as modified for new station to be operated on 1370 kc., 100 watts, 250 watts day, all hours except those assigned to WSVS.
- WILH—Merrimac Broadcasting Co., Inc., Lowell, Mass.—Special 1370 experimental authorization for a "satellite" station to be operated on 1370 kc., 10 to 100 watts day and night, unlimited time, site to be determined, Lawrence, Mass., to be operated in addition to WLLH in Lowell, Mass., and synchronously with WLLH, for period to 7-1-36.
- WBBC—Brooklyn Broadcasting Corp., Brooklyn, N. Y.—Modification 1400 of license to change hours of operation from share-WLTH, WCGU and WFOX to share-WITH. Requests facilities of WARD and WFOX. Amended to change hours of operation from share-WLTH to unlimited time. Requests facilities of WARD, WLTH and WVFW.
- WHEC—WHEC, Inc., Rochester, N. Y.—Modification of construction 1430 permit (B1-P-819) for new equipment and move of transmitter to further request move of transmitter from 183 Main Street, E. Rochester, N. Y., to Mt. Read Blvd., ½ mile north of Lyell Avenue, Rochester, N. Y., and antenna changes. Also extend commencement and completion dates 60 days and 6 months, respectively.
- NEW—The Ogdensburg Publishing Co., Inc., Ogdensburg, N. Y.—1500 Construction permit for a new station to be operated on 1500 kc., 100 watts, unlimited time.

Second Zone

- NEW—W. H. Marolf, Escanaba, Mich.—Construction permit for 1500 a new station to be operated on 1500 kc., 100 watts, unlimited time.

Third Zone

- NEW—J. R. Maddox and Dr. W. B. Hair, d/b as Chattanooga 590 Broadcasting Co., Chattanooga, Tenn.—Construction permit for a new station to be operated on 590 kc., 1 KW, unlimited time. Amended to make changes in directional antenna.
- WKY—WKY Radiophone Co., Oklahoma City, Okla.—Construction 900 permit to install new equipment; increase power from 1 KW to 5 KW; move transmitter from West 39th Street

(highway 8 miles west of), Oklahoma City, Okla., to site to be determined, near Oklahoma City, Okla. Amended to make antenna changes, change power from 1 KW to 1 KW, 5 KW day, and omit request for move of transmitter.

NEW—Bayou Broadcasting Co., Houston, Tex.—Construction permit for a new station to be operated on 1200 kc., 100 watts, unlimited time.

WFBC—Greenville News-Piedmont Co., Greenville, S. C.—License 1300 to cover construction permit (B3-P-220) as modified to install new equipment, increase power, and move transmitter.

W4XH—Virgil V. Evans, d/b as The Voice of South Carolina, Spartanburg, S. C.—Modification of license to include frequencies 31600, 35600, 38600 and 41000 kc., and increase power to 50 watts.

Fourth Zone

NEW—Glenn Van Auken, Indianapolis, Ind.—Construction permit 1050 for a new station to be operated on 600 kc., 1 KW, daytime. Amended to change frequency from 600 kc. to 1050 kc.

NEW—Fred A. Baxter, Superior, Wis.—Construction permit for a new station to be operated on 1370 kc., 100 watts, unlimited time. Amended to change frequency from 1370 kc. to 1200 kc.

WCRW—Clinton R. White, Chicago, Ill.—Modification of license 1210 to change specified hours.

NEW—Tribune Printing Co., Jefferson City, Mo.—Construction 1310 permit for a new station to be operated on 1310 kc., 100 watts, daytime.

KGFV—Central Nebraska Broadcasting Corp., Kearney, Nebr.—1310 Consent to transfer control of corporation from Anna H. McConnell and Hugh R. Brown to Clark Standiford and Kate S. Fisher, 548 shares of common stock.

NEW—Stanley Reid and Charles Withnell Boegel, Jr., d/b as The 1310 Rapids Broadcast Co., Cedar Rapids, Iowa.—Construction permit for a new station to be operated on 1310 kc., 100 watts, unlimited time. Amended to add to name, d/b as The Rapids Broadcast Co.

NEW—Albert Lea Broadcasting Corp., Albert Lea, Minn.—Construction 1370 permit for a new station to be operated on 1370 kc., 100 watts, unlimited time. Amended to change frequency to 1200 kc.

NEW—Albert Lea Broadcasting Corp., Albert Lea, Minn.—Construction 1370 permit for a new station to be operated on 1200 kc., 100 watts, unlimited time. Amended to change frequency from 1200 kc. to 1370 kc.

WIBC—Donald A. Burton, Muncie, Ind.—Modification of construction permit (B4-P-248) for equipment changes and in-

crease in power, to further request changes in transmitting equipment and antenna.

W9XHC—Kansas State College of Agriculture and Applied Science, Portable-Mobile.—License to cover construction permit for a new general experimental station.

Fifth Zone

KFKA—The Mid-Western Radio Corp., Greeley, Colo.—Modification of license to increase power from 500 watts, 1 KW day, to 1 KW night and day.

KFBB—Buttrety Broadcast, Inc., Great Falls, Mont.—Construction 900 permit to make changes in equipment; increase power from 1 KW, 2½ KW day, to 1 KW, 5 KW day; change frequency from 1280 kc. to 900 kc.; and move transmitter from 5 miles south of town on 13th St., Great Falls, Mont., to site to be determined, south of Great Falls, Great Falls, Mont. Requests facilities of KSEI and suggests that KSEI be assigned 1280 kc.

NEW—W. C. Miner, Rock Springs, Wyo.—Construction permit 1310 for a new station to be operated on 950 kc., 500 watts, limited time. Amended to change frequency from 950 kc. to 1310 kc., power from 500 watts to 100 watts, hours of operation from limited to daytime, giving studio site as 600 block Dewar Drive, Rock Springs, Wyo., and transmitter site as South West, below town, Rock Springs, Wyo.

NEW—H. L. Corley, Trinidad, Colo.—Construction permit for a 1370 new station to be operated on 1370 kc., 100 watts, unlimited time.

KVOE—The Voice of The Orange Empire, Inc., Ltd., Santa Ana, 1500 Calif.—Consent to transfer control of corporation from Estate of J. S. Edwards, deceased, to J. S. Edwards, Inc., 300 shares common stock.

NEW—Ellwood W. Lippincott, Pendleton, Ore.—Construction permit 1500 for a new station to be operated on 1500 kc., 100 watts, daytime. Amended to change hours of operation from daytime to unlimited, using 100 watts.

NEW—J. W. Plame, Huntington Park, Calif.—Construction permit 1500 for a new station to be operated on 850 kc., 100 watts, unlimited time. Requests frequency of KIEV. Amended to change frequency from 850 kc. to 1500 kc., omit request for KIEV's frequency and request frequency of KVOE, give studio site as 6221 Pacific Blvd, Huntington Park, Calif.

KABF—James McClatchy Co., Portable.—License to cover construction permit for a new broadcast pickup station.

W6XKF—Ben S. McGlashan, Portable-Mobile.—License to cover construction permit for a new general experimental station.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

NAB REPORTS

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DUFFY BILL HEARINGS

Hearings on the Duffy Copyright Bill S. 3047 before the House Patents Committee continue. The NAB appeared before the Committee Tuesday (17) and had not completed its testimony when this Report went to press. A report covering testimony offered in support of the Bill will be furnished for the information of members.

WARNER BROTHERS LICENSES

The Managing Director next week will confer with Herman Starr of Warner Brothers with reference to the expiration of the MPHC licenses March 31st.

Delayed by hearings on the Duffy Copyright Bill in personally participating in earlier negotiations Mr. Baldwin requested an Advisory Committee consisting of H. K. Carpenter, Walter Damm, John Gillin, Jr., broadcasters, and Philip G. Loucks, attorney, to confer with Mr. Starr last week. This Committee reported that Warner Brothers have been unable so far, from data submitted to stations, to arrive at any basis upon which to predicate a per-piece plan of licensing stations on and after April 1, 1936. Mr. Starr advised the Committee that the present method (based on the highest quarter hour rate) was not working out satisfactorily, since a number of inequalities had been discovered as a result of the practice of many stations publishing national or general rates much higher than those at which time is generally sold. The basis for future licenses, Mr. Starr said, should be the local or retail quarter-hour rate which might result in a higher multiplier being applied.

Mr. Starr also advised the Committee that pending the receipt of complete local or retail rate information on NAB stations from the Association it would be impossible to commit Warner Brothers to any material change in the present method of figuring station license fees.

Regarding per-piece, Mr. Starr advised the Committee that as long as stations bought a large amount of music on the flat fee system Warner Brothers would never consent to a per-piece plan which did not include a minimum guarantee, or minimum use which would yield a total amount commensurate with their estimate of the value of Warner Brothers catalogues.

In the event he is unable to establish a revised basis for licensing, before April 1, Mr. Starr said he would offer stations an extension of probably one month, on the terms now in force.

In a telephone conversation with Mr. Starr since the Advisory Committee made their report the Managing Director was informed that the Warner Brothers had no intention whatever of returning to the ASCAP.

The Managing Director is endeavoring to furnish complete information to Warner Brothers with respect to local or retail rates

and will pursue the negotiations to determine the best terms available after April 1.

RECOMMENDS NEW ILLINOIS STATION

Champaign News-Gazette, Inc., filed an application with the Federal Communications Commission asking for a construction permit for a new broadcasting station to be located at Champaign, Ill., to use 1370 kilocycles, 100 watts power and unlimited time.

Examiner George H. Hill in Report No. I-207 recommends that the application be granted in part, "authorizing the applicant to operate said station during daytime hours only, and that the request for nighttime hours of operation be denied."

The Examiner states that granting the application for daytime hours would not cause any interference but nighttime hours would cause objectionable interference. "There is a need in the Champaign area for the services of a radio station broadcasting local programs, and there is adequate local talent in the area to supply the needs of such a station."

BROOKLYN CASES AGAIN POSTPONED

The Federal Communications Commission has announced that hearings in the so-called Brooklyn cases has been postponed until May 7. There have been several changes in the program for hearing these cases.

INCREASE POWER RECOMMENDED FOR KVSO

Broadcasting Station KVSO, Ardmore, Okla., has filed an application with the Federal Communications Commission asking that its power be increased from 100 watts to 100 watts and 250 watts L.S. Also that its hours of operation be increased from daytime to unlimited. The station now operates on a frequency of 1210 kilocycles and no change is asked.

Examiner R. H. Hyde, in Report No. I-206, recommends that the power increase be granted but that the increase in hours of operation be denied. The Examiner found that there is need in the Ardmore area for such improvement as would be made by increasing the station's power and this would not increase interference. It was found, however, that operation of the station during the nighttime hours would cause objectionable interference.

SIGN WITH WARNERS

The following broadcasting stations have signed Warner Brothers contracts in addition to those already announced: WAGM, WCBM, WSIX, KROW, KPDN, KMTR, WGPC, WRBL, and WATL.

ADS NOT TAXABLE BY STATES

National advertising is interstate commerce and is not subject to a state sales tax, State District Judge M. A. Otero, Jr., ruled in a decision given at Santa Fe, New Mexico, February 15.

The decision came as the result of a suit filed by Western Live Stock, a monthly live stock magazine published at Albuquerque, against the New Mexico Bureau of Revenue. Attorney General Frank Patton filed notice of appeal to the State Supreme Court.

Although Western Live Stock was the only publication appearing in the suit, several daily and weekly newspapers were supporting the suit financially, and only the day before the decision the New Mexico Press Association had officially endorsed the stand taken by the magazine and had assessed members of the organization for funds with which to carry on the contest.

The tax is generally regarded as a sales tax, although it was enacted as an excise tax for support of the state's schools. Several publications have contended that the state has in effect recognized it as a sales tax by issuing tax tokens, which are given in

exchange by consumers for the amount of tax on purchases. Retail establishments have thus been able to pass the tax on to consumers. Newspapers have collected from local and state advertisers the amount of the tax, but have had to absorb the tax on national advertising. Many of the state's publishers have paid the latter under protest, some contending that it was not only unconstitutional but that it amounted to a tax on gross income.

DENIAL RECOMMENDED FOR POWER INCREASE

Broadcasting Station WEAN, Providence, R. I., applied to the Federal Communications Commission for a power increase from 500 to 100 watts, that it be allowed to move its transmitter, and asked for authority to install new equipment. It operates on a frequency of 780 kilocycles.

Examiner John P. Bramhall in Report No. I-205 has recommended that the application be denied. The Examiner found that the area proposed to be served by the changed location is already receiving ample radio service and some slight interference might be caused.

NEW ALABAMA STATION RECOMMENDED

James R. Doss, Jr., applied to the Federal Communications Commission for a construction permit for a new broadcasting station to be located at Tuscaloosa, Ala., using 1200 kilocycles, 100 watts power and daytime operation only.

Examiner John P. Bramhall in Report No. I-208 recommended that the application be granted. The Examiner states that there is need for additional daytime service in the area proposed to be served and that therefore granting of the application would be in the public interest.

RECOMMENDS NEW CALIFORNIA STATION

The Valley Electric Company filed an application with the Federal Communications Commission asking for a construction permit for a new station to be located at San Luis Obispo, Cal., to use 1200 kilocycles, 250 watts power and daytime operation. Also the E. E. Long Piano Company filed an application with the Commission asking for a construction permit for the same place to use the same frequency with 100 watts power and unlimited time.

Examiner George H. Hill in Report No. I-204 recommended that the application of the Valley Electric Company be granted and that of the E. E. Long Piano Company be denied. He found that there is need for local broadcasting at San Luis Obispo and that granting of the application of the electric company for daytime service would not cause any objectionable interference with any existing or proposed station. On the other hand the Examiner found that granting of the piano company's application would cause nighttime interference to the service area of Station KGFJ, Los Angeles. He therefore recommends that the application of the electric company be granted and the piano company be denied.

MORE WARNER BROTHERS SUITS

Official announcement has been made by Warner Brothers that they have begun additional suits against radio stations, hotels, night clubs and restaurants based on alleged infringement of song copyrights owned by them.

The twenty-one latest suits filed include seventeen against radio stations KSCJ, KTRH, WHAS, KVOR, WBRC, WALA, KLRA, WSBT, WREC, WCAO, WBT, KWKH, WQAM, WFBL, WSJS, WWL and WJR for the alleged infringement on January 23rd of "That Old Fashioned Mother of Mine." The suits are being brought by Harms, Inc., publishers of the song, and damages of \$5,000 are being sought from each of the seventeen stations.

Harms is also seeking \$5,000 damages from Station KWKH for alleged infringement on February 17th of the song entitled "Three Little Words." Remick Music Corp., another Warner music publishing subsidiary, is bringing suit against Station WOCL, Jamestown, N. Y., for the alleged infringement on February 26th of "Whistle and Blow Your Blues Away," demanding \$250 damages therefor. M. Witmark & Sons is also bringing suit against WOCL for the alleged infringement of "The Words Are In My Heart" on February 26th, for which also \$250 damages are sought. Witmarks have also filed an action against WSOC, Charlotte, N. C., for the alleged infringement on February 23rd of Victor Herbert's "Gypsy Love Song." Damages of \$250 are sought from WSOC.

Actions have also been filed in the following cases:

Harms, Inc., vs. 34th St. Hotel Corporation (Hotel McAlpin) on the number "Sleepy Valley."

Harms, Inc. vs. Realty Hotels, Inc. (Hotel Biltmore) on the numbers "April in Paris," "The Continental," "Blow Gabriel Blow," "Why Shouldn't I" and "The Blue Room."

Harms, Inc. vs. 870 Seventh Ave. Corp. (Hotel Park Central) on the numbers "Why Shouldn't I," "Dancing in the Dark" and "I Get A Kick Out of You."

Harms, Inc. vs. Milnag Leasing Corp. (Hotel Edison) on the songs "I Get A Kick Out of You" and "Anything Goes."

Harms, Inc. vs. MacFayne Corp. (Leon & Eddie's) on the song "Where Am I?"

Harms, Inc. vs. The Famous Door on the song "Why Shouldn't I?"

M. Witmark & Sons vs. 151 East 50th Street Restaurant Corp. on the song "When Irish Eyes Are Smiling."

Remick Music Corp. vs. Hotel St. George Corp. on the song "Chinatown My Chinatown."

Remick Music Corp. vs. Connie's Management Corp. (Connie's Inn) on the song "Nagasaki."

Remick Music Corp. vs. Chin Restaurant Corp. (Chin's Chinese Restaurant) on the song "Sweet Georgia Brown."

An injunction and \$250 damages, plus an accounting of profits, are sought on each song.

1. Harms, Inc. vs. 58-59 Realty Corporation (Hotel Essex House) for the use of the song "Suddenly."

2. Harms, Inc. vs. Hotel Astor, Inc. for the use of the song "The Blue Room."

3. Harms, Inc. vs. Roosevelt Hotel, Inc., for the use of the songs "Dancing in the Dark" and "Night and Day."

4. Harms, Inc. vs. Childs Company, Inc., for the use of the song "Where Am I?"

5. Harms, Inc. vs. New York Ambassador, Inc. (Ambassador Hotel) for the use of the songs "The Continental," "Night and Day" and "Begin the Beguine."

In all of the restaurant and hotel actions damages of \$250 for the alleged infringing use of each song and an accounting of the profits are demanded.

In addition to the suits filed against hotels and restaurants, Remick Music Corp., M. Witmark & Sons and Harms, all Warner music subsidiaries, have filed through correspondent attorneys the following suits:

Harms, Inc. vs. Central Texas Broadcasting Co., operating Station WACO; Harms, Inc. vs. Wichita Falls Broadcasting Co., operating Station KGKO; Harms, Inc. vs. WDOB Broadcasting Corp., operating Station WDOB; and Harms, Inc. vs. Savannah Broadcasting Corp., operating Station WTOG, all of whom are alleged to have infringed on the song "That Old Fashioned Mother of Mine" and from each of whom \$5,000 damages are demanded.

Remick Music Corp. vs. May Radio Broadcasting Corp., operating Station WHBI, for the alleged infringement of "Kentucky Days," for which \$250 damages are demanded.

M. Witmark & Sons vs. WWL Development Company, Inc., operating Station WWL, for the alleged infringement of "Let's Have Breakfast in Bed," for which \$5,000 damages are demanded.

Harms, Inc. vs. Charles C. Carlson, operating Station WJBW, demanding \$1,750 damages for the alleged infringement of "Three Little Words," "Let's Put Out The Lights," "I'm One of God's Children," and "Lost My Rhythm, Lost My Music, Lost My Man."

Harms, Inc. vs. WWL Development Company, Inc., operating Station WWL, for the alleged infringement of "Let's Put Out The Lights," for which \$5,000 damages are demanded.

Remick Music Corp. vs. Main Auto Supply Co., operating Station WOWO, for the alleged infringement of "It Had To Be You," "The Japanese Sandman" and "Breezin' Along With The Breeze," for which \$15,000 damages are demanded.

Harms, Inc. vs. W. D. S. U., Inc., operating Station WDSU, for four alleged infringements of "I'm Just An Ordinary Human," for which \$5,000 damages are demanded.

Harms, Inc. vs. Adelphia Hotel Co., Philadelphia, operating Cafe Marguery, for the alleged infringements of "The Girl Friend" and "Night and Day," for each of which \$250 damages are demanded.

NEW QUOTA FACILITIES ASSIGNED

The Federal Communications Commission has announced the following quota facilities due and assigned to broadcast stations as of March 14.

First Zone—Night

State	Due	Assigned	Units	Percent
			Over or Under	Over or Under
Conn.	2.13	1.92	— 0.21	— 10
Del.	0.32	0.20	— 0.12	— 38
D. C.	0.64	0.60	— 0.04	— 6
Maine	1.06	0.99	— 0.07	— 7
Md.	2.16	1.98	— 0.18	— 8
Mass.	5.63	5.51	— 0.12	— 2
N. H.	0.62	0.43	— 0.19	— 31
N. J.	5.36	4.105	— 1.255	— 23
N. Y.	16.69	18.53	+ 1.84	+ 11
R. I.	0.91	1.10	+ 0.19	+ 21
Vt.	0.48	0.56	+ 0.08	+ 17
Total	36.00	35.925	— 0.075	— 0

First Zone—Day

State	Due	Assigned	Units	Percent
			Over or Under	Over or Under
Conn.	3.85	3.44	— 0.41	— 11
Del.	0.57	0.33	— 0.24	— 42
D. C.	1.16	0.90	— 0.26	— 22
Maine	1.91	1.42	— 0.49	— 26
Md.	3.91	4.10	+ 0.19	+ 5
Mass.	10.17	7.35	— 2.82	— 28
N. H.	1.11	0.80	— 0.31	— 28
N. J.	9.67	5.055	— 4.615	— 48
N. Y.	30.14	21.81	— 8.33	— 28
R. I.	1.65	1.20	— 0.45	— 27
Vt.	0.86	0.86	— 0.00	— 0
Total	65.00	47.265	— 17.735	— 27

Second Zone—Night

State	Due	Assigned	Units	Percent
			Over or Under	Over or Under
Ky.	3.38	3.95	+ 0.57	+ 17
Mich.	6.25	5.25	— 1.00	— 16
Ohio	8.58	9.83	+ 1.25	+ 15
Pa.	12.43	12.38	— 0.05	— 0
Va.	3.13	4.65	+ 1.52	+ 49
W. Va.	2.23	2.19	— 0.04	— 2
Total	36.00	38.25	+ 2.25	+ 6

Second Zone—Day

State	Due	Assigned	Units	Percent
			Over or Under	Over or Under
Ky.	6.10	4.25	— 1.85	— 30
Mich.	11.28	7.09	— 4.19	— 37
Ohio	15.50	12.41	— 3.09	— 20
Pa.	22.45	14.95	— 7.50	— 33
Va.	5.64	6.54	+ 0.90	+ 16
W. Va.	4.03	4.30	+ 0.27	+ 7
Total	65.00	49.54	— 15.46	— 24

Third Zone—Night

State	Due	Assigned	Units	Percent
			Over or Under	Over or Under
Ala.	3.32	2.65	— 0.67	— 20
Ark.	2.32	2.77	+ 0.45	+ 19
Fla.	1.84	3.65	+ 1.81	+ 98
Ga.	3.64	4.46	+ 0.82	+ 22
La.	2.63	5.40	+ 2.77	+ 105
Miss.	2.52	1.32	— 1.20	— 48
N. Car.	3.97	4.45	+ 0.48	+ 12
Okla.	3.00	3.51	+ 0.51	+ 17
S. Car.	2.18	1.30	— 0.88	— 40
Tenn.	3.28	6.05	+ 2.77	+ 84
Texas	7.30	11.14	+ 3.84	+ 53
Total	36.00	46.70	+ 10.70	+ 30

Third Zone—Day

State	Due	Assigned	Units	Percent
			Over or Under	Over or Under
Ala.	5.99	4.60	— 1.39	— 23
Ark.	4.19	4.95	+ 0.76	+ 18
Fla.	3.32	5.30	+ 1.98	+ 60
Ga.	6.58	5.20	— 1.38	— 21
La.	4.75	5.60	+ 0.85	+ 18
Miss.	4.55	2.42	— 2.13	— 47
N. Car.	7.17	4.85	— 2.32	— 32
Okla.	5.42	5.30	— 0.12	— 2
S. Car.	3.93	2.70	— 1.23	— 31
Tenn.	5.92	7.75	+ 1.83	+ 31
Texas	13.18	14.02	+ 0.84	+ 6
Total	65.00	62.69	— 2.31	— 4

Fourth Zone—Night

State	Due	Assigned	Units	Percent
			Over or Under	Over or Under
Ill.	10.14	11.41	+ 1.27	+ 13
Ind.	4.30	3.64	— 0.66	— 15
Iowa	3.28	5.50	+ 2.22	+ 68
Kansas	2.50	2.49	— 0.01	— 0
Minn.	3.41	4.18	+ 0.77	+ 23
Mo.	4.82	5.24	+ 0.42	+ 9
Nebr.	1.83	2.21	+ 0.38	+ 21
N. Dak.	0.90	1.40	+ 0.50	+ 56
S. Dak.	0.92	0.86	— 0.06	— 7
Wisc.	3.90	3.47	— 0.43	— 11
Total	36.00	40.40	+ 4.40	+ 12

Fourth Zone—Day

State	Due	Assigned	Units	Percent
			Over or Under	Over or Under
Ill.	18.30	16.77	— 1.53	— 8
Ind.	7.77	6.54	— 1.23	— 16
Iowa	5.93	8.26	+ 2.33	+ 39
Kansas	4.51	3.77	— 0.74	— 16
Minn.	6.15	5.77	— 0.38	— 6
Mo.	8.70	9.74	+ 1.04	+ 12
Nebr.	3.30	6.02	+ 2.72	+ 82
N. Dak.	1.63	2.10	— 0.47	— 29
S. Dak.	1.66	2.13	+ 0.47	+ 28
Wisc.	7.05	6.46	— 0.59	— 8
Total	65.00	67.56	+ 2.56	+ 4

Fifth Zone—Night

State	Due	Assigned	Units	Percent
			Over or Under	Over or Under
Ariz.	1.32	1.37	+ 0.05	+ 4
Calif.	17.18	19.67	+ 2.49	+ 14
Colo.	3.13	4.16	+ 1.48	+ 47
Idaho	1.35	1.60	+ 0.25	+ 18
Mont.	1.62	2.15	+ 0.52	+ 32
Nev.	0.27	0.30	+ 0.03	+ 11
N. Mex.	1.28	1.13	— 0.15	— 12
Ore.	2.89	4.12	+ 1.23	+ 42
Utah	1.54	3.30	+ 1.76	+ 114
Wash.	4.73	7.53	+ 2.80	+ 59
Wyo.	0.68	0.40	— 0.28	— 41
Total	36.00	46.18	+ 10.18	+ 28

Fifth Zone—Day

State	Due	Assigned	Units	Percent
			Over or Under	Over or Under
Ariz.	2.38	1.69	— 0.69	— 29
Calif.	31.02	23.65	— 7.37	— 24
Colo.	5.66	5.25	— 0.41	— 7
Idaho	2.43	2.25	— 0.18	— 7
Mont.	2.94	2.95	+ 0.01	+ 0
Nev.	0.49	0.30	— 0.19	— 39
N. Mex.	2.31	2.95	+ 0.64	+ 28
Ore.	5.21	6.19	+ 0.98	+ 19
Utah	2.78	3.30	+ 0.52	+ 19
Wash.	8.54	9.65	+ 1.11	+ 10
Wyo.	1.24	0.40	— 0.84	— 68
Total	65.00	58.58	— 6.42	— 10

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

No. 2737. A complaint alleging unfair competition in connection with the sale of paint, varnish, enamel and allied products, has been issued against **Davis Paint Co., Inc.**, 14th and Iron Sts., **Kansas City, Mo.**, and eight of its subsidiaries.

Berry J. Davis, who is also named as a respondent, according to the complaint, is president of the Davis Paint Co., Inc., and is principal stockholder in and directs the policies and operations of this company and of its subsidiaries, namely, Burlington Paint Co., W. H. Beard Paint Co., Farm & Home Paint Co., Manchester Paint Corp., New Method Paint Co., Painter's Paint Co., World Star Paint Co., all of Kansas City, Mo., and Robertson Products Co., Cleveland, Ohio.

The Davis Paint Co., the complaint alleges, manufactures all the products sold by it and its subsidiaries, but conceals the fact that it has the controlling interest in the other respondent corporations, and causes such subsidiaries to be advertised as manufacturers, when such is not the fact, by using labels on containers bearing the corporate name of the particular subsidiary making the sale, in connection with phrases such as "Direct From Factory to You."

No. 2739. **Sutton Laboratories, Inc.**, Chapel Hill, N. C., is charged in a complaint with unfair competition in the sale of "Linoil," offered as a remedy for treating diseases of the feet.

The respondent's representations, allegedly made in radio broadcasts and in advertising matter, to the effect that "Linoil" will cure eczema, that it is effective in the treatment of athlete's foot, ringworm, or other fungus infections of the feet, in all cases, and that it is an adequate and safe treatment for toe itch of all forms, are untrue, according to the complaint.

Use of such representations, the complaint alleges, tends to lead purchasers to believe they can diagnose the foot ailments from which they suffer, and to purchase the respondent's products in such erroneous belief, whereas, the complaint sets forth, only by a diagnosis by a competent physician can the causes of such diseases be ascertained and successfully treated.

In advertising matter, the complaint charges, the respondent represents through use of the word "Laboratories" in its corporate name that it maintains a laboratory at Durham, N. C., where "Linoil" is compounded, when the respondent does not operate a laboratory, but has a post office lock box at Durham and actually prepares its product in its drug store at Chapel Hill.

Use of the term "Linoil," it is alleged, implies that linseed oil is used in the manufacture of the product, when linseed oil is not present in the preparation.

These misrepresentations, says the complaint, tend to deceive the purchasing public and divert trade to the respondent from competitors who truthfully advertise their products.

No. 2740. **W. H. Bonifield, Warren, Ind.**, trading as **Chicopee Medicine Co.**, is named respondent in a complaint alleging unfair competition in connection with the sale of "Chicopee Native Indian Herbs," offered as a medicinal preparation.

On coupons, circulars and cartons, the respondent allegedly represents that his product relieves liver, stomach and kidney disorders, lumbago, rheumatism, and other ailments, when, according to the complaint, the medicine is not a remedy for the ailments enumerated, and its therapeutic value does not warrant assertions that it "is a wonderful remedy of nature"; that it "works surely, safely and quickly"; that it is "the oldest and most reliable medicine known" and "will improve your health 100 per cent in a few weeks' time." The complaint also alleges that the product contains drugs and is not composed of "Native Indian Herbs."

No. 2742. **Louis Fabrikant**, trading as **Louis Fabrikant Co.**, 450 Seventh Ave., **New York City**, is charged in a complaint with unfair methods of competition in the sale of textile fabrics used in the manufacture of dress goods.

Fabrikant is said to have invented and perfected a fabric made of brushed tricot knitted rayon and silk having a velvety appearance, and resembling fabrics made from camel's hair, for which he adopted the trademark "Camel Suede."

Distributing his product to wholesalers and retailers, the respondent is alleged to have assisted them in phrasing advertisements which conspicuously displayed the name "Camel Suede," so as to serve as a representation to the public that the fabric was made from camel wool. In many advertisements appeared

the assertion that "Camel Suede is a very soft wool and rayon mixture with a velvety finish," according to the complaint.

No. 2743. False representations in advertising are alleged in a complaint against **Justin Haynes & Co., Inc.**, 347 Fifth Ave., **New York City**, engaged in the sale of "Aspirub," an ointment said to contain, among other ingredients, one and one-half percent of aspirin.

In newspaper advertisements and on labels on jars and cartons, the respondent allegedly represents that such ointment, due to its aspirin content, has great therapeutic value; that its use will accomplish all the beneficial effects of aspirin, and that its external application is the new way of taking aspirin.

Stipulations

The Commission has issued the following cease and desist orders:

No. 01097. **Trading as Drexel Service Co., Chicago, E. W. Berry and O. G. Kral**, co-partners, selling confections, salted nuts and other counter display products, agree to stop making unmodified representations of earnings in excess of the average earnings of regular salespersons under normal conditions.

No. 01100. An individual described as **Yogi Kahn, with headquarters in Chicago, trading as Yogi Brothers**, engaged in the sale of cosmetics, incense and other items said to be connected with Yogi, Hindu, or Eastern mysticism, agrees to stop representing that any of his products are imported from either India, the Holy Land or anywhere in the Orient, or are genuine Hindu products. The respondent agrees to stop using as part of his name the terms "Hindu," "India," "Yogi," and other words tending to mislead prospective purchasers into believing these commodities are compounded or made by a Yogi, or imported from or composed of ingredients imported from India, the Holy Land, or the Orient, until such time as this shall be true in fact.

No. 01130. **Lewyn Drug, Inc., Hollywood, Calif.**, selling a preparation for the relief of certain women's ailments, agrees to stop representing that it will safely, quickly and dependably end these troubles, and that it complies with the Federal Food and Drug Act. According to medical opinion given the Commission, the preparation will not accomplish the things claimed for it in a majority of cases, and would be dangerous to use.

No. 01174. **Clark-Wright, Inc., Boston**, selling "Thymo Foot Cream," agrees to cease advertising that the preparation will banish or eliminate all foot troubles, and give complete comfort in cases of aching, painful, burning, itching and swelling feet.

No. 01181. **Paul's Inc., Minneapolis**, vendor of "Tarola," offered as a combination shampoo and scalp treatment and dandruff preventative, stipulates that it will discontinue representing the article as a competent treatment or effective remedy for itchy scalp; that its use will prevent hair from falling; that it is a competent treatment for dandruff, and other similar allegations.

No. 01191. **Burrell-Dugger Co., of Indianapolis**, selling "Group-Over," a poultry remedy agrees to cease alleging that this preparation will stop cold epidemics overnight, or end colds in poultry, or stop wheezing, choking, sneezing, or every sign of a cold overnight. The respondent, under the stipulation, will cease representing that it "guarantees" satisfaction.

No. 01101. **The Anacin Co., 8134 McCormick Building, Chicago**, selling "Anacin," agrees to cease advertising that its preparation is a competent treatment for colds, periodic pains or headaches and is considered tremendously effective by doctors and dentists, unless it limits its representations to assertions that "Anacin" relieves symptoms and pains due to such ailments. The respondent stipulates it will discontinue representing that "Anacin" contains four pain-relieving agents and that the formula of the preparation is recognized throughout the world as safe, reliable and prompt in relieving pain."

No. 01109. **L. B. Ford, York, Nebr.**, engaged in the sale of "Van-Nae Herb Tea," offered as a weight reducer, stipulates he will discontinue representing that his product is more than a mere laxative and diuretic; that it acts as a fat reducer without dieting or strenuous exercise; that it corrects any body ailment causing excess fat; that it is non-habit forming, and that the drinking of such tea is a sensible, safe and sane method of reducing fat. The respondent also will desist from using the title "Doctor."

No. 01239. **J. L. Prescott Co., Passaic, N. J.**, agrees to cease representing that "Oxol," a cleaning compound, destroys odors or kills germs, unless it is clearly indicated in connection with such claims that the product does not destroy all odors or all germs. The respondent stipulates it will not represent that the product "cleanses all it touches"; that disease germs cannot live in the presence of "Oxol," unless the specific germs "Oxol" is

known to kill are named, and that the product's bacteria-de-
stroying properties are stronger than carbolic acid, unless such
representation is established by competent evidence.

No. 2218. Under an order issued against **Hubert J., William M., and Mary M. McQuestion**, trading as **Northshore Cement Burial Vault Co.**, 2503 Buchanan Road, **Kenosha, Wis.**, are directed to discontinue false representations in connection with the offering for sale and sale of cement or concrete burial vaults.

The respondents are required to cease representing in purported guarantees in advertising, or in any other manner, that their product is a "Vault Eternal," of enduring strength, hermetically sealed, impervious to moisture, an impregnable barrier to every destructive element of the ground, and that it assures undisturbed, peaceful rest.

No. 2519. Under an order entered against **Miles L. Finch**, trading as **Associate British Manufacturers**, at 200 Fifth Ave., **New York City**, that respondent is directed to cease and desist from certain misrepresentations in the sale of woolen cloth.

It was found that the respondent is engaged in the sale of genuine **Harris Tweed**, a hand-woven product made in the Outer Hebrides, Scotland, and also in the sale of certain power-loomed woolen fabrics made in imitation of the genuine **Harris Tweed**; that in the sale of the imitation product, the respondent so advertised and otherwise represented the imitation woolen goods as to lead the purchasing public to believe that the imitation product it was buying was the genuine **Harris Tweed**.

No. 2715. **Milton Toch**, 1847 68th St., **Brooklyn**, trading as **Universal Ink Co.** and engaged in the sale of liquid and powdered ink, has been ordered to discontinue representing that his business was established prior to 1934, or that he is a manufacturer of powdered ink. The respondent admitted the material allegations of the complaint to be true and did not contest the proceeding.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Tuesday, March 24

HEARING BEFORE AN EXAMINER (Broadcast)

NEW—Central Broadcasting Co., Eau Claire, Wis.—C. P., 1050 kc., 250 watts, daytime.

Wednesday, March 25

HEARING BEFORE AN EXAMINER (Broadcast)

KOS—New Mexico College of Agriculture and Mechanic Arts, Albuquerque, N. Mex.—Renewal of license, 1180 kc., 10 KW, simultaneous day, share night with **KEX**.

Thursday, March 26

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-161:

KFRO—Voice of Longview, Longview, Tex.—C. P., 1210 kc., 100 watts, 250 watts LS, unlimited time (facilities of **KWEA**). Present assignment: 1370 kc., 100 watts LS, daytime.

NEW—Oil Capital Broadcasting Assn., James G. Ulmer, Pres., Kilgore, Tex.—C. P., 1210 kc., 100 watts, 100 watts LS, unlimited time (facilities of **KWEA**).

KWEA—International Broadcasting Corp., Shreveport, La.—Renewal of license, 1210 kc., 100 watts, 100 watts LS, unlimited time.

Examiner's Report No. I-165:

NEW—Florida West Coast Broadcasting Co., Inc., Tampa, Fla.—C. P., 1370 kc., 100 watts, 100 watts LS, unlimited time (request facilities of **WPAT**).

Examiner's Report No. I-171:

NEW—Herbert Lee Blye, Lima, Ohio.—C. P., 1210 kc., 100 watts LS, daytime.

Examiner's Report No. I-77:

NEW—G. D. Goff, Tampa, Fla.—C. P., 1500 kc., 100 watts, unlimited time.

APPLICATIONS GRANTED

WTAG—Worcester Telg. Pub. Co., Inc., Worcester, Mass.—Granted C. P. to make changes in equipment.

KFJI—KFJI Broadcasters, Inc., Klamath Falls, Ore.—Granted C. P. to make changes in equipment.

WEW—The St. Louis University, St. Louis, Mo.—Granted C. P. to make changes in equipment.

WDAE—Tampa Times Company, Tampa, Fla.—Granted extension of special experimental authority to operate with 2½ KW day from April 1 to Oct. 1, 1936.

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Granted license to cover C. P. authorizing local move of transmitter, changes in equipment, and increase in day power to 250 watts; 1370 kc., 100 watts night, unlimited time.

WCFL—Chicago Federation of Labor, Chicago, Ill.—Granted license to cover C. P. for auxiliary equipment.

WEST—Associated Broadcasters, Inc., Easton, Pa.—Granted license to cover C. P. approving studio location at 561 Northampton St., Easton, Pa.

KREG—The Voice of the Orange Empire, Inc., Ltd., Santa Ana, Calif.—Granted renewal of license for period January 1 to July 1, 1936.

KABF—James McClatchy Co., Sacramento, Calif. (Portable-Mobile).—Granted license to cover C. P. (temporary broadcast pickup), frequencies 1646, 2090, 2190, 2830 kc., 50 watts.

W6XKF—Ben S. McGlashan, Portable-Mobile (Los Angeles).—Granted license to cover C. P. (general experimental), frequencies 31100, 34600, 37600, 40600 kc., 100 watts.

W4XH—Virgil V. Evans, d/b as The Voice of South Carolina, Portable-Mobile (Spartanburg, S. C.).—Granted modification of license authorizing four general experimental frequencies assigned to miscellaneous services in addition to frequencies already assigned, and increase in power from 15 to 50 watts; 31600, 35600, 38600, 41000 and 86000-400000 kc.

W8XKA—Westinghouse Electric and Manufacturing Co., Portable-Mobile (Chicopee Falls, Mass.).—Granted renewal of special experimental license for period April 30 to July 30, 1936.

W3XEY—The Baltimore Radio Show, Inc., Baltimore, Md.—Granted modification of C. P. approving proposed transmitter site at Belvedere Hotel, southeast corner Chase and Charles Sts., Baltimore, Md.

SET FOR HEARING

WWAE—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Application for modification of license to change hours of operation from S-WFAM to unlimited day to LS, S-WFAM night.

NEW—The Waterloo Times-Tribune Pub. Co., Waterloo, Iowa.—Application for C. P. for new experimental broadcast station, 1550 kc., 1 KW, unlimited time, using antenna array of special design.

NEW—The Times Publishing Co., St. Cloud, Minn.—Application for C. P. for new station, 1420 kc., 100 watts, unlimited, transmitter and studio site to be determined subject to Commission's approval.

WORL—Broadcasting Service Org., Inc., Needham, Mass.—Application for modification of license to increase day power from 500 watts to 1 KW.

KGEK—Elmer G. Beehler, Sterling, Colo.—Application for modification of license to change specified hours to include an additional 30 minutes on Saturdays.

KSO—Iowa Broadcasting Co., Des Moines, Iowa.—Application for C. P. to make changes in equipment and increase daytime power from 1 KW to 2½ KW.

KWKC—Charlotte Duncan, Admin., Lester E. Cox, Thomas L. Evans, Kansas City, Mo.—Application for C. P. to install new equipment; move station locally from 3912 Main St. to Commerce Bldg., northwest corner 10th and Walnut Sts., Kansas City, Mo.

WJAX—City of Jacksonville, Jacksonville, Fla.—Application for modification of license to increase night power from 1 KW to 5 KW. To be heard before the Broadcast Division, date to be determined.

KFWB—Warner Bros. Broadcasting Corp., Hollywood, Calif.—Application for modification of license to increase power from 1 KW night, 2½ KW day, to 5 KW night and day. To be heard before the Broadcast Division, date to be determined.

WWJ—The Evening News Assn., Inc., Detroit, Mich.—Application for modification of C. P. to increase nighttime power from 1 KW to 5 KW. To be heard before the Broadcast Division, date to be determined.

WDAY—WDAY, Inc., Fargo, N. Dak.—Application for modification of license to increase night power from 1 to 5 KW. To be heard before the Broadcast Division, date to be determined.

WAVE—WAVE, Inc., Louisville, Ky.—Application for C. P. to make changes in equipment, move transmitter locally to site to be determined, and increase power from 1 to 5 KW. To be heard before the Broadcast Division, date to be determined.

KOIN—KOIN, Inc., Portland, Ore.—Application for modification of license to increase night power from 1 to 5 KW.

KHJ—Don Lee Broadcasting System, Los Angeles, Calif.—Application for modification of license to increase power from 1 to 5 KW. To be heard before the Broadcast Division, date to be determined.

WEEI—Edison Electric Illuminating Co. of Boston, Mass.—C. P., already in hearing docket, amended to read: Install new equipment, use directional antenna, increase power from 1 to 5 KW. To be heard before the Broadcast Division, date to be determined.

KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Modification of C. P., already in hearing docket, amended to read: Install new equipment, increase night power from 1 to 5 KW. To be heard before the Broadcast Division, date to be determined.

WRC—National Broadcasting Co., Inc., Washington, D. C.—C. P., already in hearing docket, amended to read: Install new equipment, increase power from 1 KW day, 500 watts night, to 5 KW day and night, move transmitter locally to site to be determined. To be heard before the Broadcast Division, date to be determined.

WCSH—Congress Square Hotel Co., Portland, Me.—Modification of license, already in hearing docket, amended to read: Increase power from 1 KW night, 2½ KW day, to 5 KW day and night. To be heard before the Broadcast Division, date to be determined.

KHQ—Louis Wasmer, Inc., Spokane, Wash.—C. P., already in hearing docket, amended to read: Make changes in equipment, increase power from 1 KW night, 2 KW day, to 5 KW night and day. To be heard before the Broadcast Division, date to be determined.

WIOD-WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—C. P., already in hearing docket, amended to read: Change frequency from 1300 kc. to 970 kc.; increase power from 1 KW to 5 KW, unlimited time; and install new equipment. To be heard before the Broadcast Division, date to be determined.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KLPM, Minot, N. Dak.; KTRH, Houston, Tex.; KUOA, Fayetteville, Ark.; KWSC, Pullman, Wash.; WAVE, Louisville, Ky.; WCAM, Camden, N. J.; WCAP, Asbury Park, N. J.; WCOP, Boston; WDAY, Fargo, N. Dak.; WHN, New York City; WIBA, Madison, Wis.; WJAS, Pittsburgh, Pa.; WJDX, Jackson, Miss.; WNAD, Norman, Okla.; WNBX, Springfield, Vt.; WNEW, Newark, N. J.; WNOX, Knoxville, Tenn.

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Granted renewal of license for the period ending September 1, 1936.

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Same for auxiliary.

ORAL ARGUMENTS GRANTED

NEW—Ex. Rep. No. 1-170: Ralph Perez Perry, Santurce, P. R.—Oral argument granted to be heard June 4, 1936.

NEW—Ex. Rep. No. 1-191: E. W. Atkinson, Watsonville, Calif.—Oral argument granted to be heard June 4, 1936.

KFJM—Ex. Rep. No. 1-199: University of North Dakota, Grand Forks, N. Dak.—Oral argument granted to be heard June 4, 1936.

APPLICATIONS DENIED

NEW—Harry H. Culver, Beverly Hills, Calif.—Application for C. P., 710 kc., 500 watts, limited time, heretofore set for

hearing, was denied as in cases of default for failure to file an appearance and statement of facts in accordance with Rule 104.6 (e).

KFRO—Voice of Longview, Longview, Tex.—Denied special authority to operate from 6:30 to 10 p. m., CST, March 26, in order to broadcast 10th Anniversary of East Texas Chamber of Commerce.

APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were dismissed at request of applicants:

NEW—Ruth W. Adcock and S. E. Adcock, d/b as General Broadcasters, Johnson City, Tenn.—Applied for C. P., 880 kc., 250 watts LS, daytime.

NEW—Ruth W. Adcock and S. E. Adcock, d/b as General Broadcasters, Rossville, Ga.—Applied for C. P., 1120 kc., 250 watts LS, daytime.

WROK—Rockford Broadcasters, Inc., Rockford, Ill.—Applied for authority to transfer control of corporation.

NEW—Herbert Hollister, Emporia, Kans.—Applied for C. P., 1500 kc., 100 watts night, 100 watts LS, unlimited time.

NEW—O. K. Broadcasting Co., Cleveland, Ohio.—Applied for C. P., 1500 kc., 100 watts night, 100 watts LS, unlimited time.

NEW—O. K. Broadcasting Co., Louisville, Ky.—Applied for C. P., 1200 kc., 100 watts night, 100 watts LS, unlimited time.

NEW—Herbert Hollister, Waterloo, Iowa.—Applied for C. P., 1420 kc., 100 watts night, 100 watts LS, unlimited time.

MISCELLANEOUS

WLAK—Lake Region Broadcasting Co., Lakeland, Fla.—The Broadcast Division directed that C. P. for new station to operate on 1310 kc., 100 watts, unlimited time, be issued in conformity with its action of November 19, 1935, inasmuch as applicants have now complied with Rule 131.

W9XAL—The First National Television Corp., Kansas City, Mo.—Granted consent to voluntary assignment of license from The First National Television Corp., a Kansas corporation, to the First National Television, Inc., a Missouri corporation.

W1XEH—Travelers Broadcasting Service Corp., Avon, Conn.—Granted modification of C. P. of special experimental station to delete frequency 63000 kc. and substitute in lieu thereof the frequency 63500 kc., and to communicate as a broadcast station in the broadcast service on an experimental basis.

KFUO—Evangelical Synod of Missouri, St. Louis, Mo.—Granted motion for continuance of hearing on application for renewal of license set for April 7, 1936, because KSD has applied for its facilities.

Centennial Broadcasting Corp., Dallas, Tex.—Denied petition asking Commission to reconsider action of January 10, 1936, in denying application for new station to operate on 1200 kc., 100 watts, unlimited, and to grant the same.

Ogdensburg Pub. Co., Inc., Ogdensburg, N. Y.—Granted petition to intervene at hearing of application of Ogdensburg Advance Co., Inc., for authority to maintain a studio in Ogdensburg for the production of programs to be transmitted by land wire to the N. Y. Tel. Co. and of the Bell Tel. Co. of Canada to station CFLC at Preston, Ontario.

Bell Broadcasting Co., Temple, Tex.—Granted petition to intervene at hearing of application of Eugene DeBogory for new station at Temple, Tex., which has been designated for hearing on May 5, 1936.

WJBW—Charles C. Carlson, New Orleans, La.—Granted regular renewal of license.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—Granted continuance of hearing on application for extension of special experimental authorization until decision has been rendered on application to change frequency from 1240 kc. to 630 kc.

WNBX—WNBX Broadcasting Corp., Springfield, Vt.—Granted special temporary authority to operate with 1 KW until sunset at Dayton, Ohio, 500 watts night, pending approval of design and erection of directional antenna.

WREC—WREC, Inc., Memphis, Tenn.—Accepted answer to exceptions of WCAO to Examiner's Report No. 1-187, and granted request for oral argument.

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Reconsidered and granted application to increase daytime power from 1 to 5 KW.

ACTION ON EXAMINER'S REPORT

NEW—Ex. Rep. No. 1-188: North Side Broadcasting Corp., New Albany, Ind.—Granted C. P. for new broadcast station to operate on 1370 kc., 250 watts, day, subject to Rule 131; site to be determined subject to Commission's approval. Order effective May 12, 1936. Examiner R. H. Hyde sustained. (Action taken March 10, 1936.)

APPLICATIONS RECEIVED

First Zone

WHDH—Matheson Radio Co., Inc., Boston, Mass.—License to 830 cover construction permit (B1-P-933) to make changes in equipment.

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Authority to 830 determine operating power by direct measurement of antenna power.

NEW—George F. Bissell, Pittsfield, Mass.—Construction permit 1200 for a new station to be operated on 1200 kc., 100 watts, daytime.

WHBI—May Radio Broadcast Corp., Newark, N. J.—Modification of license to use auxiliary transmitter as a main transmitter. 1250

NEW—WDRC, Inc., Hartford, Conn.—Construction permit for a new general experimental station to be operated on 31600, 35600, 38600, 41000, 86000-400000, 401000 kc., 50 watts, A1, A2, A3 and special emission.

NEW—Juan Piza, Portable.—Construction permit for a new broadcast pickup station to be operated on 1622, 2060, 2150, 2790 kc., 50 watts, A3 emission.

NEW—WODAAM Corp., Mobile—in airplane.—Construction permit for a new broadcast pickup (T) station to be operated on 1622, 2060, 2150, 2790 kc., A3 and special emission, 7½ watts.

Second Zone

WEST—Associated Broadcasters, Inc., Easton, Pa.—License to 1200 cover construction permit B2-P-472 as modified to move station from Lancaster, Pa., to Easton, Pa., and antenna changes.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Modification of 1500 construction permit (B2-P-637) for changes in equipment, move of transmitter, and installation of directional antenna, requesting extension of commencement date from 9-30-35 to date of approval and completion date from 3-30-36 to 9-30-36.

NEW—Old Dominion Broadcasting Co., Washington, D. C.—Construction permit for a new general experimental station to be operated on 31600, 35600, 38600, 41000, 86000-400000, 401000 kc. and above, 100 watts, A3 and special emission.

Third Zone

KTSA—Southwest Broadcasting Co., San Antonio, Tex.—Voluntary assignment of license from Southwest Broadcasting Co. to KTSA Broadcasting Co. 550

WSIX—Jack M. Draughon and Louis R. Draughon, d/b as 638 1219 Tire & Vulcanizing Co., Springfield, Tenn.—Modification of construction permit (B3-P-227) for approval of transmitter site at northeast corner Boscobel and 3rd St., Nashville, and extend commencement date two days after grant and completion date 100 days thereafter, and approval of antenna.

WFBC—Greenville News-Piedmont Co., Greenville, S. C.—Authority to determine operating power by direct measurement of antenna. 1300

NEW—H. A. Hamilton, Asheville, N. C.—Construction permit for 1370 a new station to be operated on 1370 kc., 100 watts, daytime. Amended re antenna.

KFJZ—Fort Worth Broadcasters, Inc., Fort Worth, Tex.—Construction permit to install new equipment and increase power from 100 watts to 100 watts, 250 watts day. 1370

NEW—John S. Braun, Waco, Tex.—Construction permit for a new 1500 station to be operated on 1500 kc., 100 watts, daytime.

KGKB—East Texas Broadcasting Co., Tyler, Tex.—Construction 1500 permit to make changes in equipment and move transmitter from Tyler Commercial College, 115 South College Street, Tyler, Tex., to 1½ miles from Court House on North Dixie Highway, Tyler, Tex.

NEW—Dr. F. P. Cerniglia, Monroe, La.—Construction permit for 1500 a new station to be operated on 1500 kc., 100 watts, unlimited time.

KNOW—KUT Broadcasting Co., Austin, Tex.—Authority to transfer control of corporation from Southwest Broadcasting Co. to Hearst Radio, Inc., 10,000 shares of common stock.

W5XAU—WKY Radiophone Co., Oklahoma City, Okla.—License to cover new general experimental station.

Fourth Zone

WMT—Iowa Broadcasting Co., Des Moines, Iowa.—Construction 600 permit to make equipment changes and increase power from 1 KW night, 2½ KW day, to 1 KW night, 5 KW day (consideration under Rule 6(g)).

WDZ—WDZ Broadcasting Co., Tuscola, Ill.—License to cover 1070 construction permit (B4-P-8) as modified for change in frequency, equipment, and move of transmitter.

WSBC—WSBC, Inc., Chicago, Ill.—Construction permit to make 1210 changes in antenna and move transmitter from Hotel Crillon, 1258 S. Michigan Avenue, Chicago, Ill., to West Town Office Bldg., 2400 Madison Street, Chicago, Ill.

WTAQ—WHBY, Inc., Green Bay, Wis.—License to cover construction permit (B4-P-369) as modified to install new equipment, move transmitter and studio, and change hours of operation. 1330

KWKC—Charlotte Duncan, Administratrix, Lester E. Cox and 1370 Thomas L. Evans, Kansas City, Mo.—Construction permit to install new equipment; move studio from Werby Bldg., 39th and Main St., Kansas City, Mo., to Commerce Bldg., northwest corner 10th and Walnut, Kansas City, Mo.; and transmitter from 3912 Main Street, Kansas City, Mo., to Commerce Bldg., northwest corner 10th and Walnut Streets, Kansas City, Mo.

KWKC—Wilson Duncan, tr. as Wilson Duncan Broadcasting Co., 1370 Kansas City, Mo.—Voluntary assignment of license from Wilson Duncan, tr. as Wilson Duncan Broadcasting Co., to Tom Cleveland. Amended: Assign to Lester E. Cox and Thomas L. Evans instead of Tom Cleveland.

NEW—The Voice of St. Louis, Inc., St. Louis, Mo.—Construction permit for a new general experimental station to be operated on 31600, 35600, 38600, 41000, 86000-400000, 401000 kc. and above, 100 watts, A3 and special emission.

Fifth Zone

KGO—National Broadcasting Co., Inc., San Francisco, Calif.—790 Construction permit to install new equipment, increase power from 7½ KW to 50 KW, and move transmitter from 5555 East Fourteenth Street, Oakland, Calif., to near Belmont, Calif.

NEW—The Tribune, Great Falls, Mont.—Construction permit to 950 erect a new broadcast station at Great Falls, Mont., to be operated on 550 kc., 1 KW night, 5 KW day, unlimited time (facilities KFVR). Amended to change frequency to 950 kc.

NEW—Golden Empire Broadcasting Co., Marysville, Calif.—Construction permit for a new station to be operated on 1140 kc., 250 watts, daytime. 1140

NEW—James H. Hardy and L. D. Marr, copartners, Pasadena, 1160 Calif.—Construction permit for a new station to be operated on 1160 kc., 250 watts, daytime.

NEW—E. N. and S. W. Warner, d/b as Warner Bros., Oakland, Calif.—Construction permit for a new general experimental station to be operated on 31600, 35600, 38600, 41000 kc., 200 watts, A3 emission.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

NAB REPORTS

Copyright, 1936. The National Association of Broadcasters

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WARNER BROS. MUSIC

The managing director this week addressed to those stations licensed to use Warner Brothers music, a memorandum which reads as follows:

"This is in reference to the expiration on March 31st of the Music Publishers Holding Corporation licenses.

"As reported in NAB REPORTS dated March 19th an Advisory Committee selected by me met with Mr. Herman Starr during the week ended March 14th and I was to resume where they left off.

"I visited with Mr. Starr this week. His position concerning per-piece remains unchanged from that expressed to the Advisory Committee namely; that so long as the broadcasters continue to pay for music on the basis of a flat fee such as is done with the ASCAP he cannot find a formula which will insure to him the minimum amount of money which he considers he is entitled to receive for the use of MPHC music. In further explanation of his position he says that the broadcasting industry has not cooperated with him, that generally the industry has endeavored to avoid using his music and that, therefore, he cannot expect any better cooperation should he adopt a per-piece plan.

"A number of other reasons were assigned by Mr. Starr including the claim that when the broadcasters signed new five-year blanket contracts with ASCAP on January 15th the problem of working out a per-piece plan for his music was made extremely difficult.

"He advised me that the best he can do under all existing circumstances is to offer an extension of present licensing agreements with these exceptions:

1. He will use as a base the local or retail rate where such a rate exists.

2. He will require reports covering only Warner Brothers music.

3. He will change the favored nation clause so as to allow the MPHC sufficient latitude to avoid inequalities.

4. He will incorporate in the new agreement a provision which will permit cancellation in the event a per-piece plan can be found which is acceptable to 75 per cent of the copyright agencies and broadcasters.

5. He will offer the agreement for a period of five years.

"It is plain that a situation exists which must be evaluated by each broadcaster in the light of his own requirement."

COPYRIGHT HEARING DATES

Following an executive meeting of the House Committee on Patents on Monday it was announced that copyright bill hearings will be continued until April 15. Hearings are being held this week when the authors and dramatists are being given a chance to present their side of the case. In the future each week, until the hearings are concluded, the committee will sit on Tuesday, Wednesdays, Thursdays and Fridays.

NEW JERSEY STATION DENIAL RECOMMENDED

Alfred C. Matthews, applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Cape May, N. J., to use 1420 kilocycles, 100 watts power and specified hours of operation.

Examiner John P. Bramhall in Report No. I-211 recommends that the application be denied. The Examiner found that the applicant is not financially qualified to operate the proposed station and that the area proposed to be served is now receiving ample radio service "and in addition to this, it is believed that the revenue of a station in Cape May would be insufficient to adequately sustain a station."

FCC CHANGES PROCEDURE ON VIOLATION NOTICES

The Federal Communications Commission has issued the following statement in which it calls the attention of all licensees to the change of procedure in replying to notices of violation:

Rule 105.23 of the Practice and Procedure of the Federal Communications Commission, which supersedes Rule 24 of the Rules and Regulations of the Federal Radio Commission, requires the licensee of a station to forward within three days after receipt of a notice of violation, a reply to the Commission at Washington, D. C., with a copy to the office originating the complaint when that office is other than the Commission at Washington. This procedure will afford the inspector citing the station for violation an opportunity to review the licensee's reply and present to the Commission for consideration, along with the reply, any facts and observations which are pertinent to the proper handling of the case.

PRINCESS PAT SEEKS FREE TIME

The letter sent out last week (16th) by Princess Pat, Ltd., seeking to hait certain independent stations on a "you-furnish-the-time we furnish the program basis" will meet with the contempt which it justly deserves. With a sticker attached to the letter advertising an NBC program on Monday night at 9:30 P. M., EST, and commenting on this weekly program on the Blue Network, C. J. Klowden says: These dramas have been reproduced electrically and will be available to a limited number of independent stations who are looking for a real human interest program for their local audiences. Members owning and operating independent stations will not overlook this opportunity of inquiring of Mr. Klowden whether the National Broadcasting Company furnishes time in return for the talent on the Princess Pat programs, and informing him that the independent stations also have a valuable listening audience and produce excellent results for advertisers at minimum costs.

POWER INCREASES RECOMMENDED FOR DAYTIME

Broadcasting stations WFBR, Baltimore, Md., WOOD and WASH, Grand Rapids, Mich., all operating on a frequency of 1270 kilocycles and all now assigned 500 watts applied to the Federal Communications Commission to increase their power to 1,000 watts.

Examiner Melvin H. Dalberg in Report No. I-209 recommends that this increase be granted as to daytime operation but that it be denied as to nighttime. The Examiner found that in these cases the extra daytime power would not cause any interference with existing facilities but nighttime power increase would cause interference.

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities and Exchange Commission under the Securities Act:

F. L. Jacobs Company, Detroit, Mich. (2-1959, Form A-2).
Davidson Biscuit Company, Mt. Vernon, Ill. (2-1961, Form A-2).
Canadian Capital Corp., Ltd., Montreal, Canada (2-1962, Form A-1).
Gotham Silk Hosiery Company, New York City (2-1964, Form A-2).
Keystone Custodian Funds, Inc., Philadelphia, Pa. (2-1967, Form C-1).
Administrative Corporation, Jersey City, N. J. (2-1968, Form C-1).
American Business Shares, Inc., Jersey City, N. J. (2-1969, Form A-1).
Zem Zem Corporation, New York City (2-1970, Form A-1).
Peter Fox Brewing Company, Chicago, Ill. (2-1971, Form A-1).
Blue Lake Gold Mines, Inc., Buffalo, N. Y. (2-1972, Form A-1).
R. G. Letourneau, Inc., Stockton, Cal. (2-1973, Form A-2).
Edwin Carewe Productions, Inc., Los Angeles, Cal. (2-1974, Form A-1).
Knudsen Creamery Co. of California, Los Angeles, Cal. (2-1975, Form A-1).
Rogue River Company, Klamath Falls, Ore. (2-1977, Form E-1).
Melville Shoe Corporation, New York City (2-1978, Form A-2).
Frederick Stearns & Co., Detroit, Mich. (2-1979, Form A-2).
Marlowe Products, Inc., Clifton, N. J. (2-1980, Form A-1).
United Telephone Protective Committee, Omaha, Nebr. (2-1981, Form D-1).
S. S. Stafford, Inc., New York City (2-1982, Form E-1).
S. S. Stafford, Inc., New York City (2-1983, Form D-1).
McKale's Inc., Seattle, Wash. (2-1984, Form A-2).
Southwest Investment Co., Inc., Shreveport, La. (2-1985, Form A-1).
Standard Utilities, Inc., Jersey City, N. J. (2-1986, Form A-1).

RECOMMENDS DENIAL FOR INCREASED POWER

Broadcasting Station KVI, Tacoma, Wash., applied to the Federal Communications Commission to increase its daytime power from 1,000 to 5,000 watts. The station operates unlimited time on 570 kilocycles.

Examiner Ralph L. Walker in Report No. I-210 recommends that the application be denied. It is pointed out by the Examiner that "the state of Washington is now assigned approximately 13 per cent more than its equitable share of broadcast facilities for daytime operation. The granting of the present application would result in increasing this over quota condition."

ADDITIONAL WARNERS BROTHER SUITS

Official announcement has been made by Warner Brothers that they have begun additional suits based on alleged infringement of song copyrights owned by them, as follows:

It is alleged that Victor Herbert's "Gypsy Love Song" was infringed by Dempsey's restaurant on March 6th between the hours of 7:30 and 7:40 p. m. Damages of \$250 and an accounting of the profits are demanded for that infringement. M. Whitmark & Sons are the copyright owners.

The Libertino establishment is alleged to have infringed "Mother Machree" on March 6th between 12:45 and 1:30 a. m., and "When Irish Eyes Are Smiling" on March 7th between 12:45 and 1:30 a. m. Both of those songs are also copyrights held by Whitmarks. Five hundred dollars and a profit accounting are demanded.

Harms, Inc., alleges that the Greenwich Village, Inc., night club, infringed on three of its copyrights in the thirty-five minutes between 2:05 and 2:40 a. m. the morning of March 7th. The three tunes were "The Blue Room," "Night and Day" and "Anything Goes." Damages of \$750 and an accounting of the profits are demanded.

Other suits include the following:

Remick Music Corp. vs. Radio Broadcasting Corporation of Idaho, operating station KTFI in Twin Falls, on the song "The Little Old Church in the Valley." \$250.00 damages are demanded.

Harms, Inc. vs. WDSU, Inc., operating station WDSU, New Orleans, on the songs "Where Am I," "Let's Swing It" and "I'm Just an Ordinary Human." \$1500.00 damages are demanded.

T. B. Harms Co. vs. Main Auto Supply Co., operating station WOWO, Fort Wayne, on the song "Two Hearts Carved On A Lonesome Pine." \$5,000.00 damages are demanded.

Remick Music Corp. vs. Savannah Broadcasting Co., Inc., operating station WTOG, Savannah, on the song "Quicker Than You Can Say Jack Robinson." \$500.00 damages are demanded.

M. Whitmark & Sons vs. Savannah Broadcasting Co. on the song "When A Great Love Comes Along." \$500.00 damages are demanded.

T. B. Harms Co. vs. Savannah Broadcasting Co. on "Little Man, You've Had A Busy Day." \$250.00 damages are demanded.

M. Whitmark & Sons vs. Florida Capitol Broadcasters, Inc., operating station WTAL, Tallahassee, on the song "You're the Flower of My Heart, Sweet Adeline." \$250.00 damages are demanded.

Harms, Inc. vs. Toledo Broadcasting Co. operating Station WSPD, Toledo, on the song "Flowers for Madame." \$5,000.00 damages are demanded.

M. Whitmark & Sons vs. Miami Valley Broadcasting Co., operating station WHIO, Dayton, Ohio, on the song "Why Can't This Night Go On Forever." \$5,000.00 damages are demanded.

FEDERAL TRADE COMMISSION ACTION COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following companies. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

No. 2744. Charging unfair competition in the sale of "Nun-Nail," a widely advertised toilet preparation, a complaint has been issued against **Berenice Cohn**, of 270 South Windsor Boulevard, Los Angeles, trading as **Bergo Laboratories**.

The respondent is alleged to have advertised in newspapers, magazines, circulars, counter displays and other media, that "Nun-Nail" is a nail food, effective conditioner and rejuvenator, and that it eliminates brittleness, breaking of the nails, splitting, peeling, and ingrown toe nails. These assertions are untrue, according to the complaint.

No. 2745. Complaint has been issued against **Kalo Inoculant Co.**, of **Quincy, Ill.**, charging unfair competition in the sale of nitrogen-fixing bacteria with a humus base used to extract and transfer nitrogen from the air to leguminous plants.

Purchasing the humus containing the bacteria in bulk from a New Jersey corporation, the respondent, according to the complaint, sells its product in tin cans under the name "Humogerm," to wholesalers, retailers and jobbers of seed.

The unfair competition is alleged to consist of representations in farm magazines and other advertising media to the effect that the containers are packed with a definite, ascertainable, minimum number of nitrogen-fixing bacteria, and that each can of the product contains a specified definite minimum number of living legume bacteria throughout the entire course of the distribution period, when, according to the complaint, these are not the facts, and such data cannot be accurately ascertained.

No. 2746. Unfair competition in connection with the sale of silver-plated hollow ware is alleged in a complaint issued against **Friedman Silver Co. Inc.**, 1226 Flushing Ave., Brooklyn, N. Y.

For many years, according to the complaint, certain letters stamped upon hollow ware products have signified to the purchasing public and to the trade that such products are electroplated nickel silver, and that the embossed decorations thereon consist of white metal.

The complaint charges the respondent company stamps certain of its hollow ware products with the same letters, but that such products do not have the qualities and do not contain the materials which the purchasing public and the trade have come to expect in products so stamped.

No. 2747. **York Caramel Co.**, College Ave. and Oak Lane, York, Pa., engaged in the manufacture and sale of candy, is charged in a complaint with unfair methods of competition in violation of Section 5 of the Federal Trade Commission Act.

The complaint alleges that the respondent packs its candy in assortments so as to involve the use of a lottery scheme, whereby ultimate purchasers of a small piece of such candy may win, without additional cost, a larger piece.

No. 2748. False representations concerning "Ortosan," a facial treatment, are alleged in a complaint against **Arpaul Co. Inc.**, 333 West 52nd St., New York City, charging violation of Section 5 of the Federal Trade Commission Act.

The complaint alleges that the respondent, in connection with the sale of "Ortosan," represents by radio broadcasts and in advertising matter that the preparation is five creams in one, perfected during a period of twenty-five years and endorsed by leading medical authorities and beauty specialists; that it restores

contours of the face, chin and neck, and eliminates sagging lines, wrinkles and skin blemishes; that it combines in one cream everything that is needed to give a woman a beautiful skin, and that it is different from any facial cream on the market.

No. 2749. Complaint has been issued against **Eugene D. Petry**, doing business as **Warner Studios**, 1317 F St., Washington, D. C., alleging unfair methods of competition in offering for sale and in the sale of photographs and portraits. The respondent, who also has studios in other cities, is charged with violation of Section 5 of the Federal Trade Commission Act.

Salesmen employed by Petry, the complaint alleges, contact prospective purchasers, and, to induce them to visit the respondent's studio to have photographs made, offer and sell coupons at purported "special prices" ranging from 50 cents to \$1.50, which coupons are represented as having a "regular value" of from \$3.50 to \$7.50 when used at the respondent's studio.

It is charged the respondent represents that the "regular value" of his photographs is far in excess of the prices at which such photographs ordinarily sell in Washington, when, according to the complaint, such photographs are actually of the same type and quality ordinarily selling for from \$1 to \$2.

No. 2750. The **L. D. Caulk Co.**, Milford, Del., is named respondent in a complaint alleging false representations in connection with the sale of a dental amalgam alloy, used as a dental filling and sold under the trade name "The Twentieth Century Alloy Improved (Caulk)."

The complaint charges that the respondent solicits the business of dentists and dental supply houses by advertising in trade papers and magazines and in circulars that its product has a certain crushing strength average which is higher than that found in dental amalgam alloys sold by competitors; and that its "Twentieth Century Alloy" assures greater durability and has other qualities not found in the products of competitors.

Stipulations

The Commission has issued the following cease and desist orders:

No. 01344. **M. J. Breitenbach Co.**, New York City, distributor of Gude's Pepto-Mangan, agrees to cease representing that this product restores health by enriching the blood, revives weakened blood cells, or creates new energy, and that the product has any healing value beyond that of a simple tonic, in the treatment of anemic, run down, or overworked persons, or of invalids, convalescents and the aged. Other similar representations also will be discontinued.

No. 01192. **Nova Sal Laboratories, Inc.**, Brooklyn, will discontinue representing that its product is a prescription used by thousands of doctors; that it tends to reduce fever, or is less depressant than most other compounds, and other assertions of like import.

No. 01343. **Vita Ray Corporation**, Lowell, Mass., engaged in selling facial creams and lotions, agrees to cease and desist from representing that any of its products correct "goose flesh," make the skin grow young, and "revitalize" withering cells; that Vita-Ray Cream "restores" youth to the complexion, and is the only cream containing vitamin D, and the only cream capable of penetrating the skin.

No. 01173. **Siroil Laboratories, Inc.**, Detroit, agrees to ban the representation that Siroil is a competent treatment or effective remedy for psoriasis or dandruff, that any definite proportion of cases treated with the preparation have been relieved, unless this assertion is supported by reliable medical evidence; that the preparation represents a tremendous advance over any other treatment for psoriasis, and that complete elimination of either psoriasis or dandruff has been effected in hundreds of cases through use of only one bottle of this substance, and other similar representations.

No. 2588. **R. H. Sharot**, trading as **Modex Mills Co.**, 15 Moore St., New York City, a jobber in the export business, has been ordered to stop advertising that he is a manufacturer, mill operator, or owner. Sharot sells hosiery, underwear, raincoats and other articles of apparel.

Findings are that the respondent's representations on letterheads and in advertising matter that he is a manufacturer or mill operator, tend to deceive buyers into believing that they are dealing with a manufacturer of established business standing, and thereby gaining an advantage by saving a middleman's profit, when this is not a fact.

No. 2599. Under an order the **Diamond Match Co.**, 30 Church St., New York City, is directed to discontinue use of the word "Safety" in the brand name of certain matches it manufactures and sells in interstate commerce.

The company is ordered to cease the use of the word "Safety" as part of any brand name it uses in labeling matches which are the type commonly known as "strike-anywhere" matches.

No. 2617. **T. O. Loveland and J. L. Records**, of Iowa City, Iowa, trading as **Commercial Manufacturing Co.** and **Brenard Manufacturing Co.**, have been ordered to discontinue certain unfair trade practices in the sale and distribution of radios.

Use of the word "Manufacturing" as a part of the respondents' trade name, or in advertising literature, as descriptive of their business, is prohibited in the order unless and until the respondents own and control a complete factory in which they manufacture the radios so represented.

The order directs the respondents to cease and desist representing through advertising literature, distributors' agency agreements, or through representations by traveling salesmen, that retail dealers, upon execution of agency agreements to sell the respondents' radios, will obtain certain advantages such as an exclusive franchise for a particular territory, and a guarantee by the respondent of a certain number of sales at a specified profit.

No. 2680. **Consolidated Trading Corporation**, 15 Moore St., New York City, trading as **Modex Mills**, has been ordered to cease and desist from representing through its trade name, or in any other manner, that it is a manufacturer or the owner or operator of a mill at which are manufactured the commodities which it sells.

In the complaint against this respondent, it was set out that the respondent is engaged in selling hosiery, underwear, raincoats, dresses, and general wearing apparel, and cosmetics to purchasers in foreign countries, but that is not a manufacturer or a mill operator.

No. 2700. **Julius Abrahams**, 942 Market St., Philadelphia, trading as **Philadelphia Badge Co.**, has been ordered to cease representing that the stamp photos he manufactures and sells are purchased, used or endorsed by the United States Government or any of its agencies.

The respondent is directed to discontinue making such representation regarding his product through newspaper and magazine advertisements, by radio broadcasting, or in any other manner.

The Commission found that the respondent's assertion that the Government is among the nationally known users of his photo stamps causes the purchasing public to buy such products in the erroneous belief that they are purchased in large quantities by the Government, and, by inference, that they are endorsed by the Government.

No. 2713. **Roma Wine Co., Inc.**, 405 Montgomery St., San Francisco, has been ordered to discontinue representing that any wine it sells is genuine "Chateau Yquem," unless the wine it so designates is produced from grapes grown upon the estate of the Marquis de Lur-Saluze, located in the Province of Bordeaux, France, and manufactured, aged, processed and bottled at the Chateau Yquem situated upon that estate.

Under the order, the respondent is prohibited from using the name "Chateau Yquem" on stationery, labels, invoices, in advertising matter, or in any other manner.

The Commission found that the respondent company sells wine it manufactures from California-grown grapes and, in representing it as "Chateau Yquem," misleads and deceives the purchasing public.

Complaints Dismissed

The Commission has dismissed the following complaints:

No. 2279. A complaint charging **Mead Johnson & Co., Inc.**, of Evansville, Ind., with unfair competition in maintenance of a resale price policy for infant diet and nutrition products, has been dismissed.

Dismissal was ordered on the ground that use of the methods and practices charged in the complaint was employed for only a brief period and to a limited extent and without the knowledge and consent of the responsible officials of the respondent company; that as soon as such officials learned of their use they were discontinued, such discontinuance being prior to complaint, and upon the assurance of the attorney for the respondent in open hearing before the Commission that such methods and practices would not be resumed.

No. 2689. The Commission has also entered an order closing its case against **Jung & Schade Laboratories**, 1418 Somer St., Milwaukee, Wis., because the respondent corporation is no longer in business. The case was closed without prejudice to the right of the Commission to reopen it should the facts warrant such action.

The complaint in this case alleged that the respondent, in advertising matter, made false representations concerning "Vi-Vo," which had been offered for sale as an effective treatment for alcoholic excesses.

FEDERAL COMMUNICATIONS COMMISSION ACTION

The usual Tuesday meeting of the Broadcast Division of the Commission was not held because members of the Division are sitting in on the hearings in connection with the telephone investigation. It is expected that the Broadcast Division will meet later this week.

HEARING CALENDAR

Thursday, April 2

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-167

KMED—Mrs. W. J. Virgin, Medford, Oregon—Modification of license; 1410 kc., 250 watts, specified hours (6 a. m. to 9 p. m.)

Friday, April 3

HEARING BEFORE THE TELEPHONE DIVISION

WCOA—The Pensacola Broadcasting Co., Complainant v. American Telephone and Telegraph Company, Defendant—*Complaint*: with reference to rates over circuits from Mobile via Flomaton to Pensacola.

APPLICATIONS RECEIVED

First Zone

WFAB—Fifth Avenue Broadcasting Corp., New York, N. Y.—1300 Modification of license to change hours of operation from shares: WHAZ, WEVD, WBBR, to shares: WHAZ, WBBR (present hours, plus those now used by WEVD, contingent upon WEVD's change in frequency, 1-ML-B-1304).

NEW—Arthur E. Seagrave, Lewiston, Maine—Construction permit to erect a new broadcast station, to be operated on 1420 kc., 100 watts, 250 watts-day, time not given. Amended: to give time as unlimited.

W9XBS—National Broadcasting Co., Inc., Chicago, Ill.—Modification of license to operate transmitter by remote control from 222 North Bank Drive, Chicago.

Second Zone

WSAI—The Crosley Radio Corp., Cincinnati, Ohio—License to 1330 cover construction permit (B2-P-890) to make equipment changes and move transmitter.

Third Zone

WDBO—Orlando Broadcasting Company, Inc., Orlando, Fla.—580 Construction permit to make changes in antenna, move transmitter from Ft. Gatlin Hotel, 545 N. Orange Ave., Orlando, Fla., to Dubsread Country Club Area near Orlando, Fla., and increase power from 250 watts to 1 KW.

NEW—Charles T. Copeland, Jr., & W. H. May, d/b as Broadcast 1210 Service Co., Troy, Ala.—Construction permit to erect a new broadcast station to be operated on 1210 kc., 100 watts power, daytime operation. Amended: for equipment changes, change name by adding d/b as Broadcast Service Co., and give transmitter site as 1½ miles S. Court Square on Troy-Elba Highway, Troy, Alabama.

NEW—Jack E. Brantley, Mrs.; Jack E. Brantley, & Jack E. 1310 Brantley, Jr., Savannah, Ga.—Construction permit for new broadcast station to be operated on 1310 kc., 100 watts, unlimited time. Amended: by adding names of Mrs. Jack E. Brantley, & Jack E. Brantley, Jr.

NEW—H. Wimpy, Albany, Ga.—Construction permit for a new 1420 broadcast station to be operated on 1420 kc., 100 watts, 250 watts-day, unlimited time. Requests facilities of WGPC.

WHBB—Dr. Wm. J. Reynolds, & Wm. J. Reynolds, Jr., Selma, 1500 Ala., voluntary assignment of license from Dr. Wm. J. Reynolds, & Wm. J. Reynolds, Jr., to W. J. Reynolds, Jr., J. C. Hughes, & J. S. Allen, d/b as Selma Broadcasting Co.

Fourth Zone

KFDM—Sabine Broadcasting Co., Inc., Beaumont, Texas—Con- 580 sent to transfer control of corporation from Mrs. Virginia B. Gilliam to J. M. Gilliam, 32½ shares common stock.

NEW—Harry J. Grant, Milwaukee, Wisc.—Construction permit 1010 for a new station to be operated on 1010 kc., 1 KW, unlimited time. Amended: To change type of equipment, change power from 1 KW to 250 watts, 500 watts-day and change directional antenna to vertical antenna.

NEW—KMJB Broadcasting Co., by Myron J. Bennett, Pres., 1300 Minot, N. D.—Construction permit for a new broadcast station to be operated on 1300 kc., 1 KW power, unlimited time, requesting facilities of KLPB.

WMBH—Joplin Broadcast Co., Joplin, Mo.—Consent to transfer 1420 of control of corporation from W. M. Robertson, and W. H. Spurgeon to Joplin Globe Publishing Co., 90 shares of common stock.

Fifth Zone

NEW—Ben S. McGlashan, San Diego, Calif.—Construction permit 550 for a new station to be operated on 1210 kc., 100 watts, daytime. Amended: To change frequency from 1210 kc. to 550 kc., and power from 100 watts to 250 watts.

KIRO—Queen City Broadcasting Co., Seattle, Wash—Authority 650 to install automatic frequency control.

KGHL—Northwestern Auto Supply Company, Inc., Billings, Mont. 780 —Extension of special experimental authorization to operate on 780 kc., for a period from 4-1-36 to 7-1-36.

NEW—The Tribune, Great Falls, Mont.—Construction permit for 950 a new broadcast station to be operated on 950 kc., 1 KW; 5 KW-day, unlimited time. Amended: To omit request for facilities of KFVR.

NEW—Ed Klies, Helena, Mont.—Construction permit to erect a 1210 new broadcast station to be operated on 1210 kc., 100 watts-250 watts day, unlimited time. Amended: Re; Equipment.

NEW—Albuquerque Publishing Co., Albuquerque, N. M.—Con- 1370 struction permit for a new station to be operated on 1370 kc., 100 watts, unlimited time.

NEW—D. Reginald Tibbetts, Berkeley, Calif.—Construction permit to change frequency from 31100 kc., to 31600, 35600, 38600, 41000 kc., using 200 watts.

Standard Radio Inc., Hollywood, Calif.—Authority to transmit programs (Electrical Transcription) to foreign countries. (CHWC, Regina Sask, Canada, and CFRB, Toronto, Ont., Canada).

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

NAB REPORTS

Copyright, 1936. The National Association of Broadcasters

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PETTEY RESIGNS

Herbert L. Petty, secretary of the Federal Communications Commission since March 31, 1933, when he succeeded James W. Baldwin, has resigned effective May 1. Mr. Petty will become associated with broadcasting station WHN, New York City, as associate manager.

COPYRIGHT HEARINGS CONTINUE

Copyright hearings before the House Committee on Patents continued on Monday, Tuesday and Wednesday of this week and will be continued through Friday. Hearings will be held next week on the same days and will be concluded on April 15 under the present arrangements.

On Wednesday the National Performing Artists Association appeared in support of the Daly bill and opposing the Duffey bill.

RECOMMENDS NEW WATERTOWN STATION

A. W. Hayes filed an application with the Federal Communications Commission asking for a construction permit for a new station to be erected at Erie, Pa., to use 1270 kilocycles, 500 watts and 1,000 watts LS, unlimited time. At the same time the Watertown Broadcasting Corporation filed an application with the Commission asking for a construction permit for a new station at Watertown, N. Y., to use 1270 kilocycles, 250 watts and daytime operation.

Examiner Melvin H. Dalberg in Report No. I-212 recommended that the Watertown application be granted but that the Erie application be denied. The Examiner states that the Pennsylvania area is overquota while the Watertown area is under quota. He found also that interference would be caused by granting the Erie application while the Watertown application if granted would not cause interference. He states also that the Watertown area "has a definite need for additional daytime service."

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

Wyoming Valley Collieries Co., Scranton, Pa. (2-1987, Form A-1)
United States Casualty Co., New York City (2-1988, Form A-2)
Citizens Mortgage & Securities Co., Inc., Springfield, Mo. (2-1990, Form A-2)
The Temblor Oil Co., Boston, Mass. (2-1991, Form A-1)
San-Nap-Pak Manufacturing Co., New York City (2-1992, Form A-2)
United Endowment Foundation, Inc., New York City (2-1993, Form C-1)
Phillips Packing Co., Inc., Cambridge, Md. (2-1994, Form A-2)
Bonded Commodity Corp., Boston, Mass. (2-1996, Form A-1)
William Jacob Hildebrandt, Jacksonville, Florida (2-1997, Form E-1)

NOTES TO SALES STAFF

The marked gain in radio advertising on the part of the automotive industry should be of interest to all portions of the medium. (See Comparison with February 1935, see page 1266.)

The further gains experienced by regional network and national non-network advertising indicate additional sales opportunities in these fields. (See Total Broadcast Advertising, see page 1264.)

The 13.0% gain in general broadcast advertising volume should be encouraging; but the fact that for the first time in months, radio broadcasting should have gained at a rate less than several other media should constitute a challenge to sales staffs. (See Comparison with Other Media, see page 1265.)

International Investors Fund System, Inc., Scranton, Pa. (2-1998, Form C-1)

Wentworth Manufacturing Co., Chicago, Ill. (2-1999, Form A-2)

Morgan Industries, Inc., Philadelphia, Pa. (2-2000, Form A-1)

NEW ALASKAN STATION RECOMMENDED

Edwin A. Kraft applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Fairbanks, Alaska, to use 950 kilocycles, 250 watts power and unlimited time on the air. Also John A. Stump applied for a construction permit for a station to be erected in the same city using 1210 kilocycles, 100 watts, 250 watts LS and unlimited time on the air.

Examiner George H. Hill, in Report No. I-213, recommended that the Kraft application be denied but that the Stump application be granted. The Examiner found that there is need for additional radio service at Fairbanks and that there is adequate local talent available there. No interference would result from the erection of either of the proposed stations.

Mr. Hill states that Mr. Kraft, while well able to construct and operate such a station as proposed by him, now owns a station at Juneau and is not a resident of Fairbanks. On the other hand Mr. Stump is a resident of Fairbanks and his associates in the corporation proposing to operate the new station are "also residents of Fairbanks." The Examiner states therefore that public interest "would be served by the granting of the application of John A. Stump for a construction permit."

C. C. I. R. COMMITTEE ORGANIZATION

The outline of committee organization for the Cairo radio conference is given by the International Section of the Federal Communications Commission as follows:

I. Committee on Technical Matters

Chairman: Dr. J. H. Dellinger
Vice Chairman: Lt. Col. D. M. Crawford

Articles:

1. Definitions
5. Classification of Emissions
6. Quality of Emissions

Appendix 1. Table of Frequency Tolerances and of Instabilities

Appendix 2. Table of Frequency-Band Widths Occupied by the Emissions

II. Committee on Traffic Matters

Chairman: Captain S. C. Hooper
Vice Chairman: Mr. E. M. Webster

Articles:

16. General Radiotelegraph Procedure in the Mobile Service
17. General Call "to all"
18. Calling
19. Use of Waves in the Mobile Service
22. Distress Traffic and Distress Signals—Alarm, Emergency, and Safety Signals
24. Order of Priority of Communications in the Mobile Service
25. Indication of the Station of Origin of Radiotelegrams
26. Routing of Radiotelegrams
29. Service of Low-power Mobile Radiotelephone Stations
30. Special Services

Appendix 9. List of Abbreviations to be Used in Radio Communication

Appendix 10. Scale Used to Express Strength of Signals

Appendix 12. Procedure in the Service of Low-Power Mobile Radiotelephone Stations

Appendix 13. Procedure to Obtain Radio Direction-Finding Bearings

Articles of Additional Radio Regulations:

3. Order of Priority of Communications in the Mobile Service
4. Time of Filing of Radiotelegrams
5. Address of Radiotelegrams
6. Doubtful Reception—Transmission by "Ampliation"—Long-Distance Radio Communication
7. Retransmission by Stations of the Mobile Service
8. Notice of Nondelivery
9. Period of Retention of Radiotelegrams at Land Stations
10. Radiotelegrams to be Forwarded by Ordinary Mail or by Air Mail.
11. Special Radiotelegrams
12. Radio Communications for Multiple Destinations

III. Committee on Allocation

Chairman: Mr. T. A. M. Craven
Vice Chairman: Mr. E. K. Jett

Articles:

7. Allocation and Use of Frequencies (Wavelengths) and of Types of Emission

IV. Committee on Administration

Chairman: Comdr. F. A. Zeusler
Vice Chairman: Mr. Gerald C. Gross

Articles:

4. Choice of Apparatus
8. Amateur Stations and Private Experimental Stations
9. Conditions to be Observed by Mobile Stations
10. Operators' Certificates
11. Authority of the Master
12. Inspection of Stations
13. Reporting of Violations
14. Call Signals
15. Service Documents
20. Interference
21. Emergency Installations
23. Working Hours of Stations of the Mobile Service
27. Accounting for Radiotelegrams
28. Aeronautical Radio Service of Public Correspondence
31. International Radio Consulting Committee (C.C.I.R.)
32. Expenses of the Bureau of the Union
33. Effective Date of the General Regulations

Appendix 3. Report of a Violation of the Telecommunication Convention or of the Radio Regulations

Appendix 4. Hours of Service for Ship Stations in the Second Category

Appendix 5. Hours of Service for Ship Stations in the Second Category

Appendix 6. Service Documents

Appendix 7. Service Symbols

Appendix 8. Documents with which Mobile Stations Must be Provided

Appendix 11. Statement of Radiotelegrams exchanged with Mobile Stations

Appendix 14. Internal Regulations of the International Radio Consulting Committee (C.C.I.R.)

Articles of Additional Radio Regulations:

1. Application of the Telegraph and Telephone Regulations to Radio Communication
2. Charges

WARNER BROTHERS SUITS

Warner Brothers have made official announcement that they have begun more suits based on the alleged infringement of song copyrights owned by them as follows:

Harms, Inc., vs. Knickerbocker Broadcasting Co., operating station WMCA, for the alleged infringement of "The Continental" and "Deep In the Arms of Love," for which \$10,000 damages are demanded.

M. Witmark & Sons vs. Two East Sixty-First Street Corporation, operating the Hotel Pierre, on the number "A Kiss in the Dark," for which \$250 damages are demanded.

Harms, Inc. vs. Restaurant La Rue Co., Inc., operating the La Rue Restaurant, on the numbers "Where Am I," "Anything Goes" and "Tea For Two," for which \$750 damages are demanded.

New World Music Corp. vs. Roosevelt Hotel on the number "I Got Rhythm" for which \$250 damages are demanded.

New World Music Corp. vs. Famous Door, Inc., on the number "I Got Rhythm," for which \$250 damages are demanded.

Harms, Inc. vs. Anthony Libertino, operating Jimmy Kelly's, on the numbers "Where Am I" and "Let's Swing It," for which \$500 damages are demanded.

M. Witmark & Sons vs. MacFayne Corp., operating Leon and Eddie's, on the numbers "Lulu's Back In Town," for which \$250 damages are demanded.

T. B. Harms, Inc. vs. Roosevelt Hotel on the numbers "Make Believe" and "Who?", for which \$500 damages are demanded.

Harms, Inc. vs. Stork Restaurant, Inc., operating the Stork Club, on the numbers "Let's Swing It" and "Night and Day," for which \$500 damages are demanded.

T. B. Harm Co. vs. 151 East 50th Street Restaurant Corporation, operating the Versailles Restaurant, on the numbers "Who?" and "Why Do I Love You," for which \$500 damages are demanded.

Restaurants, hotels and night clubs out of New York are made the defendants in the following actions:

Remick Music Corp. vs. Kamehameha (Royal Hawaiian Club), San Francisco, on the number "Sweet Georgia Brown," for which \$250 damages are demanded.

Harms, Inc. vs. Kamehameha on the number "Night and Day," for which \$250 damages are demanded.

Remick Music Corp. vs. The Hotels Statler Company, Inc., Detroit, on the number "My Buddy," for which \$250 damages are demanded.

Harms, Inc. vs. The Hotels Statler Company, Inc., Detroit, on the number "You Took Advantage of Me," for which \$250 damages are demanded.

Remick Music Corp. vs. Gardiner Becker Restaurant Co., operating the Oriole Terrace, Detroit, on the number "Don't Give Up the Ship," for which \$250 damages are demanded.

Harms, Inc. vs. Gardiner Becker Restaurant Co., operating the Oriole Terrace, Detroit, on the number "April in Paris," for which \$250 damages are demanded.

M. Witmark & Sons vs. Associated Ballrooms, Inc., operating The Trianon, Cleveland, on the song "My Wild Irish Rose," for which \$250 damages are demanded.

M. Witmark & Sons vs. Philip Gordon, operating the Ambassador Cafe, on the number "My Wild Irish Rose," for which \$250 damages are demanded.

Harms, Inc. vs. The Hotels Statler Company, Inc., operating the Hotel Statler, Cleveland, on the number "Where Am I," for which \$250 damages are demanded.

M. Witmark & Sons vs. The Hotels Statler Company, Inc., operating the Hotel Statler, St. Louis, on the number "My Wild Irish Rose," for which \$250 damages are demanded.

M. Witmark & Sons vs. Bosmor Corp., operating the Morrison Hotel, Chicago, on the number "My Wild Irish Rose," for which \$250 damages are demanded.

Suits filed against radio stations comprise:

Remick Music Corp. vs. Station WOOA, Pensacola, Fla., on the numbers "I'm Looking for a Four Leaf Clover" and "Whistle and

Blow Your Blues Away," for which \$500 damages are demanded. Remick Music Corp. vs. Station WBIG, Greensboro, N. C., on the number "Whistle and Blow Your Blues Away," for which \$250 damages are demanded.

Harms, Inc. vs. Station WGBB, Freeport, N. Y., on the number "I'm Just An Ordinary Human," for which \$250 damages are demanded.

Remick Music Corp. vs. Station WIBA, Madison, Wis., on the number "Put On Your Old Grey Bonnet," for which \$5,000 damages are demanded.

Remick Music Corp. vs. Station KGU, Honolulu, Territory of Hawaii, on the number "Put On Your Old Grey Bonnet," for which \$5,000 damages are demanded.

M. Witmark & Sons vs. Station WIXBS, Waterbury, Conn., on the numbers "That Old Irish Mother Of Mine" and "In a Shanty in Old Shanty Town," for which \$500 damages are demanded.

Remick Music Corp. vs. Station WIXBS, Waterbury, on the number "Avalon," for which \$250 damages are demanded.

M. Witmark & Sons vs. Station WSMB, New Orleans, on the number "Lulu's Back In Town," for which \$5,000 damages are demanded.

Remick Music Corp. vs. Station WGST, Atlanta, Ga., on the number "Whistle and Blow Your Blues Away," for which \$5,000 damages are demanded.

Remick Music Corp. vs. Station WOWO, Fort Wayne, Ind., on the number "My Isle of Golden Dreams," for which \$5,000 damages are demanded.

Harms, Inc. vs. Station KTFI, Twin Falls, Idaho, on the numbers "Toddlin' Along With You," for which \$250 damages are demanded.

Remick Music Corp. vs. Station KPO, San Francisco, Cal., on the number "Put On Your Old Grey Bonnet," for which \$5,000 damages are demanded.

Remick Music Corp. vs. Station KOA, Denver, Colo., on the number "Put On Your Old Grey Bonnet," for which \$5,000 damages are demanded.

Remick Music Corp. vs. Station KTAR, Phoenix, Ariz., on the number "Put On Your Old Grey Bonnet," for which \$5,000 damages are demanded.

Remick Music Corp. vs. Station WDAY, Fargo, N. D., on the number "Put On Your Old Grey Bonnet," for which \$5,000 damages are demanded.

Remick Music Corp. vs. Station KFYZ, Dismarck, N. D., on the number "Put On Your Old Grey Bonnet," for which \$5,000 damages are demanded.

Remick Music Corp. vs. Station KSOO, Sioux Falls, S. D., on the number "When The Pussywillow Whispers To The Catnip," for which \$250 damages are demanded.

Remick Music Corp. vs. Station WCHS, Charleston, W. Va., on the numbers "To Call You My Own," "I Need Lovin'," "I Can't Go On Like This" and "Put On Your Old Grey Bonnet," for which \$1,000 damages are demanded.

STATION WINS RADIO TAX CASE

The United States Supreme Court on Monday handed down a most important radio tax decision in the case of Fisher's Blend Station, Inc., against the Tax Commission of the State of Washington. The station won its case although the Supreme Court of the State of Washington had previously ruled against it. Because of the importance of the case we print the decision in full as follows:

SUPREME COURT OF THE UNITED STATES

No. 628.—October Term, 1935

FISHER'S BLEND STATION, INC., *Appellant*,
vs.

THE TAX COMMISSION OF THE STATE OF WASHINGTON, ET AL.

Appeal from the Supreme Court of the State of
Washington

[March 30, 1936.]

Mr. Justice STONE delivered the opinion of the Court.

This appeal from a judgment of the Supreme Court of the State of Washington, Judicial Code, § 237, presents the question whether a state occupation tax, measured by the gross receipts from radio broadcasting from stations within the state, is an unconstitutional burden on interstate commerce.

Appellant brought suit to enjoin appellees, the State Tax Commission, from collecting the tax, laid by § 2 of Chapter 191 of the Washington Laws of 1933, as an infringement of the commerce clause of the federal Constitution. On demurrer to the bill of complaint, and on stipulation of the parties that the cause might be decided upon the facts there alleged, the state Supreme Court gave final judgment for the appellees. — Wash. —.

Appellant maintains, within the state, two broadcasting stations licensed by the Federal Radio Commission (now the Federal Communications Commission). One is licensed to operate with power and a radio frequency enabling it to broadcast throughout the "fifth zone," which comprises eleven western and northwestern states, including Washington, and the Territories of Alaska and Hawaii. The other is licensed to operate as a "clear channel" station, that is to say, a station to which the Commission has assigned a radio frequency to be used at such times and with such power as will enable it to broadcast throughout the United States without interference by other stations. §§ 2, 4, 5, Federal Radio Act of 1927,¹ 44 Stat. 1162; Regulations, Federal Radio Commission, File No. 5-R-B-63 and Official No. 63; File No. 5-R-B-67 and Official No. 67, Nos. 70-75, No. 111, Nos. 116-124. These stations broadcast over the areas for which they are licensed, and the adjacent high seas and a part of Canada.

Broadcasting, according to the allegations of the complaint, is accomplished by the generation, at the broadcasting station, of electro-magnetic waves, which pass through space to receiving instruments which amplify them and translate them into audible sound waves. The essential elements in the broadcasting operation are a supply of electrical energy, a transmitter, the connecting medium or "ether" between the transmission and receiving instruments, and the receiving mechanism.

Appellant's entire income consists of payments to it by other broadcasting companies or by advertisers for broadcasting, from its Washington stations, advertising programs originating there or transmitted to them from other states by wire. Appellant "sells time" to its customers at stipulated rates, during which it broadcasts from its stations such advertising programs as may be agreed upon. During such time as is not sold, it broadcasts, at its own expense, "sustaining" programs, as required by the regulations of the Federal Radio Commission. The customers desire the broadcasts to reach the listening public in the areas which appellant serves, and a large number of persons, many of them in other states, listen to the broadcasts from appellant's stations.

The state Supreme Court recognized that state taxation of gross income derived from interstate commerce is forbidden by the commerce clause. But it upheld the tax on the ground that the business from which appellant receives its income is not interstate commerce. It conceded, as it had previously held, *Van Dusen v. Department of Labor and Industries*, 158 Wash. 414, that broadcasting is commerce, and that the broadcasting by appellant of its own programs for which it does not receive pay is interstate commerce. But it concluded that appellant's remunerative business is not interstate commerce because it consists of furnishing, within the state, the facilities of its stations to customers who use them for broadcasting their programs, and the business of providing such facilities, like that of providing a bridge for the use of others in crossing state lines, is not commerce. See *Detroit International Bridge Co. v. Corporation Tax Appeal Board*, 294 U. S. 83; *Henderson Bridge v. Kentucky*, 166 U. S. 550.

We may assume, although it is not alleged, that appellant's customers produce the sounds which are broadcasted. But it sufficiently appears, although the complaint does not specifically so state, that appellant, and not the customer, generates the electric current and controls the apparatus (generator, transmitter and their controls) by which the sounds are broadcasted. The complaint states that appellant operates its stations and conducts the business of broadcasting in the manner already described, and that the license to operate them is granted to appellant by the Federal Radio Commission under the Federal Radio Act. These allegations, read in the light of the statute, which forbids any save licensees to operate broadcasting apparatus, § 1, Federal Radio Act of 1927, 44 Stat. 1162, and of the facts of which we have judicial knowledge, see *Buck v. Jewel-LaSalle Realty Co.*, 283 U. S. 191, 200; *DeForest Radio Co. v. General Electric Co.*, 283 U. S. 664, 670, *et seq.*, must be taken to state that the broadcasting of radio emanations, as distinguished from the production of the sounds broadcasted, is affected by appellant and not by its customers.

The sounds broadcasted are not transmitted from the microphone to the ears of listeners in other states. They do not pass

¹ This Act has been superseded by the Act of June 19, 1934, 48 Stat. 1081. 47 U. S. C. § 301ff.

as sound waves to the receiving mechanisms. They serve only to enable the broadcaster, by the use of appropriate apparatus, to modulate the radio emanations which he generates. These emanations as modulated, are projected through space to the receiving sets. There, by a reverse process, they so actuate the receiving mechanisms as to produce a new set of sound waves, of frequencies identical with those produced at the microphone. On the argument it was conceded that, in broadcasting for its customers, appellant, by generating the necessary electric power and controlling the transmitter, produces the radio emanations which actuate the receiving mechanisms located in other states. Upon the facts alleged, we see no more basis for saying that appellant's customers do the broadcasting than for saying that a patron of a railroad or a telephone company alone conducts the commerce involved in his railroad journey or telephone conversation.

Appellant is thus engaged in the business of transmitting advertising programs from its stations in Washington to those persons in other states who "listen in" through the use of receiving sets. In all essentials its procedure does not differ from that employed in sending telegraph or telephone messages across state lines, which is interstate commerce. *Western Union Telegraph Co. v. Speight*, 254 U. S. 17; *New Jersey Bell Tel. Co. v. State Board of Taxes*, 280 U. S. 338; *Cooney v. Mountain States Tel. & Tel. Co.*, 294 U. S. 384; No. 593, *Pacific Tel. & Tel. Co. v. Washington*, decided March 2, 1936. In each, transmission is effected by means of energy manifestations produced at the point of reception in one state which are generated and controlled at the sending point in another. Whether the transmission is effected by the aid of wires, or through a perhaps less well understood medium, "the ether", is immaterial, in the light of those practical considerations which have dictated the conclusion that the transmission of information interstate is a form of "intercourse", which is commerce. See *Gibbons v. Ogden*, 9 Wheat. 1, 189.

Similarly, we perceive no basis for the distinction urged by appellee, that appellant does not own or control the receiving mechanisms. The communications broadcasted are no less complete and effective, nor any the less effected by appellant, because it does not own or command the apparatus by which they are received. The essential purpose and indispensable effect of all broadcasting is the transmission of intelligence from the broadcasting station to distant listeners. It is that for which the customer pays. By its very nature broadcasting transcends state lines and is national in its scope and importance—characteristics which bring it within the purpose and protection, and subject it to the control, of the commerce clause. See *Federal Radio Commission v. Nelson Bond & Mortgage Co.*, 289 U. S. 266, 279.

It is unnecessary to determine whether, as the court below suggested and appellee argues, like considerations would require us to hold that the exposure of a sign board, in one state, to the view of dwellers in another, is likewise interstate commerce. Whether the practical and scientific aspects of such an operation bring it within the range of those factors which we deem controlling here, may well be left for decision when such a case is presented. See *Pantomimic Corporation v. Malone*, 238 Fed. 135.

As appellant's income is derived from interstate commerce, the tax, measured by appellant's gross income, is of a type which has long been held to be an unconstitutional burden on interstate commerce. *Philadelphia & So. Mail S. S. Co. v. Pennsylvania*, 122 U. S. 326; *Leloup v. Port of Mobile*, 127 U. S. 640; *Galveston, H. & S. A. R. Co. v. Texas*, 210 U. S. 217; *Crew-Levick Co. v. Pennsylvania*, 245 U. S. 292. But appellee further contends, as the state court thought, that, even though broadcasting involves interstate commerce, the maintenance and operation of appellant's stations includes intrastate activities which may be subjected to state taxation, as was the generation of electricity, transmitted to points outside the state, in *Utah Light & Power Co. v. Pfost*, 286 U. S. 165. There the tax was measured by the amount of current generated at the taxpayer's hydro-electric plant, from which electric power was supplied to consumers in other states. This Court held that the operation of generating electrical power, although virtually simultaneous with its transmission, is so distinct and separable from the operation of transmission, in interstate commerce, as to be the appropriate subject of a state tax. The argument now made overlooks the fact that the present tax is not levied upon or measured by appellant's generation of electro-magnetic waves, but by its gross receipts for the service it performs, which includes both the generation of the energy and its transmission as a means of communication interstate.

Whether the state could tax the generation of such energy, or other local activity of appellant, as distinguished from the gross income derived from its business, it is unnecessary to decide. See *City of Atlanta v. Oglethorpe University*, 178 Ga. 379. It is enough that the present is not such a tax, but is levied on gross re-

ceipts from appellant's entire operations, which include interstate commerce. As it does not appear that any of the taxed income is allocable to intrastate commerce, the tax as a whole must fail, *Cooney v. Mountain States Tel. & Tel. Co.*, *supra*; cf. *Pacific Tel. & Tel. Co. v. Washington*, *supra*, and the judgment of the state court must be reversed and the case remanded for further proceedings not inconsistent with this opinion.

Reversed.

BROADCAST ADVERTISING IN FEBRUARY

Developments of the Month

Broadcast advertising in February experienced a gain of 1.3% over the preceding month's level and registered an increase of 13.0% as compared to the corresponding month of 1935. Gross time sales of the medium in February amounted to \$4,785,804.

A marked increase occurred in national non-network advertising as compared to the previous month, gross revenues rising 19.7%. The usual seasonal trends were evident in other portions of the medium, declines occurring in the regional network and local fields.

Regional network and national non-network advertising continued to experience the heaviest increases as compared to corresponding periods of the preceding year. The February gains in these fields were respectively 59.3% and 45.6%. Local broadcast advertising dropped below the preceding year's level for the first time in a year and a half.

Non-network advertising gained 2.0% over January and 21.8% over the preceding February. Regional and local stations experienced the greatest increase in non-network volume as compared to the same month of 1935.

The South-South Central area showed the heaviest gain of any geographical district both as against January and as compared to last year.

Transcription volume gained markedly in both the national and local fields. National non-network live talent volume continued to show important increase over the corresponding period of previous seasons.

Trends as to radio sponsorship were spotty during the month. The heaviest gains as compared to the preceding year were in the automotive field where national non-network advertising rose 349.0%, local broadcast advertising 75.5% and national network volume 10.7%.

Retail broadcast advertising experienced the usual seasonal decline from the January level but remained 5.5% above the volume of the corresponding month of 1935.

Total Broadcast Advertising

Total broadcast advertising over stations and networks during the month under review is set forth in Table I.

TABLE I
TOTAL BROADCAST ADVERTISING

1936 Gross Time Sales			
Class of business	January	February	Cumulative Jan.-Feb.
National networks	\$4,740,560	\$4,785,804	\$9,526,364
Regional networks	95,340	92,432	187,772
National non-networks	1,626,500	1,946,650	3,573,150
Local	1,572,760	1,316,950	2,889,710
Total	\$8,035,160	\$8,141,836	\$16,176,996

Total broadcast advertising volume increased 1.3% as compared to January. National non-network volume showed the greatest gain rising 19.7% over the preceding month's level. National network volume remained comparatively unchanged while regional network advertising and local radio advertising declined 3.1% and 16.3% respectively.

Compared to February, 1935, gross time sales of the medium increased 13.0%. The heaviest gains occurred in regional network and national non-network volume, which rose 59.3% and 45.6% respectively.

National network advertising rose 7.0%, while local broadcast advertising volume fell below the level of the corresponding period of the preceding season for the first time in approximately a year and a half. Local broadcast advertising was 1.7% below that of February, 1935.

Comparison with Other Media

For the first time in some months several other media showed greater gains than did radio broadcasting. Compared to the 1.3% increase in radio volume as against January, national magazine advertising rose 36.1% and national farm paper volume increased 35.8%. Newspaper lineage experienced the usual seasonal decline, dropping 7.1%.

National magazine advertising rose 17.1% as compared to the preceding February, while national farm paper volume gained 34.0%. Newspaper lineage rose 3.2% as against the previous year. Advertising volume placed in national media during February is found in Table II.

TABLE II
ADVERTISING BY MAJOR MEDIA

1936 Gross Time and Space Sales

<i>Advertising Medium</i>	<i>January</i>	<i>February</i>	<i>Cumulative Jan.-Feb.</i>
Radio broadcasting	\$8,035,160	\$8,141,836	\$16,176,996
National magazines ¹	8,256,125	11,240,096	19,496,221
National farm papers ¹	421,999	657,717	1,079,716
Newspapers ²	39,280,000	36,511,000	75,791,000
Total	\$55,993,284	\$56,550,649	\$112,543,933

¹ Publishers' Information Bureau.

² Estimated.

Non-Network Advertising

Non-network advertising as a whole gained 2.0% over January and increased 21.8% as compared to February of the preceding year.

Regional station volume alone declined as compared to the previous month, non-network advertising over this class of station dropping 2.9%. Clear channel station non-network advertising rose 6.1% while local station volume increased 2.0%.

Regional and local station volume experienced the greatest gains as compared to the corresponding month of last year. Regional non-network advertising rose 28.8%, while local volume increased 42.9%. Clear channel station advertising gained 12.3%. Broadcast advertising by power of station is found in Table III.

TABLE III
NON-NETWORK ADVERTISING BY POWER OF STATION

1936 Gross Time Sales

<i>Power of Station</i>	<i>January</i>	<i>February</i>	<i>Cumulative Jan.-Feb.</i>
Over 1,000 watts	\$1,489,900	\$1,580,270	\$3,070,170
250-1,000 watts	1,221,120	1,185,180	2,406,300
100 watts	488,240	498,150	986,390
Total	\$3,199,260	\$3,263,600	\$6,462,860

TABLE V
NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

<i>Type of Rendition</i>	<i>National Non-network</i>		<i>Local</i>		<i>Total</i>		<i>Cumulative Jan.-Feb.</i>
	<i>January</i>	<i>February</i>	<i>January</i>	<i>February</i>	<i>January</i>	<i>February</i>	
Electrical transcriptions	\$649,280	\$694,775	\$140,180	\$118,995	\$789,460	\$813,770	\$1,603,230
Live talent programs	732,970	994,530	894,000	715,770	1,626,970	1,710,300	3,337,270
Records	4,720	2,670	52,470	53,430	57,190	56,100	113,290
Announcements	239,530	254,675	486,110	428,755	725,640	683,430	1,409,070
Total	\$1,626,500	\$1,946,650	\$1,572,760	\$1,316,950	\$3,199,260	\$3,263,600	\$6,462,860

Sponsor Trends in February

Trends during the month as a whole were spotty with numerous declines offsetting gains except in the national non-network field where only one significant decrease occurred. The decrease in question was a 31.0% drop in national non-network amusement volume. This comprises a comparatively unimportant group in the non-network field.

Principal gains of importance in non-network advertising as compared to January were as follows: gasoline and accessories 52.0%;

The South Atlantic—South Central area experienced the greatest gain in non-network volume as compared either to the preceding month or to the corresponding period of 1935. Non-network advertising in this area rose 7.2% over the January level and 61.5% over that of February of last year. Non-network advertising in the New England—Middle Atlantic area dropped 3.9% as against the previous month and remained unchanged from last February.

North Central non-network advertising rose 2.9% as compared to the preceding month and 26.0% as against last year. Advertising in the Pacific and Mountain area increased 1.4% over January and 10.8% over February, 1935. Non-network advertising by geographical areas as set forth in Table IV.

TABLE IV

NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

1936 Gross Time Sales

<i>Geographical District</i>	<i>January</i>	<i>February</i>	<i>Cumulative Jan.-Feb.</i>
New England—Middle Atlantic Area	\$686,350	\$659,400	\$1,345,750
South Atlantic—South Central Area	631,410	676,600	1,308,010
North Central Area	1,286,400	1,324,000	2,610,400
Pacific and Mountain Area	595,100	603,600	1,198,700

Total

Non-Network Volume by Type of Rendition

The principal development in the rendition field was the marked strength exhibited by transcription business. Transcription volume rose 3.1% as against January and 54.5% as compared to February, 1935. In the national non-network field, transcription volume showed a gain of 7.0% over the preceding month and 65.4% as compared to the previous year. Local transcription advertising declined 15.1% from the January level in keeping with the usual seasonal trend. However, it remained 13.3% above the previous year's level.

In the national non-network field live talent business continued to show considerable strength rising 3.6% above January and showing a gain of 61.0% over last February. Local live talent volume declined 19.9% over the month and remained unchanged from the previous year's level.

Announcements declined in both the national and local fields as compared to February of the preceding year. The national decrease was 13.1%, while the local decline amounted to 5.5%. National announcement volume rose 6.3% as against January while local announcements declined 11.8%.

National non-network and local broadcast advertising by type of rendition is found in Table V.

cosmetics 69.4%; beverage 73.4%; financial 173.9% and tobacco 53.7%.

Important increases in national network advertising during the month were as follows: automotive 9.3%; clothing 18.4%; financial advertising 37.1%, and miscellaneous 9.5%. Confectionery and tobacco advertising declined slightly.

In the regional network field soap and kitchen supply advertising increased markedly with general declines throughout the major portion of the remaining product groups. Local declines also were general with the exception of a 15.7% rise in amusement advertising and one of 17.1% in automotive volume.

Comparison with February, 1935

Trends in the national network field were rather uncertain with both marked increases and decreases. The most important gains as against the corresponding month of last year were a 10.7% rise in automotive volume, an increase of 55.6% in gasoline and accessory advertising, a rise of 43.0% in beverage volume, and a gain of 66.2% on the part of the miscellaneous group. The last-mentioned rise was due largely to the office equipment classification within that group.

National network drug advertising dropped 27.8%, confectionery advertising declined 39.6% and household equipment volume 49.4%.

The principal gain in the regional network field was a 98.7%

rise in food volume. All branches of national non-network advertising showed an increase as compared to February of the preceding year. The principal gains were a rise of 349.0% in automotive volume, an increase of 198.6% in beverage advertising, and an increase of 91.6% in tobacco advertising.

In the local field automotive volume rose 75.7%, while slight increases were experienced in the clothing, food, household equipment and miscellaneous groups. The principal decline of importance occurred in the gasoline and accessory group where a drop of 24.7% was experienced. Broadcast advertising volume during February by national product and service group is found in Table VI.

TABLE VI
RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS
(February, 1936)

<i>Type of Sponsoring Business</i>	<i>Gross Time Sales</i>		<i>Local</i>	<i>Total</i>
	<i>National Networks</i>	<i>Regional Networks</i>		
1a. Amusements	—	—	\$5,910	\$34,850
1-2. Automobiles and accessories:				
(1) Automobiles	\$369,972	—	232,650	85,375
(2) Accessories, gas and oil	411,330	\$9,032	133,360	49,585
3. Clothing and apparel	34,082	616	40,220	153,420
4-5. Drugs and toilet goods:				
(4) Drugs and pharmaceuticals	502,149	13,481	452,500	64,870
(5) Toilet goods	976,074	3,360	119,330	18,610
6-8. Food products:				
(6) Foodstuffs	842,355	29,817	365,140	191,930
(7) Beverages	373,580	4,226	75,100	62,140
(8) Confections	106,492	4,560	45,250	4,220
9-10. Household goods:				
(9) Household equipment and furnishings	36,623	4,515	64,375	121,755
(10) Soap and kitchen supplies	267,416	5,254	36,190	2,570
11. Insurance and financial	48,516	731	39,610	60,980
12. Radios	96,808	—	16,390	10,800
13. Retail establishments	—	—	19,115	97,980
14. Tobacco products	338,850	6,090	35,330	6,195
15. Miscellaneous	381,557	10,750	276,180	351,670
Total	\$4,785,804	\$92,432	\$1,946,650	\$1,316,950
				\$8,141,836

Details as to Sponsor Trends

Details as to trends in broadcast advertising volume in various sponsoring groups are as follows:

1a. *Amusements.* National non-network 31.0% below January. Local up 15.7%. Compared to February last year national non-network more than tripled and local unchanged. Total up 8.5%.

1. *Automotive.* National network volume 9.3% over January. National non-network up 7.7% and local 17.1%. Compared to last February gains as follows: national network 10.7%; national non-network 349.0%; local 75.5%.

2. *Accessories and gasoline.* National networks 1.0% below January and regional networks down 24.0%. Local down 30.1% and national non-network up 52.0% compared to February, 1935 gains as follows: national networks 55.6%; regional networks 27.0%; and national non-network 38.8%. Local volume down 24.7%.

3. *Clothing.* National network advertising 18.4% above January and national non-network up 18.9%. Regional volume down 30.3% and local 31.6%. Compared to last February national network volume down 13.7% and regional advertising 87.0%. National non-network business up 57.6% and local advertising 4.0%.

4. *Drugs and pharmaceuticals.* Declines from January as follows: national network 1.1%, regional network 2.8% and local 27.6%. National non-network advertising up 2.0%. Regional network volume 80.0% above February of preceding year. National non-network volume up 23.1%, national network advertising down 27.8% and local down 31.0%.

5. *Toilet goods.* National network volume unchanged from January. National non-network advertising up 69.4%. Regional network volume down 17.2% and local 19.2%. Gains compared to corresponding month of previous year as follows: national networks 9.6%; regional networks 295.0%; national non-network 37.8%. Local down 37.7%.

6. *Foodstuffs.* National network volume unchanged from previous month. Regional networks up 3.4% and national non-network 9.6%. Local down 10.4%. National network advertising 7.2% below same month of last year. Other gains as follows: regional networks 98.7%; national non-network 37.5% and local 9.5%.

7. *Beverages.* National network volume 4.4% ahead of previous month. National non-network up 73.4%. Regional networks down 13.9% and local 30.5%. National network advertising 43.0% ahead of corresponding month of 1935. National non-network up 198.6%. Regional networks down 22.2% and local 13.9%.

8. *Confectionery.* Declines from January as follows: national networks 15.5%; regional networks 32.7%; local 75.9%. National non-network up 25.0%. Declines as compared to preceding February as follows: national networks 39.6%; national non-network 22.2% and local 50.0%. Regional network volume up 94.0%.

9. *Household equipment.* Declines from previous month as follows: national networks 4.8%; regional networks 37.2% and local 6.5%. National non-network up 31.5%. National network volume down 49.4% from corresponding month of 1935. Regional volume unchanged. National non-network up 19.0% and local 3.4%.

10. *Soaps and kitchen supplies.* National network volume 9.6% above January. Regional volume up 487.7%. National non-network down 17.8% and local 64.5%. National network advertising 9.1% above previous February and regional volume up materially. Others unchanged.

11. *Financial and insurance.* National networks 37.1% above January and national non-network 173.9%. Regionals down 41.9% and local 13.5%. Compared to February of last year gains as follows: national networks 9.5%; national non-network 8.0% and local 19.8%.

12. *Radios.* National network advertising 4.3% greater than January. National non-network 13.4% above previous month and local down 3.4%. Compared to corresponding month of 1935 national network volume up 6.3%; national non-network volume increased from \$785 to \$16,390; and local increased 26.8%.

13. *Department and general stores.* National non-network advertising 75.7% over preceding month and local down 20.6%. National non-network advertising \$19,115 as against \$2,190 in preceding February. Local down 25.5%.

14. *Tobacco products.* National network volume 5.6% below January and regional network advertising down 6.5%. National non-network up 53.7% and local 29.6%. Compared to previous year gains as follows: national networks 11.6%; regional networks more than fivefold; national non-network 91.6% and local tripled.

15. *Miscellaneous.* National network advertising 9.5% over previous month. Regional network volume up 30.4% and national non-network 37.1%. Local down 10.6%. National network volume 66.2% above previous February. Other gains as follows regional networks 34.2%; national non-network 25.7% and local 7.8%.

Retail Broadcast Advertising

Broadcast advertising by retail establishments experienced the usual seasonal decline during the month. Total volume dropped 10.2% as compared to January but remained 5.5% above the February 1935 level. Declines were general from the previous month's level with the exception of a 33.3% increase in automotive volume, a rise of 26.6% in restaurant advertising and an increase of 3.9% in grocery store volume.

Principal increases of importance as against February of the previous year were as follows: automotive 78.8%; clothing and apparel 3.5%; grocery stores 46.5%; restaurants 52.8%; house furnishings 8.0%. The principal decline of the month was in the department store field where advertising volume dropped 13.3% below the February 1935 level.

Retail broadcast advertising during the month is found in Table VII.

TABLE VII
RETAIL BROADCAST ADVERTISING OVER
INDIVIDUAL STATIONS

<i>Type of Sponsoring Business</i>	<i>1936 Gross Time Sales</i>	
	<i>January</i>	<i>February</i>
Automobiles and accessories:		
Automobile agencies and used car dealers.	\$75,930	\$101,170
Gasoline stations, garages, etc.....	27,785	22,995
Clothing and apparel shops.....	236,550	167,900
Drugs and toilet goods:		
Drug stores	21,375	21,020
Beauty parlors	8,880	5,280
Food products:		
Grocery stores, meat markets, etc.....	60,590	62,920
Restaurants and eating places	18,390	23,280
Beverage retailers	12,800	5,320
Confectionery stores	8,930	1,700
Household goods:		
Household equipment dealers	32,000	31,710
Furniture stores	74,080	70,810
Hardware stores	6,390	6,750
Radio retailers	11,380	7,580
Department and general stores.....	134,320	117,095
Tobacco shops	2,340	625
Miscellaneous	75,320	78,920
Total	\$807,060	\$725,075

FEDERAL TRADE COMMISSION ACTION STIPULATIONS

The Commission has issued the following cease and desist orders:

No. 01123. E. A. Rush, 154-156 Edgewood Ave., Atlanta, operating as Beeman's Laboratories, and engaged in the sale of "B. G. O.", agrees to cease representing that his product is a competent remedy for all forms of skin diseases, that it will give instant relief for any form of suffering, and that it is a greaseless ointment.

No. 01141. Gracon Manufacturing Co., 2119-23 Gravois St., St. Louis, signed a stipulation to discontinue assertions that its product, "Co-Lubes", offered as a graphite lubricant for motors, increases speed of automobile 20 per cent and assures 20 per cent to 75 per cent savings in gas and oil mileage; that it will save repair bills and improve motors, and that it will cause motors to have good lubrication after running 4,000 miles without a change of oil.

The respondent will cease representing that agents selling "Co-Lubes" can earn "up to \$40 daily", or other exaggerated amounts.

No. 01342. Misleading advertising practices will be discontinued by A. F. Duverger, operating as National Distributors and Income Audit Service, Washington, D. C., under a stipulation.

Selling an "income audit service" and accounting and income tax service, the respondent is said to have advertised that prospective salesmen could make up to \$150 weekly by getting in on a fast selling service required by law, in which business there would be no competition, and more than ten million prospects.

In his stipulation, the respondent agrees to cease representing that the income audit service is required by law; that sales persons in this business have no competition, or have any specific number of prospects, and that every business or professional man or woman is required by law to keep a book of records.

No. 2413. Use of the word "distilled" by Federal Distilled Products, 425 North Water St., Milwaukee, so as to represent that it is a distiller of alcoholic beverages or owner of a distillery, has been ordered discontinued.

While the Commission, in its findings, expressed the opinion that the words "Distilled Products" alone would not constitute a misrepresentation, inasmuch as the respondent handles distilled products, it found that the respondent, by representing that such products are "prepared by" it and are "Federal Distilled", had made use of such parts of its corporate name in a manner which tended to deceive dealers and the purchasing public into the belief that the respondent was a distiller and that the spirituous liquors which it sold were distilled by it.

No. 2579. Misleading advertising of a cosmetic in newspapers, over the radio, and through other media, by **Lur-Eye Products, Inc.**, 1501 Broadway, New York City, and **W. R. Robinson Co., Kankakee, Ill.**, is prohibited by an order to cease and desist, issued against those respondents.

Producing and distributing "Lur-Eye Lash Developer" to the wholesale and retail trade, the respondents are directed to stop advertising that "Lur-Eye" will grow, promote the growth of, increase the length of, or change the texture of the eyelashes, and that it is a competent treatment for inflamed or bloodshot eyes, or granulated eyelids.

The respondents also are ordered to cease representing that the preparation will penetrate to or reach the follicles or papillae or inner shafts of the eyelashes, will have any beneficial effect upon the sebaceous glands or inner membranes, or will relieve eye strain.

Findings are that the respondents' product does not have medicinal ingredients claimed in such quantities as to produce the results represented.

The respondents admitted the material allegations of the Commission's complaint against them to be true, and consented, without intervening procedure, to issuance by the Commission of an order to cease and desist from the methods of competition alleged in the complaint.

FEDERAL COMMUNICATIONS COMMISSION ACTION

Wednesday, April 8

HEARING BEFORE AN EXAMINER (Broadcast)

NEW—Pacific Acceptance Corp., San Diego, Calif.—C. P., 1200 kc., 100 watts, daytime.
NEW—California Sales Contract Co., San Francisco, Calif.—C. P., 1280 kc., 500 watts, 1 KW LS, unlimited time.
KMTR—KMTR Radio Corporation, Los Angeles, Calif.—Renewal of license, 570 kc., 1 KW, unlimited time.

Thursday, April 9

HEARING BEFORE AN EXAMINER (Broadcast)

WHB—WHB Broadcasting Co., Kansas City, Mo.—C. P., 1120 kc., 500 watts, 1 KW LS, unlimited time. Present assignment: 860 kc., 1 KW, daytime.
WISN—Hearst Radio, Inc., Milwaukee, Wisc.—C. P., 1120 kc., 1 KW, unlimited time. Present assignment: 1120 kc., 250 watts, 1 KW LS, unlimited time.

Friday, April 10

HEARING BEFORE AN EXAMINER (Broadcast)

NEW—Star-Chronicle Publishing Co., St. Louis, Mo.—C. P., 1250 kc., 1 KW, unlimited time.
WIL—Missouri Broadcasting Corp., St. Louis, Mo.—C. P., 1250 kc., 1 KW, unlimited time.

APPLICATIONS GRANTED

WHA—University of Wisconsin, Madison, Wisc.—Granted C. P. to make changes in equipment increase power from 2½ KW daytime to 5 KW daytime.

- WJNO—Hazlewood, Inc., West Palm Beach, Fla.—Granted modification of C. P. to make changes in equipment; move transmitter from El Varano Hotel, W. Palm Beach, to a site 1½ mile from center of business district of W. Palm Beach, and approving studio location at Hotel George Washington.
- KGB—Don Lee Broadcasting System, San Diego, Cal.—Granted modification of C. P. extending commencement date from 5-1-35 to 30 days after grant and completion date to 180 days after grant.
- WLBC—Donald A. Burton, Muncie, Ind.—Granted modification of C. P. to install new equipment.
- WHN—Marcus Loew Booking Agency, New York City—Granted license to cover C. P. authorizing changes in equipment and increase in day power to 5 KW; 1010 kc., 1 KW night, unlimited time. Also granted license to use old 1 KW transmitter as an auxiliary, and granted authority to determine operating power by direct measurement of antenna.
- WDZ—WDZ Broadcasting Co., Tuscola, Ill.—Granted license to cover C. P. authorizing changes in equipment, change in frequency to 1020 kc., and removal of transmitter site locally; increase in day power to 250 watts.
- WFAM—The South Bend Tribune, South Bend, Ind.—Granted modification of license to change hours of operation from sharing with WWAE to unlimited day, and sharing at night with WWAE.
- WWAE—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—The Commission on its own motion, reconsidered its action of March 17, 1936, in designating for hearing application for modification of license to change hours of operation from S-WFAM to unlimited, day to LS, S-WFAM night, and granted same.
- KCMC—North Miss. Broadcasting, Texarkana, Ark.—Granted consent to voluntary assignment of license to KCMC, Inc.
- KTW—First Presbyterian Church, Seattle, Wash.—Granted authority to install automatic frequency control.
- WJBK—James F. Hopkins, Inc., Detroit, Mich.—Granted modification of C. P. to extend commencement date from 9-30-35 to date of approval and completion date from 3-30-36 to 9-30-36.
- WFBC—Greenville News-Piedmont Co., Greenville, S. C.—Granted license to cover C. P. authorizing installation of new equipment and increase in day power from 1 to 5 KW, unlimited time, 1 KW night, 1300 kc.
- WTAQ—WHBY, Inc., Green Bay, Wisc.—Granted license to cover C. P. covering move of transmitter from Eau Claire to De Pere, Wisc., and studio location to Green Bay; install new equipment, change hours of operation from sharing KSCJ night to unlimited, and installation of directional antenna for nighttime operation; 1330 kc., 1 KW night, 1 KW day, unlimited time.
- WFBC—Greenville News-Piedmont Co., Greenville, S. C.—Granted authority to determine operating power by direct measurement of antenna.
- WMMN—A. M. Rowe, Inc., Jefferson, W. Va.—Granted renewal of license; 890 kc., 250 watts night, 500 watts day, unlimited.
- WNBC—William J. Sanders, New Britain, Conn.—Granted special temporary authority to operate unlimited time on night of March 28, 1936, in order to broadcast dinner party sponsored by Democratic State Central Committee of Conn., in honor of Postmaster General James A. Farley.
- WHBB—Dr. Wm. J. Reynolds & Wm. J. Reynolds, Jr., Selma, Ala.—Granted special temporary authority to operate from LS to 11 p. m., CST, on April 4, 1936, in order to broadcast special program sponsored by merchants of the city.
- WELI—Patrick J. Goode, New Haven, Conn.—Granted special temporary authority to operate from 8 p. m. to 12 midnight EST, March 28, 1936, in order to broadcast testimonial dinner given by Democratic State Central Committee of Conn. in honor of Postmaster Gen. James A. Farley, and from 8 p. m. to 12 midnight EST, April 18, in order to broadcast testimonial dinner in honor of Patrick J. Goode upon his appointment to the postmastership of the city of New Haven.
- WEBC—Head of the Lakes Broadcasting Co., Superior, Wisc.—Granted renewal of license; 1290 kc., 1 KW night, 5 KW day, unlimited time to expire Oct. 1, 1936. Also granted renewal for auxiliary transmitter for the same period.
- KGGM—New Mexico Broadcasting Co., Albuquerque, N. Mex.—Granted renewal of license; 1230 kc., 250 watts night, 500 watts day, unlimited time, to expire Oct. 1, 1936.
- WHBI—May Radio Broadcast Corp., Newark, N. J.—Granted renewal of license; 1250 kc., 1 KW night, 2.5 KW day, sharing WNEW, to expire Oct. 1, 1936.
- WHBI—May Radio Broadcast Corp., Newark, N. J.—Granted renewal of license for auxiliary; 1250 kc., 1 KW night, 2.5 KW day for auxiliary purposes only, to expire Oct. 1, 1936.
- WNEL—Juan Piza, San Juan, P. R.—Granted renewal of license; 1290 kc., 500 watts, unlimited time, to expire Oct. 1, 1936.
- WAML—Southland Radio Corp., Laurel, Miss.—Granted renewal of license on a temporary basis for 3 months; 1310 kc., 100 watts, specified hours.
- WTNJ—WOAX, Inc., Trenton, N. J.—Granted renewal of license for period from April 1 to Oct. 1, 1936. 1280 kc., 500 watts, shares with stations WCAM and WCAP.
- KFPY—Symons Broadcasting Co., Spokane, Wash.—Granted renewal of license for period from April 1 to Sept. 1, 1936; 890 kc., 1 KW, unlimited time.
- WTOC—Savannah Broadcasting Co., Inc., Savannah, Ga.—Granted renewal of license for period from April 1 to Oct. 1, 1936; 1260 kc., 1 KW, unlimited time.
- WSYR—WSYU—Central New York Broadcasting Corp., Syracuse, N. Y.—Granted renewal of license for period from March 1 to Sept. 1, 1936; 570 kc., 250 watts, unlimited time.
- W5XAU—WKY Radiophone Co., Oklahoma City, Okla.—Granted license to cover C. P.; 31600, 35600, 38600, 41000 kc., 100 watts, unlimited time.
- KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—Granted extension of special experimental authority to operate on 780 kc. for period from April 1 to July 1, 1936.
- KECA—Earle C. Anthony, Inc., Los Angeles, Cal.—Granted modification of C. P. approving new equipment and transmitter site at 82nd St. and Compton Ave., Los Angeles County, and extend commencement date to 3-1-36, and completion date to 90 days thereafter.
- NEW—Woodam Corp., Mobile—in Airplane—Granted C. P. (Temp. broadcast pickup); frequencies 1622, 2060, 2150, 2790 kc., 7½ watts.
- NEW—Ben S. McGlashan, Portable-Mobile (Los Angeles, Calif.)—Granted C. P. (Exp. Gen. Exp.); frequencies 86000-400000 kc., 100 watts.
- NEW—Radio Station WSOC, Inc., Portable (Charlotte, N. C.)—Granted C. P. (Exp. Gen. Exp.); frequencies 31100, 34600, 37600, 40600 kc., 7 watts.
- NEW—Pittsburgh Radio Supply House, Portable-Mobile (Pittsburgh, Pa.)—Granted C. P. (Exp. Gen. Exp.); frequencies 31100, 34600, 37600, 40600 kc., 5 watts.
- W9XHC—Kansas State College of Agr. and Applied Science, Portable-Mobile (Manhattan, Kans.)—Granted license to cover C. P. (Gen. Exp.); frequencies 31100, 34600, 37600, 40600 kc., 4 watts.
- W2XEI—Paul J. Gollhofer, Portable-Mobile (Brooklyn, N. Y.)—Granted consent to voluntary assignment of license from Paul J. Gollhofer to Metropolitan Broadcasting Corp., a New York Corp.
- WDBJ—Times-World Corp., Roanoke, Va.—Granted renewal of license for period from April 1 to Oct. 1, 1936; 930 kc., 1 KW, unlimited time.

SET FOR HEARING

- NEW—Southland Broadcasting Corp., Chattanooga, Tenn.—Application for C. P., 1200 kc., 100 watts, daytime. Site to be determined.
- NEW—Jonas Weiland, Kinston, N. C.—Application for C. P. for new station, 1200 kc., 100 watts night, 250 watts day, unlimited time. Site to be determined.
- NEW—R. J. Laubengayer, Salina, Kans.—Application for C. P. for new station, 1500 kc., 100 watts, unlimited time. Site to be determined.
- NEW—Pemberton Gordon d/ as Mid-Missouri Broadcasting Service, Jefferson City, Mo.—Application for C. P. for new station, 1310 kc., 100 watts daytime.
- NEW—Harold F. Gross & Edmund C. Shields, Saginaw, Mich.—Application for C. P., 950 kc., 500 watts daytime. Site to be determined.
- NEW—Grover C. Maxwell, Geo. A. Sancken & Herbert C. Lorick, Augusta, Ga.—Application for C. P. for new station, 610 kc., 250 watts night, 500 watts day. Site to be determined.
- NEW—The Niagara Falls Gazette Publishing Co., Niagara Falls, N. Y.—Application for C. P., 630 kc., 250 watts daytime. Site to be determined.

NEW—I. L. G. W. Radio Corp., New York City, N. Y.—Application for C. P. for new station, **970 kc.**, 1 KW, unlimited time. Site to be determined.

NEW—Ben L. Taylor, Phil B. Whitaker & Mrs. B. Whitaker, Chattanooga, Tenn.—Application for C. P., **1200 kc.**, 100 watts daytime. Site to be determined.

NEW—Nolan S. Walker, Canton, Ohio.—Application for C. P., **1200 kc.**, 100 watts night, 250 watts day, unlimited time. Site to be determined.

NEW—W. H. Marolf, Escanaba, Mich.—Application for C. P., **1500 kc.**, 100 watts, unlimited time. Site to be determined.

NEW—WRBC, Inc., Cleveland, Ohio.—Application for C. P., **780 kc.**, 1 KW, unlimited time. Site to be determined.

NEW—WRBC, Inc., Youngstown, Ohio.—Application for C. P., **890 kc.**, 1 KW, unlimited time. Site to be determined.

WEMP—Milwaukee Broadcasting Co., Milwaukee, Wisc.—Application for C. P. to install new equipment, change frequency from **1310 kc.** to **1010 kc.**, power from 100 watts to 250 watts night, 500 watts day, and time from daytime to unlimited.

KFKA—The Mid-Western Radio Corp., Greeley, Colo.—Application for modification of license to increase night power from 500 watts to 1 KW, operates on **880 kc.**, 1 KW day; S-KPOF.

KRE—First Congregational Church, Berkeley, Calif.—Application for consent to voluntary assignment of license from First Cong. Church of Berkeley to Central Calif. Broadcasters, Inc., a Calif. corporation.

WCBF—WCBF, Inc., Waukegan, Ill.—Application for consent to transfer of control of WCBF, Inc., an Ill. Corp. from Wilbur Glenn Veliva, E. E. Harwood and M. J. Minturn to L. E. Moulds, W. F. Moss, Gene T. Dyer and E. M. Ringwald.

NEW—Isadore Goldwasser, Tuscaloosa, Ala.—Application for C. P. for new station, **1370 kc.**, 100 watts, unlimited time.

NEW—Saint Cloud Broadcasting Co., by Emmons L. Abeles, Secy., St. Cloud, Minn.—C. P. already in hearing docket, amended to read: **1310 kc.**, 50 watts night, 100 watts day, unlimited time. Site to be determined.

NEW—H. H. Hanseth, Fresno, Calif.—C. P. already in hearing docket, amended to read: **1410 kc.**, 1 KW, unlimited time.

NEW—Midway Broadcast Co., by Emmons L. Abeles, Secy., Eau Claire, Wisc.—C. P. already in hearing docket, amended to read: **1210 kc.**, 100 watts daytime. Site to be determined.

NEW—W. P. Stuart, Prescott, Ariz.—Application for C. P., **1590 kc.**, 100 watts, unlimited time.

KWKC—Wilson Duncan, tr. as Wilson Duncan Broadcasting Co., Kansas City, Mo.—Consent to voluntary assignment of license to Lester E. Cox and Thomas L. Evans, a partnership.

NEW—Evans Broadcasting Co., Kansas City, Mo.—Application for C. P., **1370 kc.**, 100 watts, unlimited time. Site to be determined.

NEW—Fred A. Baxter, Superior, Wisc.—Application for C. P. already in hearing docket, amended to read: **1200 kc.**, 100 watts, unlimited time.

RENEWAL OF LICENSES

The following station were granted renewal of licenses for the regular period:

KFWB, Hollywood, Cal.; KVOA, Tucson, Ariz.; KYA, San Francisco; WAAT, Jersey City, N. J.; WASH, Grand Rapids, Mich.; WFBR and auxiliary, Baltimore, Md.; WOOD, Grand Rapids, Mich.; KTW, Seattle, Wash.; WISN, Milwaukee, Wis., and auxiliary; WRC and auxiliary, Washington, D. C.; KGVO, Missoula, Mont.; KMBC and auxiliary, Kansas City, Mo.; KOIL, Council Bluffs, Ia.; KTAT, Fort Worth, Tex.; KVOR, Colorado Springs, Colo.; WCAE, Pittsburgh, Pa., and auxiliary; WHIO, Dayton, Ohio.

WLBI—State of Wisc. Dept. of Agr. and Markets, Stevens Point, Wis.—Granted renewal of license for the period ending Sept. 1, 1936.

KUJ—KUJ, Inc., Walla Walla, Wash.—Present license extended on a temporary basis from April 1 to May 1, 1936, subject to such action as may be taken upon pending application for renewal.

WATL—J. W. Woodruff and S. A. Cisler, Jr., d/b as Atlanta Broadcasting Co., Atlanta, Ga.—Present license extended on a temporary basis from April 1 to May 1, 1936, subject to such action as may be taken upon pending application for renewal.

WWL—Loyola University, New Orleans, La., and

KWKH—International Broadcasting Corp., Shreveport, La.—Special temporary experimental authority extended from March 1 to April 1, 1936, subject to the same conditions as contained in the existing authority to said stations, pending consideration of pending petition of station WLWL and petitions in opposition thereto.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Present license extended on a temporary basis for the period April 1 to May 1, 1936, subject to such action as may be taken on pending application for renewal.

KGCU—Mandan Radio Assn., Mandan, N. Dak.—Granted renewal of license on a temporary basis only subject to whatever action may be taken by the Commission upon pending application for renewal.

KMA—May Seed and Nursery Co., Shenandoah, Ia.—Granted renewal of license on a temporary basis only subject to whatever action may be taken by the Commission upon pending application for renewal.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho—Granted renewal of license on a temporary basis only subject to whatever action may be taken by the Commission upon pending application for renewal.

KGBZ—KGBZ Broadcasting Co., York, Nebr.—Granted renewal of license upon a temporary basis only and subject to whatever action may be taken by the Commission upon the renewal application now pending before it and upon the application of the May Seed & Nursery Co. (KMA).

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho—Granted extension of special experimental authority on a temporary basis only, subject to a hearing and decision by the Commission. Extension granted for the period from April 1 to Oct. 1, 1936.

MISCELLANEOUS

Paul R. Heitmeyer, Salt Lake City, Utah—Denied motion that action be deferred on applications pending from Utah and that same be considered in connection with his application.

A. Steneart Graham, E. V. Baxter, Norman Baxter, d/b Pittsburg Broadcasting Co., Pittsburg, Kans.—Denied motion to consider its application in conjunction with application of Joplin Broadcasting Co., and Pittsburg Publishing Co.

WISE—WISE Broadcasting Co., Inc., St. Paul, Minn.—Denied motion asking Commission to reconsider action of Feb. 8, 1936, in granting Edward Hoffman a C. P. to erect new broadcasting station at St. Paul to operate on **1370 kc.**, 100 watts, unlimited.

KROW—Educational Broadcasting Corp., Oakland, Cal.—Granted petition to intervene at hearing of application of Jos. G. Morrow, for C. P. for new broadcast station at Oakland, to operate on **1150 kc.**, 250 watts daytime.

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Granted renewal of license on condition applicant complete and place in operation the new antenna and ground system now being constructed, and that the signal strength of new radiating system meet the requirements of Commission.

WJJD—WJJD, Inc., Chicago, Ill.—The Broadcast Division directed that C. P. to move transmitter to Des Plaines, Ill., be issued to applicant in conformity with its action of Jan. 10, 1936, inasmuch as applicant has complied with the proviso contained therein.

KFRU—KFRU, Inc., Columbia, Mo.—The Broadcast Division directed that a modification of license to change hours of operation to sharing with radio station WGBF, simultaneous day with WGBF (contingent upon the release of the hours by WOS), be issued to applicant in conformity with its action of Feb. 21, 1936. The Broadcast Division also directed that station WOS, State of Mo., Mo. State Highway Patrol, Jefferson City, be deleted.

NEW—Fresno Broadcasting Co., Fresno, Calif.—Granted request to amend order to take depositions in re application for new broadcasting station at Fresno, Calif.

WSPA—Virgil V. Evans, Spartanburg, S. C.—Denied petition asking special temporary authority to operate with 500 watts from LS to 12 midnight for 30 days.

Times Dispatch Publishing Co., Richmond, Va.—Granted request to take depositions in re application for new station at Richmond, Va.

KMJ—James McClatchy Co., Fresno, Cal.—Granted petition to intervene at hearing of application of Fresno Broadcasting Co., for new station at Fresno.

Evans Broadcasting Co., Kansas City, Mo.—Overruled motion that Commission revoke and rescind special temporary license granted Charlotta Duncan, Adm., to operate KWKC, but granted application to be heard before Commission renews license in question.

George B. Bairey, Valley City, N. Dak.—Denied petition and its supplement, requesting Commission to grant his application for a new station at Valley City to operate on 1500 kc., 100 watts, unlimited time.

WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—Denied special temporary authority to operate with power of 5 KW from 5 to 6 a. m., CST, during the time that Eastern Standard Time is recognized as official time in Gary.

APPLICATION DENIED

NEW—The Herald Publishing Co., Denison, Tex.—Denied as in cases of default, application for C. P., 1200 kc., 100 watts, unlimited time, heretofore set for hearing, for failure to file an appearance and statement of facts in accordance with Rule 104.6(c).

APPLICATIONS DISMISSED

KIUN—Jack W. Hawkins & Barney H. Hubbs, Pecos, Tex.—Modification of license, 1310 kc., 100 watts, unlimited time, heretofore set for hearing, was dismissed for failure to answer form letter, adopted by Broadcast Division requiring applicants to signify their desire to be heard within 10 days after receipt of said form letter.

The following application was dismissed from the hearing docket and retired to the files inasmuch as the time requested for transmittal of programs, specified therein, has expired.

Plain Talk Magazine, Inc., Washington, D. C.—For authority to transmit proceedings of the convention of Jefferson Democrats on Jan. 29, 1936, from Macon, Ga., through facilities of A. T. & T. to station XEAW, Reynosa, Tamps, Mex.

The following applications, heretofore set for hearing, were dismissed at request of applicants:

NEW—Albert E. Davis, Brownwood, Tex.—Applied for C. P., 1420 kc., 100 watts, daytime.

NEW—George H. Adams and Henry D. Bratter, St. Paul, Minn.—Applied for C. P., 1370 kc., 100 watts, unlimited time.

WAWZ—Pillar of Fire, Zaraphath, N. J.—Applied for modification of license, 1350 kc., 1 KW, shares with WBNX.

APPLICATIONS RECEIVED

First Zone

WCAO—Monumental Radio Co., Baltimore, Md.—License to use 600 W. E., 106-B transmitter as an auxiliary transmitter.

WCAO—Monumental Radio Co., Baltimore, Md.—License to cover 600 construction permit (B1-P-824) as modified for equipment changes and move of transmitter.

NEW—Hildreth & Rogers Co., Lawrence, Mass.—Construction 680 permit for a new station to be operated on 680 kc., 1 KW, daytime.

WNYC—City of New York—Department of Plant & Structures, 810 New York, N. Y.—License to cover construction permit (B1-P-798) to use W. E. 106-B transmitter as an auxiliary transmitter and move transmitter.

WJAR—The Outlet Co., Providence, R. I.—Modification of construction permit (B1-P-333) for changes in equipment, increase in power, move of transmitter and directional antenna, requesting further changes in equipment.

WELI—City Broadcasting Corp., New Haven, Conn.—Voluntary 900 assignment of license from Patrick J. Goode, to City Broadcasting Corporation.

WORL—Broadcasting Service Organization, Inc., Needham, Mass. 920 Modification of license to move studio from Great Plain Avenue, Needham, Mass., to 610 Beacon St., Boston, Mass.

NEW—E. Anthony & Sons, Inc., Pawtucket, R. I.—Construction 1200 permit for a new station to be operated on 1200 kc., 100 watts, 250 watts-day, unlimited time. Requests facilities of WNRI. Amended: To make changes in antenna.

NEW—Twin City Broadcasting Co., Inc., Lewiston, Me.—Construction 1210 permit for a new station to be operated on 1210 kc., 100 watts, unlimited time.

NEW—Edward E. Huddleson & Robert A. Howe, d/b as Huddleson & Howe, Honolulu, T. of Hawaii—Construction permit

for a new station to be operated on 1210 kc., 100 watts, 250 watts-day, unlimited time.

WNBC—William J. Sanders, New Britain, Conn.—Construction 1380 permit to make changes in equipment and increase power from 250 watts to 1 KW.

NEW—Auburn Publishing Co., Auburn, N. Y.—Construction permit 1420 for a new station to be operated on 1420 kc., 100 watts, unlimited time. Amended: Giving exact transmitter site as West Lake Road, Fleming, New York.

WMBQ—Metropolitan Broadcasting Corp., Brooklyn, N. Y.—Construction 1500 permit to install new equipment.

NEW—Lillian E. Kiefer, Brooklyn, N. Y.—Construction permit 1500 for a new station to be operated on 1500 kc., 100 watts, specified hours. Requests facilities of WMBQ.

NEW—Central New York Broadcasting Corp., Portable-Mobile—Construction permit for a new general experimental station to be operated on 31100, 34600, 37600, 40600 kc., 1 watt.

NEW—Central New York Broadcasting Corp., Portable-Mobile—License to cover above.

W10XDX—National Broadcasting Company, Inc., Portable-Mobile—Modification of license to utilize a frequency in the band of 200-400 megacycles for broadcast pickup purposes, in addition to present authorization.

Second Zone

WVVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—1160 Construction permit to install a new transmitter, erect a vertical antenna and increase power from 5 KW to 25 KW night, 10 KW day.

WEED—William Avera Wynne, Rocky Mount, N. C.—Construction 1420 permit to make changes in equipment, increase power from 100 watts to 100 watts, 250 watts-day.

NEW—Lynchburg Broadcasting Corp., Portable-Mobile—Construction permit for a new General experimental station for 31100, 34600, 37600, 40600 kc., 40 watts.

NEW—The Evening News Assn., Inc., Mobile—Construction permit for a new general experimental station to be operated on 31100, 34600, 37600, 40600 kc., 5 watts.

Third Zone

NEW—Seaboard Investment Co., Inc., Montgomery, Ala.—Construction 610 permit for a new station to be operated on 610 kc., 500 watts, 1 KW-day, unlimited time.

WAIM—Wilton E. Hall, Anderson, S. C.—Construction permit 630 to change frequency from 1200 kc. to 590 kc., install new equipment, increase power from 100 watts to 250 watts, 1 KW-day and move transmitter from Anderson College, Anderson, South Carolina to site to be determined, Anderson, South Carolina. Amended: To change requested frequency from 590 kc. to 630 kc., requested power from 250 watts, 1 KW-day to 1 KW daytime operation only.

NEW—Voice of Corsicana Assn., Corsicana, Tex.—Construction 1200 permit for a new station to be operated on 1200 kc., 100 watts, daytime. Amended: To change frequency from 1200 kc. to 1310 kc.

WIOD—WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—1300 License to cover construction permit (B3-P-1003) for changes in equipment.

KFPM—Voice of Greenville, Greenville, Tex.—Construction permit 1310 to make changes in equipment, increase power from 15 watts to 100 watts, change hours of operation from specified hours to daytime, move transmitter from 2109 Park Street (rear) to site to be determined, Greenville, Texas and change call letters from KFPM to KVOG. (Filed in name of Voice of Greenville). Amended: To change frequency from 1310 kc. to 1420 kc.

KGFI—Eagle Broadcasting Co., Inc., Corpus Christi, Tex.—Construction 1330 permit to install new equipment, increase power from 100 watts, 250 watts-day to 250 watts, 500 watts-day, change frequency from 1500 kc. to 1330 kc., move transmitter from Broadway & Leopard Street, Corpus Christi, Texas to Ocean Drive, Corpus Christi, Texas.

W4XCA—Memphis Commercial Appeal, Inc., Memphis, Tenn.—Modification of construction permit to increase power to 250 watts.

Fourth Zone

KMMJ—The M. M. Johnson Co., Clay Center, Nebr.—Voluntary 740 assignment of license from the M. M. Johnson Co. to KMMJ, Incorporated.

WHO—Central Broadcasting Co., Des Moines, Ia.—Special experimental authorization to install new equipment and increase power from 50 KW to 500 KW for period to 8-1-36.

WJJD—WJJD, Inc., Chicago, Ill.—Modification of license to 1130 change hours of operation from 6 a. m. CST, to local sunset at Salt Lake City, Utah to 6 a. m. EST, to local sunset at Salt Lake City, Utah.

KFJB—Marshall Electric Co., Inc., Marshalltown, Iowa—Construction permit to make changes in equipment.

WCLS—WCLS, Inc., Joliet, Ill.—Modification of license to change 1310 hours of operation from specified hours to unlimited time.

W9XOK—The Star-Chronicle Publishing Co., St. Louis, Mo.—License to cover construction permit for a new general experimental station.

NEW—WBBM Broadcasting Corp., Chicago, Ill.—Construction permit for a new general experimental station for 31600, 35600, 38600, 41000 kc., 50 watts, special emission.

NEW—Central States Broadcasting Co., Omaha, Nebr.—Construction permit for a new general experimental station to be operated on 31600, 35600, 38600, 41000 kc., 100 watts.

NEW—The University of Minnesota, Minneapolis, Minn.—Construction permit for a new general experimental station to be operated on 31600, 35600, 38600, 41000, 86000-400000,

401000 kc., and above, 100 watts. Amended: A3 emission specified.

Fifth Zone

KFVD—Los Angeles Broadcasting Co., Inc., Los Angeles, Calif.—1000 Voluntary assignment of license from Los Angeles Broadcasting Co., Inc., to Standard Broadcasting Co.

KUJ—KUJ, Inc., Walla Walla, Wash.—Consent to transfer control of corporation from Louis Wasmer to H. E. Studebaker. 1370 100 shares common stock.

KIEM—Redwood Broadcasting Co., Inc., Eureka, Calif.—License 1450 to cover construction permit (B5-P-206) for new equipment, change in frequency and power and move transmitter.

NEW—Jay E. Tapp, Long Beach, Calif.—Construction permit for a new general experimental station to be operated on 31600, 35600, 38600, 41,000 kc., 100 watts.

Puerto Rican Zone

WKAQ—Radio Corporation of Porto Rico, San Juan, Puerto Rico 1240 —Modification of license to change hours of operation from one-half time to unlimited time.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

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COPYRIGHT HEARINGS

Unless some change is made in the present program of the House Committee on Patents all hearings will be concluded by April 15. On Monday and Tuesday of next week motion picture exhibitors and producers will be heard. During the present week manufacturers of mechanical devices, representatives of designers appeared both for and against a copyright bill.

DAILY NEWS FILES APPEAL

The Daily News Corporation of St. Paul, Minn., has filed an appeal in the United States Court of Appeals of the District of Columbia against an order of the Federal Communications Commission of March 19 granting a construction permit for the erection of a new station at St. Paul to use 1370 kilocycles, 100 watts power and unlimited time on the air.

The news corporation contends that it had an application pending for the same assignment since August 14, 1935, while it is contended at the Commission that the application was filed after the Hoffman hearing before an Examiner.

The news corporation contends, in its appeal that it was deprived of an opportunity for a hearing on its application for the facilities granted Hoffman.

TELEPHONE HEARING POSTPONED

Further hearings in connection with the telephone investigation of the Federal Communications Commission have been postponed from April 14 to April 20 at the request of the American Telephone & Telegraph Company because of the annual meeting of the corporation to be held next week.

WYLIE OUT FOR HIMSELF

C. Ellsworth (Dick) Wylie, one of the best known executives on the Pacific Coast, general manager and sales manager of the Don Lee Broadcasting Company for several years, has opened his own advertising agency under the firm name of C. Ellsworth Wylie Company with offices in the Beaux Arts Building, Los Angeles. Mr. Wylie resigned from the Don Lee organization on the first of March.

FCC SCHEDULES FAR REACHING INQUIRY INTO ALL TECHNICAL PHASES OF RADIO

The FCC this week announced there would be an informal engineering hearing before the Commission en banc on June 15 to obtain information concerning the problems involved in the allocation of frequencies to the various classes of service.

The general hearing probably will be followed by other hearings concerning specific regulatory problems.

The full text of the FCC release follows:

At a meeting on Friday, April 3, 1936, the Commission approved a recommendation of the Chief Engineer for an informal

engineering hearing before the Commission en banc on June 15th for the general purpose of obtaining information concerning the problems involved in the allocation of frequencies to the various classes of service.

In this memorandum the Engineering Department reported that radio, by reason of recent technical progress, has arrived at a cross-roads in its application to the service of the public and as a result thereof the Federal Communications Commission is confronted with some pressing problems of basic importance, the successful solution of which will constitute another milestone in the history of communications.

The Engineering Department states that in its opinion the foremost important technical radio problems requiring the attention of the Commission are as follows:

"1. Providing new radio frequency channels for public services in classes of communication other than broadcasting, as well as providing for all classes of radio service in the interest of safety of life and property.

"2. Frequency allocation improvements to the existing broadcast structure—550 to 1600 kc.

"3. Visual broadcasting (television and facsimile).

"4. Aural broadcasting on frequencies above 1600 kc.

"Peculiarly, the solution of these four broad problems is so intrinsically interrelated that not one of them should be decided upon without consideration of the other three."

The Chief Engineer stated that of the problems confronting the Commission, visual broadcasting perhaps most complicates the situation by reason of two factors, namely:

"1. The technical requirement for an extremely large portion of the limited ether spectrum, thus restricting the amount which would be available for services other than broadcasting.

"2. The economics of visual broadcasting, including the possible economic effect it may have upon existing aural broadcasting and the existing receiver manufacturing industry, as well as the newspaper and motion picture industries.

"If more data were available with respect to these two factors of visual broadcasting, the Federal Communications Commission might have sufficient detailed information to warrant its proceeding immediately with confidence in the solution of the other three radio problems on a more permanent basis; but visual broadcasting is still deep in the experimental status from both technical and economic standpoints.

"The other three problems are not quite so complex as visual broadcasting, and while there is still insufficient data regarding wave propagation in large portions of the spectrum, there is enough information relative to propagation in certain portions of the spectrum to permit more definite progress along specific lines, and in this connection at present there appears to be a need for opening new portions of the spectrum in the service of the public. Furthermore, the possible intrenchment of various developed services, particularly those of the Government, by vast expenditures of money, is a factor of compelling importance."

The Engineering Department stated that of the various courses of action available to the Commission, it believed that the most sound course for the Commission to pursue in its solution of the pressing radio problems was "to proceed upon the doctrine of 'evolution and experimentation' by encouraging development and use of frequencies along definite lines as may be indicated from time to time from accumulated data, and by holding informal hearings as necessary to facilitate progress in detail."

The more important specific recommendations of the Engineering Department were as follows:

"1. In new allocations or in reallocations of radio frequencies to services or to stations within services, proceed on the basis of 'evolution, experimentation and voluntary action' rather than by radical and enforced costly changes. Modifications which do not

involve large expenditures or are necessary requirements to keep abreast of the technical art should be accomplished.

"2. Encourage communication development along specific lines as may be indicated from time to time from accumulated data and from evidence secured from such informal engineering meetings as may be necessary to facilitate progress in detail.

"3. At a date in 1936, preferably in May or June, to be determined later, hold an informal engineering hearing before the Commission en banc for the purpose of:

"(1) Determining in a preliminary manner the most probable future needs of the various services for frequencies above 30,000 kc.

"(2) Securing for the public and the Commission a keener insight of the conflicting problems which confront the industry and the regulatory body in the application of the new frequencies to the service of the public.

"(3) Guiding experimentation along more definite lines as may be justified from the evidence presented at the hearing.

"(4) Reviewing frequency allocations to services in the radio spectrum below 30,000 kc.

"(5) Assisting the Government in its preparation for the International Telecommunications Conference at Cairo in 1938.

"The Interdepartment Radio Advisory Committee should be invited to attend this hearing.

"4. Delay permanent allocation of frequencies above 30,000 kc to various classes of service until after the hearing mentioned in 3 above, and also until after an executive order on the allocation of these frequencies to Government services has been decided upon.

"5. In the meantime the Engineering and other interested Departments should prepare minor modifications of existing regulations for experimental operation above 30,000 kc, to be effective immediately, and so designed as to encourage progress and at the same time avoid illogical "intrenchment" pending final determination of the allocation of these frequencies to various commercial services.

"6. Encourage standardization of visual broadcast transmission performance by authorizing the Engineering Department to cooperate with the Radio Manufacturers Association and licensees of experimental television stations in forming a committee of the industry to endeavor to arrive at a recommendation with respect to ultimate standardization.

"7. Encourage the development of coaxial cables for the purpose of transmitting visual broadcast programs between television broadcast stations which will be ultimately licensed by the Commission.

"8. Continue the policy of granting visual broadcast station licenses on an experimental basis only and making more stringent requirements as to active work on the part of licensees.

"9. At the proper time in the future, if there is sufficient accumulated data with respect to visual broadcasting, and after it has been decided what the allocation of frequencies above 30,000 kc should be, promulgate visual broadcast transmission performance standards, provided the Radio Manufacturers Association's recommendations are satisfactory. If they are not satisfactory, hold a public hearing to determine what standards should be adopted.

"10. After standards have been adopted, continue the policy of keeping visual broadcasting on an experimental basis until sufficient data has been accumulated with respect to the economic factors of visual broadcasting, as well as the possible economic effect on other broadcast services and upon other industries such as newspaper and motion picture.

"11. Continue to encourage aural broadcasting on an experimental basis on frequencies above 30,000 kc until such time when sufficient data is accumulated with respect to this particular service, as well as television and other services. When data as to the technique of this type of broadcasting is understood, and when the needs of other services, including television and facsimile, are known to a sufficient extent, the Commission should consider the desirability of commercial aural broadcasting on frequencies above 30,000 kc."

The Chief Engineer stated that the general hearing for June 15th was for the purpose of guiding the Commission and the communications industry in the next progressive steps that may be necessary in the development of communications and in order that the Commission and the industry might avoid pitfalls that might be involved in premature intrenchment resulting from large investments, which might serve as a handicap in making an orderly allocation of frequencies to various commercial and government services in the future.

INDICATING INSTRUMENTS

A statement has been sent to all manufacturers of broadcast equipment regarding indicating instruments by the Federal Communications Commission as follows:

It has come to the attention of the Commission that in several cases the instruments supplied with broadcast transmitters for indicating the plate current and plate voltage of the last radio stage and the antenna current, have such scale divisions that where indications fall between divisions, it is impossible to estimate the reading within plus or minus 2%, which is the accuracy required for these instruments.

The scale divisions should be as small as practical and of such value as to permit accurate interpolation at a glance.

Attention is also invited to the requirement that the full scale readings of the direct current instrument shall not exceed five times and the full scale reading of the antenna ammeter shall not exceed three times the minimum normal indications.

The function of each instrument shall be permanently and plainly marked thereon or on the panel immediately adjacent thereto.

All future equipments should be supplied with instruments in accordance with the above. Broadcast stations employing instruments which do not meet these requirements will be cited for violation of Rule 143. In the case of equipment of approved manufacture, the question of the cost of replacement must be settled between the vendor and vendee.

RECOMMENDS DENIAL OF NINE APPLICATIONS

Applications were filed with the Federal Communications Commission for nine stations in Minnesota, Iowa, Nebraska and Wisconsin. The applications were as follows, all of which were taken up at one hearing: Winona Broadcasting Company, new station at Winona, Minn., to use 1500 kilocycles, 100 watts unlimited time; Mankato Broadcasting Company, new station at Mankato, Minn., to use 1210 kilocycles, 100 watts and unlimited time; Fort Dodge Broadcasting Company, new station at Fort Dodge, Iowa, to use 1210 kilocycles, 100 watts power and unlimited time; Clinton Broadcasting Company, to erect new station at Clinton, Iowa, to use 1310 kilocycles, 100 watts and unlimited time; Hastings Broadcasting Company, to erect new station at Hastings, Nebr., to use 1420 kilocycles, 100 watts and unlimited time; Grand Island Broadcasting Company, to erect new station at Grand Island, Nebr., to use 1370 kilocycles, 100 watts and unlimited time; Appleton Broadcasting Company to erect new station at Appleton, Wis., to use 1500 kilocycles, 100 watts power and unlimited time; Wausau Broadcasting Company, new station at Wausau, Wis., to use 1310 kilocycles, 100 watts power and unlimited time, and Northern Broadcasting Company, to erect station at Wausau, Wis., to use 1370 kilocycles, 100 watts power and unlimited time.

Examiner P. W. Seward in Report No. I-214 recommends that all of the applications be denied. In the case of eight of the applications the Examiner states that a certain group of men propose to associate themselves together as a partnership. The Examiner found that no substantial need is shown for additional radio service in the several areas proposed to be served, and granting of the applications would cause objectionable interference.

FIELD INTENSITY MEASUREMENTS

The Federal Communications Commission has issued the following statement in connection with field intensity measurements pursuant to Rule 131:

Rule 131 provides that certain minimum field intensities are acceptable in lieu of the required minimum physical vertical heights of the antennas proper. The following requirements shall govern the taking and submission of data on the field intensity produced:

Beginning as near to the antenna as possible without including the induction field, measurements should be made on eight or more radials, at intervals of one-quarter mile or less up to two miles, at intervals of one-half mile or less from two miles to six miles and a few additional measurements at greater distances from the antenna. Where the antenna is rurally located and unobstructed measurements can be made, there should be as many as eighteen or twenty measurements on each radial. However, where the antenna is located in a city or where unobstructed measurements are difficult to make, measurements should be made on each radial at much closer intervals, particularly within two miles of the antenna.

A curve for each radial is plotted from these data on semi-logarithmic co-ordinate paper with the field intensity times distance as ordinate, and distance as abscissa. From the curve so plotted, the unattenuated field intensity at one mile on each radial is determined.

When all radials have been analyzed in this manner, a curve is plotted on polar co-ordinate paper from the unattenuated values obtained, which gives the unattenuated field pattern at one mile. The radius of a circle, the area of which is equal to the area bounded by this pattern, is the effective unattenuated field intensity at one mile.

While making the field intensity survey, the output power of the station must be maintained at the licensed power as determined by the direct method. To do this it is necessary to determine accurately the total antenna resistance (the resistance variation method or the substitution method is acceptable) and to measure the antenna current by means of an ammeter of acceptable accuracy.

An accurate value of the antenna resistance can be determined only by making a series of measurements, each for a different frequency. From ten to twelve resistance measurements covering a band of 50 to 60 kilocycles wide with the operating frequency near the middle of the band, must be made to give data from which accurate results may be obtained. The values measured should be plotted with frequency as abscissa and resistance in ohms as ordinate and a smooth curve drawn. The point on the ordinate where this curve intersects the operating frequency, gives the value of the antenna resistance.

The following data should be submitted to the Commission in affidavit form:

1. Complete data taken for field intensity measurement, including a map showing each point of measurement numbered to agree with the tabulated data and for the antenna resistance measurement.
2. The graphs drawn for each radial, the unattenuated field pattern and the antenna resistance curve.
3. Description of methods used to take readings for field intensity and antenna resistance measurements.
4. Manufacturer's name of each calibrated instrument used, and manufacturer's rated accuracy.
5. Accuracy, date and by whom each instrument was last calibrated.
6. Name and qualifications of engineer making measurements.

HERBERT L. PETTEY,
Secretary.

RECOMMENDS AGAINST POWER INCREASE

Broadcasting Station WPAR, Parkersburg, W. Va., applied to the Federal Communications Commission to increase its daytime power from 100 to 250 watts. The station operates full time on 1420 kilocycles.

Examiner John P. Bramhall in Report No. I-215 recommended that the application be denied. He found that the station has not established a need for additional daytime service in the area proposed to be served, and that granting of the application would cause interference with Station WBNS, at Columbus, Ohio.

FEDERAL TRADE COMMISSION ACTION COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them:

No. 2751. Alleging unfair competition in connection with the sale of Analgesique "Baume Bengue," offered as a treatment for relief of pain, a complaint has been issued against **Thomas Leeming & Co., Inc.**, 101 West 31st St., New York City.

The respondent company, the complaint charges, represents in advertisements, pamphlets, labels and other printed matter, that its product penetrates the skin through muscles and into the joints, and kills the pains of neuralgia, rheumatism, headache, neuritis, lumbago, and sciatica, no matter how deep-seated the pains.

No. 2752. In a complaint, **M. F. Foley Co.**, of Friend and Union Sts., Boston, is charged with unfair representations in the sale of sea foods.

Engaged as a wholesaler of sea foods, the respondent company is alleged to have advertised its products by means of price lists or bulletins, in which certain species of fish were variously designated "Deep Sea Whitefish Fillets," "Fresh Cusk Fillets (Deep

Sea Whitefish)," or "Deep Sea Whitefish Fillets (Cusk)." Invoices are said to have referred to such species as "D. S. Whitefish Fillet," when, in fact, these types of fish were not "whitefish," as known to the trade and consuming public.

No. 2753. Charging unfair representations in aid of the sale of "Sunlife Chlorophyllian Oil," advertised by radio and other media as "captured sunlight" for treatment of certain diseases, a complaint has been issued against **Sunlife Chlorophyllian Laboratories, Ltd.**, 2702 South Hill St., Los Angeles, distributors of the preparation. The complaint also names as respondents the following members of the firm: C. C. Miller, W. B. Mather, W. M. Louisson, D. A. Lester, L. D. Marr and H. M. Young.

Among the ailments for which the respondent company recommended the use of "Sunlife Chlorophyllian Oil" were nervous irritation, muscular rheumatism, lumbago, gouty conditions, simple coughs and colds, and insomnia.

"Every mother will appreciate it for the children, as it relieves the so-called 'growing pains' and many minor injuries, such as sprains, cuts, bruises, and burns," read an advertisement.

However, according to the complaint, chlorophyll, although produced by the aid of sunlight, is not absorbed through the skin and its application has no effect on rheumatic and gouty conditions and other ailments named, nor does it possess the same beneficial ingredients or produce the same beneficial effects as sunlight.

Use of the word "Sunlife" in the respondent's trade name is alleged to be false and misleading.

The respondent's representations are alleged to have been in violation of the Federal Trade Commission Act, tending to deceive the purchasing public and unfairly to divert trade to the respondent company from competitors.

No. 2754. Alleged to have gained control of a competing company by acquiring its total shares of outstanding capital stock, in violation of Section 7 of the Clayton Act, **Laird & Co., Scobeyville, N. J.**, engaged in the manufacture and sale of applejack brandy, is named respondent in a complaint issued.

In February, 1936, the complaint charges, the respondent company acquired the outstanding capital stock of the Hyland Distilling Corporation, Haskell, N. J., also engaged in the manufacture and sale of applejack brandy, with the result that competition between the two companies has been substantially lessened, and the respondent has increased its total volume of sales.

Acquisition of the stock of its competitor, it is alleged, also tends to create a monopoly in favor of the respondent company in the manufacture and sale of its product in interstate commerce.

No. 2755. Eight manufacturers dealing in sportswear, in Boston, Brockton, and Dorchester, Mass., have been named respondents in a complaint alleging an agreement and combination to restrict and eliminate competition in the sale and distribution of flannel skirts.

The respondents are: Boston Sportswear Co., 72 Kneeland St.; Robert Hamilt, 75 Kneeland St., trading as Bobby Sportswear Co.; Gordon Maid Skirt Co., Inc., 75 Kneeland St.; Louis Wadman Co., 75 Kneeland St., trading as Oxford Sportswear Co.; Louis Maltzman, 75 Kneeland St., trading as Simmons Sportswear Co.; Schwartz Sportswear Co., Inc., 75 Kneeland St., all of Boston; Weatherproof Clothing Mfg. Co., 146 Court St., Brockton, Mass.; and David A. Sallop, trading as Peerless Sportswear Co., 1394 Dorchester Ave., Dorchester, Mass.

In October, 1935, according to the complaint, the respondents entered into an agreement, combination or conspiracy among themselves to suppress and eliminate competition in the sale of flannel skirts in interstate commerce, by agreeing to quote and sell them at a uniform price of \$16.50 a dozen. The respondents are alleged to have distributed to their respective customers identical written notice of this uniform price, and pursuant to this, it is alleged, the sales were made at \$16.50 a dozen.

These practices are alleged to have unduly tended to lessen and restrict competition in the sale of flannel skirts throughout the United States, and particularly in New England, where the respondents constitute practically all of the manufacturers of flannel skirts.

No. 2756. Misrepresentation of a general mercantile business as an Army and Navy supply store is alleged as an unfair method of competition, in a complaint issued against **Sternheimer Bros. Inc.**, operating in Richmond, Va., as **Army and Navy Supply Co.**, and in Washington, D. C., as **Army Goods Store**.

The complaint charges that through use of the respondent's trade names containing the words "Army" and "Navy," purchasers are led to believe that the respondent's merchandise was made for or bought from the United States War or Navy Departments.

According to the complaint, virtually none of this material was purchased at Army or Navy surplus or refuse goods sales and the small amount of actual Army or Navy goods carried by the respondent, if any, is bought from jobbers, wholesalers and others who purchase at Army or Navy reject or refuse goods sales.

STIPULATIONS

The Commission has issued the following cease and desist orders:

No. 2514. Johnson Manufacturing Co., 1656 Lee Ave., Birmingham, Ala., and its president, John C. Johnson, have been ordered to cease and desist representing, through use of their corporate or trade name, or in advertising, that the company is a manufacturer of kitchen utensils.

Findings are that the respondent company is not a manufacturer owning a factory or foundry, but rather contracts with factories or foundries to make the products it sells.

No. 2660. Discontinuance of agreements entered into by eleven corporations to fix, maintain and enforce uniform prices, terms and discounts at which zinc and copper plate are to be sold to photo engraving customers, has been ordered.

The order to cease and desist also is directed against the Photo Engravers Copper and Zinc Grinders Association, 101 Fairmount Ave., Jersey City, N. J., of which the respondent corporations are members, and against the association's officers, Oliver L. Edes, Plymouth, Mass., Harold M. Pitman, Cicero, Ill., Walter Pitman, Jersey City, N. J., and J. Peter Lally, Pittsburgh.

The respondent corporations, said to manufacture and sell more than 90 per cent of the total volume of zinc and copper plates used for engraving purposes in the United States, are:

Edes Manufacturing Co., Plymouth, Mass.; American Steel & Copper Plate Co., 101 Fairmount Ave., Jersey City, N. J.; New York Steel & Copper Plate Co., 61 Clymer St., Brooklyn; Rolled Plate Metal Co., 196-210 Van Brunt St., Brooklyn; National Steel & Copper Plate Co., 720 South Dearborn St., Chicago; Harold M. Pitman Co., South 51st St., and 133rd St., Cicero, Ill.; Pacific Steel & Copper Plate Co., 416 Jackson St., San Francisco; American Zinc Products Co., Greencastle, Ind.; American Nickeloid Co., 1501 Second St., Peru, Ill.; C. G. Hussey & Co., 2850 Second Ave., Pittsburgh, and Bridgeport Engravers Supply Co., 774 East Main St., Bridgeport, Conn.

Under the order, the respondent corporations are prohibited from exchanging information, through their trade association, as to the prices, terms and discounts at which they are to sell their products, and the association is required to discontinue cooperating with the corporations and the individual respondents by holding meetings at which they enter into price fixing agreements and at which the trade association acts as a clearing house for exchange of information submitted by the corporations, including reports as to the sales of their products, together with prices, discounts and terms thereof.

FTC CASE CLOSED

No. 2408. The Federal Trade Commission has closed its case against **Merchants Distillers Products**, formerly a wholesaler of liquors at Louisville, Ky., because this respondent company has been adjudged a bankrupt and its entire assets have been sold at auction.

Unfair competition in the misuse of the word "Distillers" in the respondent's corporate name was alleged in the complaint, which was brought under Section 5 of the Federal Trade Commission Act.

Neither glass nor labels bearing the name or license number of the respondent corporation were sold at the auction, and its basic permits have been cancelled by the Federal Alcohol Administration.

FEDERAL COMMUNICATIONS COMMISSION ACTION

Thursday, April 16

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Harold H. Hanseth, Fresno, Calif.—C. P., 1410 kc., 1 KW, unlimited time.

NEW—Fresno Broadcasting Co., Fresno, Calif.—C. P., 1410 kc., 500 watts, 1 KW LS, unlimited time.

NEW—Kidd Brothers, Taft, Calif.—C. P., 1420 kc., 100 watts, daytime.

NEW—Tulare-Kings Counties Radio Associates, Visalia, Calif.—C. P., 1190 kc., 250 watts, daytime.

NEW—Ventura County Star, Inc., Ventura, Calif.—C. P., 1170 kc., 250 watts, daytime.

KHSL—Golden Empire Broadcasting Co., Chico, Calif.—Modification of license, 630 kc., 250 watts, unlimited time. Present assignment: 950 kc., 250 watts, daytime.

NEW—Wm. B. Smullin, Sacramento, Calif.—C. P., 1310 kc., 100 watts, 250 watts LS, unlimited time.

NEW—Howard N. Mitchell, Sacramento, Calif.—C. P., 1310 kc., 100 watts, unlimited time.

NEW—B. A. Thompson, Santa Cruz, Calif.—C. P., 1310 kc., 100 watts, 250 watts LS, unlimited time.

KGDM—E. F. Pepper, Stockton, Calif.—Modification of license, 1100 kc., 1 KW, limited time.

NEW—Union-Tribune Publishing Co., San Diego, Calif.—C. P., 1420 kc., 100 watts, 250 watts LS, unlimited time.

NEW—Marysville-Yuba City Publishers, Inc., Marysville, Calif.—C. P., 1140 kc., 250 watts, daytime.

KMPC—Beverly Hills Broadcasting Corp., Beverly Hills, Calif.—Renewal of license, 710 kc., 500 watts, limited time.

KFOX—Nichols & Warinner, Inc., Long Beach, Calif.—C. P., 1250 kc., 1 KW, 5 KW LS, unlimited time.

NEW—The Press Democrat Publishing Co., Santa Rosa, Calif.—C. P., 1310 kc., 250 watts, daytime.

KFOX—Nichols & Warinner, Inc., Long Beach, Calif.—Voluntary assignment of license to Han Nichols, Inc., 1250 kc., 1 KW, unlimited time.

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-134

WBNX—Standard Cahill Co., Inc., New York, N. Y.—C. P., 1350 kc., 1 KW, shares with WAWZ. Present assignment: 1350 kc., 250 watts, shares with WAWZ.

Examiner's Report No. I-195

WTFI—Liberty Broadcasting Co., Athens, Ga.—C. P. to move to Atlanta, Ga., 1450 kc., 500 watts, unlimited time.

Examiner's Report No. I-196

NEW—V. H. Lake & H. E. Stanford, doing business as L & S Broadcasting Co., Atlanta, Ga.—C. P., 1210 kc., 100 watts, daytime.

APPLICATIONS GRANTED

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted C. P. to install auxiliary transmitter to operate with 500 watts for auxiliary purposes.

KWSC—State College of Wash., Pullman, Wash.—Granted C. P. to make changes in equipment and increase day power from 2 to 5 KW, subject to Rules 131, 132 and 139.

KFJB—Marshall Electric Co., Inc., Marshalltown, Ia.—Granted C. P. to make changes in equipment.

WCLO—Gazette Printing Co., Janesville, Wisc.—Granted C. P. to make changes in equipment, erect new radiating system, increase day power from 100 watts to 250 watts, and move transmitter to site to be determined in Janesville.

WSBC—WSBC, Inc., Chicago, Ill.—Granted C. P. to move transmitter approximately 3½ miles to West Town Office Bldg., 2400 Madison St., Chicago, and erect vertical radiator.

WJAR—The Outlet Co., Providence, R. I.—Granted modification of C. P. to make changes in equipment.

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Granted temporary license to cover C. P. authorizing changes in equipment; also authority to determine operating power by direct measurement of antenna input in accordance with terms of Rule 137.

WSYR-WSYU—Central New York Broadcasting Corp., Syracuse, N. Y.—Granted modification of C. P. to move transmitter from Nedrow, N. Y., to Syracuse, extend commencement date to one month after grant and completion date to six months thereafter.

KIEM—Redwood Broadcasting Co., Inc., Eureka, Cal.—Granted license to cover C. P. authorizing installation of new equipment; change in frequency from local to regional channel and power from 100 to 500 watts, also move of transmitter; 1450 kc., unlimited time.

WIEK—Atlantic Broadcasting Corp., Portable-Mobile (N. Y. City)—Granted license to cover C. P. (temporary broadcast pickup); frequencies 1646, 2090, 2190, 2830 kc., 100 watts.

WSAI—The Crosley Radio Corp., Cincinnati, Ohio—Granted license to cover C. P. authorizing move of transmitter and changes in equipment; 1330 kc., 1 KW night, 2½ KW day, unlimited time.

WCRW—Clinton R. White, Chicago, Ill.—Granted modification of license to change specified hours deleting from 12 midnight to 1 a. m. operating time.

KIRO—Queen City Broadcasting Co., Seattle, Wash.—Granted authority to install automatic frequency control.

KFYO—T. E. Kirksey, tr. as Kirksey Bros., Lubbock, Tex.—Granted consent to voluntary assignment of license to the Plains Radio Broadcasting Co., a Texas Corp.

W9XOK—The Star Chronicle Pub. Co., St. Louis, Mo.—Granted license to cover C. P.; frequencies 31600, 35600, 38600, 41000 kc., 100 watts.

WEED—William Avera Wynne, Rocky Mount, N. C.—Granted C. P. to make changes in equipment and increase day power from 100 to 250 watts.

KIRO—Queen City Broadcasting Co., Seattle, Wash.—Granted modification of special experimental authority to increase power from 500 watts to 1 KW on 710 kc., unlimited time for period ending Aug. 1, 1936.

WORL—Broadcasting Service Organization, Inc., Needham, Mass.—Granted modification of license to move studio from Great Plain Ave., Babson Park, Needham, Mass., to 610 Beacon St., Boston, Mass.

KLZ—The Reynolds Radio Co., Inc., Denver, Colo.—Granted modification of license to change name to KLZ Broadcasting Co.

KICA—The Southwest Broadcasting Co., Clovis, N. Mex.—Granted consent to voluntary assignment of license to the Western Broadcasters, Inc.

KIDW—The Lamar Broadcasting Co., Lamar, Colo.—Granted consent to voluntary assignment of license to The Southwest Broadcasting Co.

KVOE—The Voice of the Orange Empire, Inc., Ltd., Santa Ana, Calif.—Granted C. P. to make changes in antenna system, and approving transmitter and studio sites at 2825 W. 5th St., Santa Ana, Calif.

WPFB—Forrest Broadcasting Co., Inc., Hattiesburg, Miss.—Granted C. P. to install new equipment and move studio locally in Hattiesburg.

KMPC—Beverly Hills Broadcasting Corp., Beverly Hills, Calif.—Granted renewal of license for the period ending August 1, 1936; 710 kc., 500 watts day, limited time.

KFJZ—Fort Worth Broadcasters, Inc., Fort Worth, Tex.—Granted C. P. to install new equipment and increase day power from 100 watts to 250 watts; 1370 kc., unlimited time.

WRAW—Reading Broadcasting Co., Reading, Pa.—Granted license to cover C. P. authorizing installation of new equipment, move transmitter locally in Reading.

NEW—The Evening News Association Inc., Mobile (Detroit, Mich.)—Granted C. P. for experimental broadcast pickup station; frequencies 31100, 34600, 37600, 40600 kc., 5 watts.

W4XCA—Memphis Commercial Appeal, Inc., Memphis, Tenn.—Granted modification of C. P. to increase power from 50 watts to 250 watts.

NEW—Central New York Broadcasting Corp., Portable-Mobile, Syracuse, N. Y.—Granted C. P. for broadcast pickup station; frequencies 31100, 34600, 37600, 40600 kc., 1 watt. Also granted license covering same.

WIBA—Badger Broadcasting Co., Inc., Madison, Wisc.—Granted license to cover C. P. authorizing changes in equipment, installation of new directional antenna radiating system, and increase in day power to 5 KW; 1280 kc., 1 KW night.

WAIM—Wilton E. Hall, Anderson, S. C.—Granted amended C. P. to make changes in equipment, change frequency from 1200 to 630 kc., and power from 100 watts unlimited to 1 KW day only.

SET FOR HEARING

NEW—Maine Broadcasting Co., Inc., Portland, Me.—Application for C. P. for new station; 620 kc., 500 watts night, 1 KW day, unlimited time; site to be determined.

WMT—Iowa Broadcasting Co., Cedar Rapids, Ia.—Application for

C. P. to make changes in equipment, increase day power from 2½ to 5 KW.

WLBZ—Maine Broadcasting Co., Inc., Bangor, Me.—Application for modification of license to change frequency from 620 to 970 kc., and hours of operation from unlimited to day, and until sunset at Chicago.

WEDC—Emil Denmark, Inc., Chicago, Ill.—Application for modification of license to make changes in specified hours of operation requesting additional time from midnight to 6 a. m.

KFBB—Buttery Broadcast, Inc., Great Falls, Mont.—Application for C. P. to make changes in equipment, increase day power from 2½ KW to 5 KW, change frequency from 1280 to 900 kc., and move transmitter locally, exact site to be determined with Commission's approval.

NEW—H. L. Corley, Trinidad, Colo.—Application for C. P. for new station; 1370 kc., 100 watts, unlimited time.

NEW—Stanley Reid & Charles Withnell Boegel, Jr., d/b as The Rapids Broadcasting Co., Cedar Rapids, Ia.—Application for C. P. for new station; 1310 kc., 100 watts, unlimited time. Site to be determined.

NEW—Jack E. Brantley, Mrs. Jack E. Brantley and Jack E. Brantley, Jr., Savannah, Ga.—Application for C. P. for new station; 1310 kc., 100 watts, unlimited. Site to be determined.

NEW—J. R. Maddox & Dr. W. B. Hair, d/b as Chattanooga Broadcasting Co., Chattanooga, Tenn.—C. P. amended to read: erect a new station; 590 kc., 1 KW, unlimited time, employing directional antenna system.

NEW—A. Earl Cullum, Jr., Dallas, Tex.—Application for C. P. for new station; 1500 kc., 100 watts, daytime only. Site to be determined with Commission's approval.

WNBC—William J. Sanders, New Britain, Conn.—Application for C. P. to make changes in equipment, increase day power from 250 watts to 1 KW.

KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Application for consent to the transfer of control of the Okla. Broadcasting Co., Inc. (KGFG), from Hale V. Davis to Harold V. Hough.

WHDL—Olean Broadcasting Co., Inc., Olean, N. Y.—Application for C. P. to install new equipment, change frequency from 1420 to 1400 kc., increase power to 500 watts and move transmitter locally 2.3 miles west of present location of town of Allegany.

NEW—The Tribune, Great Falls, Mont.—Application for C. P., 950 kc., 1 KW night, 5 KW day, unlimited time; exact transmitter site and type of antenna to be determined with Commission's approval.

ACTION ON EXAMINERS' REPORTS

NEW—Ex. Rep., No. 1-137: Eastern States Broadcasting Corp., Bridgeton, N. J.—Remanded to dockets for further hearing.

NEW—Ex. Rep., No. 1-156: KWIL Broadcasting Co. (D. A. Gibbs, Jr., and E. H. Shemerry), Williston, N. Dak.—Denied C. P. for new broadcast station to operate on 1500 kc., 100 watts, specified hours. Examiner M. H. Dalberg reversed. Order effective July 7, 1936.

NEW—Ex. Rep., No. 1-185: Mid-Central Broadcasting Co. (J. E. Davidson, Jr., M. M. Smith & J. M. Davidson), Kansas City, Mo.—Denied C. P. for new station to operate on 1370 kc., 100 watts, unlimited time. Examiner R. H. Hyde sustained. Order effective April 17, 1936.

KWKC—Wilson Duncan, tr. as Wilson Duncan Broadcasting Co., Kansas City, Mo.—Application for renewal of license set for further hearing.

KRSC—Ex. Rep., No. 1-192: Radio Sales Corp., Seattle, Wash.—Denied C. P. to move transmitter; change equipment; increase power from 100 watts to 250 watts; change hours of operation from daytime to unlimited; 1120 kc. Examiner P. W. Seward reversed. Order effective July 7, 1936.

NEW—Ex. Rep., No. 1-193: E. F. & S. F. Sapp, tr. as Waycross Broadcasting Co., Waycross, Ga.—Granted C. P. for new station to operate on 1200 kc., 100 watts, unlimited time (site to be determined); Examiner R. H. Hyde sustained. Order effective July 7, 1936.

WRBL—Ex. Rep., 1-197: WRBL Radio Station, Inc., Columbus, Ga.—Granted renewal of license, 1200 kc., 100 watts, unlimited time. Examiner G. H. Hill sustained. Order effective July 14, 1936.

NEW—Ex. Rep., No. 1-96: Charles C. Theis, Wichita, Kans.—Granted C. P. for new broadcast station to operate on 1210 kc., 100 watts, unlimited time. Examiner P. W. Seward sustained. Order effective July 21, 1936.

KMA—Ex. Rep., No. 1-136: May Seed & Nursery Co., Shenandoah, Ia.—Granted modification of license to change hours of operation from sharing with KGBZ to unlimited (facilities of KGBZ), 930 kc., 1 KW, 2½ KW LS, and granted renewal of license, 930 kc., 1 KW, 2½ KW LS. Examiner G. H. Hill sustained. Order effective May 8, 1936.

KGBZ—KGBZ Broadcasting Co., York, Neb.—Denied renewal of license to operate on 930 kc., 1 KW, 2½ KW LS, share with KMA; also denied modification of license requesting facilities of KMA. Examiner Hill sustained.

NEW—Ex. Rep., No. 1-138: Big Spring Broadcasting Co., Big Spring, Tex.—Granted C. P. for new station to operate on 1500 kc., 100 watts, unlimited time.

NEW—The North Texas Broadcasting Co., Paris, Tex.—Granted C. P. for new station to operate on 1500 kc., 100 watts, daytime.

NEW—Plainview Broadcasting Co., S. T. Cooper & Mrs. Cumi Cooper, Plainview, Tex.—Denied C. P. for new station to operate on 1500 kc., 100 watts, daytime. Examiner J. P. Bramhall sustained. Order in above cases effective July 28, 1936.

KGHL—Ex. Rep., No. 1-139—Northwestern Auto Supply Co., Inc., Billings, Mont.—Granted modification of license to change frequency from 950 kc. to 780 kc., 1 KW, 2½ KW LS, unlimited time. Examiner P. W. Seward sustained.

KSOO—Sioux Falls Broadcast Association, Inc., Sioux Falls, S. Dak.—Denied modification of license to change frequency from 1110 kc. to 780 kc.; change power from 2½ KW night, 2½ KW day to 1 KW night, 2½ KW day; change hours of operation from limited to specified hours; unlimited, except hours now being used by KFDY, i.e., 12:30 p. m. to 2 p. m. daily except Sunday. Examiner Seward sustained.

KXL—KXL Broadcasters, Portland, Ore.—Denied modification of license to change frequency from 1420 kc. to 780 kc.; increase night power from 100 watts to 250 watts; 250 watts day; change hours of operation from sharing with KBPS to specified hours, 8 a. m. to LS; 7:30 to 10:30 p. m. Examiner Seward sustained.

KDFN—Donald Lewis Hathaway, Casper, Wyo.—Denied modification of license to change frequency from 1440 to 780 kc.; 500 watts; unlimited time. Examiner Seward sustained.

KEHE—Evening Herald Pub. Co., Los Angeles, Calif.—Granted C. P. to change transmitter and studio location (to be determined); make changes in equipment; increase power from 500 watts, 1 KW LS to 1 KW, 5 KW LS; change hours of operation from sharing with KELW to unlimited. Examiner Seward reversed. Order in above cases effective July 28, 1936.

NEW—Ex. Rep., No. 1-159: Robert E. Cole, d/b as Washington Broadcasting Co., Washington, Pa.—Denied C. P. for new broadcast station to operate on 1350 kc., 250 watts, daytime. Examiner M. H. Dalberg sustained. Order effective August 11, 1936.

WADC—Ex. Rep., No. 1-160: Allen T. Simmons, Tallmadge, Ohio—Granted C. P. to make changes in equipment and increase day power from 2½ to 5 KW; 1320 kc., 1 KW night, 5 KW day. Unlimited time. Examiner M. H. Dalberg sustained. Order effective July 28, 1936.

WCMI—Ex. Rep., 1-198: Ashland Broadcasting Co., Ashland, Ky.—Dismissed with prejudice application for C. P. to install new equipment, change frequency from 1310 kc. to 1350 kc.; increase power from 100 watts to 1 KW; unlimited time. Examiner P. W. Seward sustained.

WDAE—Ex. Rep., 1-201: Tampa Times Company, Tampa, Fla.—Granted C. P. to make changes in equipment and increase power from 1 KW to 1 KW night, 5 KW day; 1220 kc., unlimited time. Examiner R. H. Hyde sustained. Order effective July 14, 1936.

NEW—Ex. Rep., No. 1-202: Thames Broadcasting Corp., New London, Conn.—Granted C. P. for new station to operate on 1500 kc., 100 watts, daytime. Examiner Walker sustained. Order effective July 21, 1936.

NEW—Ex. Rep., 1-203: Fountain of Youth Properties, Inc., St. Augustine, Fla.—Granted C. P. for new broadcast station to operate on 1210 kc., 100 watts, unlimited time. Examiner R. H. Hyde sustained. Order effective July 14, 1936.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KALE, Portland, Ore.; KCRC, Enid, Okla.; KDFN, Casper, Wyo.; KECA, Los Angeles, Cal.; KFH, Wichita, Kans.; KFJR, Portland, Ore.; KGA, Spokane, Wash.; KGB, San Diego, Cal.; KGER, Long Beach, Cal.; KGHF, Pueblo, Colo.; KGIR, Butte, Mont.; KGMB, Honolulu, T. H.; KGNC, Amarillo, Tex.; KGNF, North Platte, Neb.; KGNO, Dodge City, Kans.; KID, Idaho Falls, Idaho; KLO, Ogden, Utah; KLR, Little Rock, Ark.; KLS, Oakland, Cal.; KQV, Pittsburgh, Pa.; KSCJ, Sioux City, Ia.; KSTP, St. Paul, Minn.; KTUL, Tulsa, Okla.; KWK, St. Louis, Mo.; WAAB, Boston, Mass.; WADC, Village of Tallmadge, Ohio; WALA, Mobile, Ala.; WAWZ, Zarephath, N. J.; WBIG, Greensboro, N. C.; WBNS, Columbus, Ohio; WBNX, New York City; WCBA, Allentown, Pa., and auxiliary; WCKY, Covington, Ky.; WCSC, Charleston, S. C.; WDRC, Hartford, Conn.; WEVD, New York City; WFBL, Syracuse, N. Y.; WGAR, Cleveland, Ohio; WGES, Chicago, Ill.; WHLB, Sheboygan, Wis.; WHEC, Rochester, N. Y.; WHK, Cleveland, Ohio; WHOM, Jersey City, N. J.; WIRE, Indianapolis, Ind.; WJSV, Alexandria, Va.; WKBW, Buffalo, N. Y.; WLAC, Nashville, Tenn.; WMBD, Peoria, Ill.; WNBC, New Britain Conn.; WOKO, Albany, N. Y.; WORK, York, Pa.; WSAR, Fall River, Mass.; WSBT, South Bend, Ind.; WSFA, Montgomery, Ala.; WSPD, Toledo, Ohio; KOMA, Oklahoma City, Okla.

The following stations were granted renewal of Relay Broadcasting Licenses for Experimental Service, effective May 1, 1936, to expire May 1, 1937, in exact conformity with existing license:

W2XE, Atlantic Broadcasting Corp.; W9XAA, Chicago Fed. of Labor; W8XAL, The Crosley Radio Corp.; W2XAD, General Electric Co.; W2XAF, General Electric Co.; W4XB, Isle of Dreams Brdcastg. Corp.; W3XAL, National Broadcasting Co.; W9XF, National Broadcasting Co.; W3XAU, WCAU Broadcasting Co.; W1XK, Westinghouse E and M Co.; W8XK, Westinghouse E and M Co.

The following stations were granted renewal of Experimental Visual Broadcasting station licenses in the Experimental Service, for the period May 1, 1936 to May 1, 1937, in exact conformity with existing license:

W2XAB and W2XAK, Atlantic Broadcasting Corp.; W1XG, General Television Corp.; W2XBS, W2XBT, National Broadcasting Co. Inc.; W2XF, W3XAK, W9XAP, National Broadcasting Co. Inc.; W9XG, Purdue University; W2XDR, Radio Pictures, Inc.; W3XAD and W5XEP, RCA Mfg. Co. Inc.; W10XX, RCA Mfg. Co.; W9XK, Univ. of Iowa.

W1XKB—Westinghouse E and M Co., Portable—Granted renewal of Spec. Exp. station license for Exp. service, for period April 21 to July 21, 1936, in exact conformity with existing license.

W9XAF—The Journal Co., (The Milwaukee Journal), Milwaukee, Wis.—Granted renewal of Spec. Exp. station license for Exp. service, for period May 1 to August 1, 1936, in exact conformity with existing license.

W2XBH—Radio Pictures, Inc., Long Island City, N. Y.—Granted renewal of Spec. Exp. station license for Exp. service, for period May 1 to August 1, 1936, in exact conformity with existing license.

W2XBR—Radio Pictures, Inc., Long Island City, N. Y.—Granted renewal of special experimental station license for experimental service for period May 1, 1936 to May 1, 1937, in exact conformity with existing license.

W3XAI—RCA Manufacturing Co. Inc., Portable—Granted renewal of special experimental station license for experimental service for period May 1, 1936 to May 1, 1937, in exact conformity with existing license.

W1XKA-W3XKA-W8XKA—Westinghouse E and M Co., Portable-Mobile—Granted renewal of special experimental station license for experimental service for period April 30 to July 30, 1936, in exact conformity with existing license.

W2XK—National Brdcastg. Co. Inc., New York City—Granted renewal of special experimental station license for experimental service for period May 1, 1936 to May 1, 1937, in exact conformity with existing license.

MISCELLANEOUS

WPHR—WLBG, Inc., Petersburg, Va., and—
 WMBG—Havens & Martin, Richmond, Va.—Denied request to postpone taking depositions under order issued to Times Dispatch Publishing Co. Inc. Depositions to be taken April 9, 1936, as originally ordered.

WPRO—Cherry & Webb Brdctg. Co., Providence, R. I.—Denied petition for reconsideration and grant of application. Case redesignated for hearing because of an amendment providing for use of directional antenna system daytime as well as nighttime.

St. Petersburg Chamber of Commerce, St. Petersburg, Fla.—Denied petition for rehearing of application for new broadcasting station in that city, including proposal to apply for new frequency, wattage and operating hours.

WDSU—WDSU, Inc., New Orleans, La.—Granted petition to file its answer to notice of appearance and desire to be heard of the Star-Chronicle Publishing Co., Docket No. 3765.

W9XBY—First National Television Inc., Kansas City, Mo.—Granted authority to intervene and be made a party respondent in opposition to application of WHB Broadcasting Co. in Docket No. 3808.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho—Overruled motion to strike from bill of particulars relative to the reopened case for Mod. of Lic. the issue "to determine whether continued operation of this station would serve public interest, convenience and necessity."

WJBO—Baton Rouge Brdctg. Co. Inc., Baton Rouge, La.—Granted authority to intervene at hearing of application of Hearst Radio Inc. (WISN) for authority to increase night power to 1 KW. Application scheduled for hearing April 9, 1936.

WFEA—New Hampshire Brdctg. Co., Manchester, N. H.—Action taken March 27, recorded in Report 81 should have read: Granted special authority to erect new antenna and ground system. The signal strength of new radiating system must meet the requirements of Commission. The application for renewal of license still pending.

NEW—Continental Radio Co., Toledo, Ohio—C. P. already in hearing docket amended to read: use 1200 kc., 100 watts daytime only, site and antenna to be approved.

William A. Schall, Omaha, Nebr.—Denied petition asking Commission to reconsider action of January 10, 1936, in rejecting application for new station at Omaha to operate on 1500 kc., 100 watts, and the alternate that application be referred back to examiner for additional testimony.

KG CX—E. E. Krehsbach, Wolf Point, Mont.—Petition for reconsideration of decision of March 3, 1936, denying application for authority to change frequency from 1310 kc. to 1450 kc., and increase power from 100 watts night, 250 watts day, to 1 KW unlimited, set down for oral argument. Effective date of decision of March 3, 1936, extended pending decision on petition.

WLBI—State of Wisc. Dept. of Agr. and Markets, Stevens Point, Wisc.—Reinstated application for C. P. to increase power from 2½ KW daytime to 5 KW daytime.

KFH—Radio Station KFHI, Wichita, Kans.—Granted motion to have KFBI application defaulted and denied or cancelled. The application was for authority to move KFBI from Abilene to Wichita, Kans.

KFBI—Farmers & Bankers Life Ins. Co., Wichita, Kans.—Granted authority to take depositions in re application for authority to erect new broadcasting station at Wichita, Kans., to operate on 1210 kc., 100 watts, unlimited.

Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Denied petition asking Commission to reconsider and grant application for new station to operate on 1480 kc., 5 KW, daytime. Application denied by Commission, order effective May 12, 1936.

Continental Radio Company, Toledo, Ohio—Overruled demurrer filed to pleadings of Community Broadcasting Co., which seeks authority to erect station at Toledo to operate on 1200 kc., 100 watts daytime, scheduled for hearing, April 27, 1936.

WJAC—WJAC, Inc., Johnstown, Pa.—Denied petition asking Commission to reconsider and grant application for approval of transmitter site, changes in equipment and increase in day power, which was designated for hearing on March 10, 1936.

Steffens Ice and Ice Cream Co., Wichita, Kans.—Overruled petition to intervene at hearing of application of Chas. C.

Theis, who seeks authority to establish new broadcasting station at Wichita, Kans.

APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were dismissed at request of applicants:

WRAX—WRAX Broadcasting Co., Philadelphia, Pa.—Applied for modification of license; 920 kc., 1 KW; shares with WPEN, using directional antenna night.

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Applied for modification of license; 920 kc., 1 KW; shares with WRAX, using directional antenna night.

KHQ—Louis Wasmer, Inc., Spokane, Wash.—Application for C. P., heretofore set for hearing, requesting 590 kc., 5 KW unlimited time, was dismissed at request of applicant.

KFDY—So. Dak. State College, Brookings, S. Dak.—Application for modification of license, 780 kc., 1 KW, specified hours, heretofore set for hearing, was dismissed for failure of applicant to answer form letter, adopted by Broadcast Division, requiring applicants to signify their desire to be heard within 10 days after receipt of said letter.

The following applications, heretofore set for hearing, were dismissed at the requests of the applicants:

WARD—United States Broadcasting Corp., Brooklyn, N. Y.—Applied for modification of license, 1400 kc., 500 watts, unlimited time.

WARD—United States Broadcasting Corp., Brooklyn, N. Y.—Applied for voluntary assignment of license, 1400 kc., 500 watts, shares with WVFW, WLTH and WBBC.

WLTH—Voice of Brooklyn, Inc., Brooklyn, N. Y.—Applied for voluntary assignment of license, 1400 kc., 500 watts, shares with WARD, WVFW and WBBC.

APPLICATIONS DENIED

The following applications, heretofore set for hearing, were denied as in cases of default for failure to file an appearance and statement of facts to be proved in accordance with Rule 104.6 (c):

NEW—Arde Bulova and Norman K. Winson, Brooklyn, N. Y.—Applied for C. P., 1400 kc., 500 watts, unlimited time.

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Applied for voluntary assignment of license, 1400 kc., 500 watts, shares with WARD, WLTH and WBBC.

KSCJ—Perkins Brothers Co. (The Sioux City Journal), Sioux City, Ia.—Denied special temporary authority to operate unlimited time pending completion of CP authorizing local move of transmitter, installing new antenna and increasing hours of operation to unlimited.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Denied special authority to operate with a power of 5 KW nighttime in order to overcome interference caused by Station XEAW.

ORAL ARGUMENTS GRANTED

(Action taken April 3)

NEW—Ex. Rep., 1-200: Merced Star Puh. Co., Merced Cal.—Oral argument granted to be held June 11, 1936.

NEW—Ex. Rep., 1-204: Christina M. Jacobson, d/h as The Valley Electric Co., San Luis Obispo, Cal.—Oral argument granted to be held June 11, 1936.

NEW—E. E. Long Piano Co., San Luis Obispo, Cal.—Oral argument granted to be held June 11, 1936.

APPLICATIONS RECEIVED

First Zone

WBEN—WBEN, Incorporated, Buffalo, N. Y.—Modification of 900 Construction permit (B1-P-567) to make changes in equipment, increase day power from 1 KW to 5 KW, move transmitter to site to be approved by Commission, further requesting approval of transmitter site at R. F. D. No. 2, near Shawnee Road, Martinsville, New York. Amended: Re Antenna.

WOV—International Broadcasting Corp., New York, N. Y.—Authority to install automatic frequency control.

WARD—United States Broadcasting Corp., Brooklyn, N. Y.—1400 Voluntary assignment of license from United States Broadcasting Corp. to Kings Broadcasting Corp.

WLTH—Voice of Brooklyn, Inc., Brooklyn, N. Y.—Voluntary 1400 assignment of license from Voice of Brooklyn, Inc., to Kings Broadcasting Corp.

W10XGJ—Atlantic Broadcasting Corp., Portable-Mobile—License to cover construction permit for a general experimental station.

W2XR—John V. L. Hogan, Long Island City, New York—Voluntary assignment of license from John V. L. Hogan to Interstate Broadcasting Co., Inc.

W1XEH—The Travelers Broadcasting Service Corp., Avon Mt., Avon, Conn.—License to cover construction permit as modified, for a special experimental station to be operated on 63500 kc., 150 watts.

WGBE—Onondaga Radio Broadcasting Corp., Portable-Mobile—License to cover construction permit for a broadcast pickup station to be operated on 1646, 2090, 2190 & 2830 kc., 45 watts.

W8XAZ—Buffalo Broadcasting Corp., Buffalo, New York—Construction permit to increase power to 25 watts and change transmitter—general experimental station.

W8XAZ—Buffalo Broadcasting Corp., Buffalo, New York—License to cover above.

WABA—Wodaam Corporation, Mobile-in airplane—License to cover construction permit for a new broadcast pickup station to be operated on 1622, 2060, 2150, 2790 kc., 7½ watts.

Second Zone

WTAR—WTAR Radio Corporation, Norfolk, Va.—Construction 780 permit to increase power from 500 watts, 1 KW day to 1 KW day and night, install directional antenna for night use and move transmitter from Virginia Beach Blvd., 1.7 miles from Norfolk, Virginia, to On Glen Rock, Elizabeth Park Road, 1.6 miles E. of Norfolk, Va.

WTAR—WTAR Radio Corporation, Norfolk, Va.—Construction 780 permit to make changes in auxiliary equipment.

WHBC—Edward P. Graham, Canton, Ohio—Modification of construction permit (B2-P-241) to install new equipment and increase power, requesting extension of completion date from 4-27-36 to 7-27-36.

NEW—Continental Radio Co., Toledo, Ohio—Construction permit for a new station to be operated on 1210 kc., 100 watts, 250 watts day, unlimited time. Amended: To change frequency from 1210 kc. to 1200 kc., power from 100 watts, 250 watts day to 100 watts, and hours of operation from unlimited time to daytime.

WHAT—Independence Broadcasting Co., Inc., Philadelphia, Pa.—1220 Construction permit to make changes in equipment, increase power from 100 watts to 1 KW, frequency from 1310 kc. to 1220 kc., hours of operation from share WTEL to unlimited and move transmitter from Hotel Pennsylvania, 3900 Chestnut Street, Philadelphia, Pa., to site to be determined, Pennsylvania. Amended: Giving transmitter site as Lower Merion Twp. Glen Rd., lot of W. Laurel Cemetery, approx. 1200' N. W. City Line Ave. & 1000' S. W. Center Line Schuylkill River, Pa., and install directional antenna.

WRAW—Reading Broadcasting Co., Reading, Pa.—License to cover 1310 construction permit (B2-P-799) for new equipment and move of transmitter.

NEW—John E. Fetzner, Benton Harbor, Mich.—Construction permit for a new station to be operated on 1500 kc., 100 watts, 250 watts day, unlimited time. Amended: To change power from 100 watts, 250 watts day to 250 watts and hours of operation from unlimited time to daytime.

NEW—The Evening News Association, Portable-Mobile—Construction permit for a new general experimental station to be operated on 31100, 34600, 37600, 40600 kc., 3 watts.

NEW—The Evening News Association, Portable-Mobile—Construction permit for a new general experimental station to be operated on 86000-400000 kc., 1 watt.

Third Zone

WWL—Loyola University, New Orleans, La.—Construction permit 850 to install new equipment, increase power from 10 KW to 50 KW and change hours of operation from specified hours to unlimited. Amended: Re antenna.

WTJS—The Sun Publishing Co., Inc., Jackson, Tenn.—Construction permit to install new equipment, increase power from

100 watts, 250 watts day to 250 watts, 500 watts day and change frequency from 1310 kc. to 920 kc. Also move transmitter from Hall St., Jackson, Tenn., to 350' E. of Hollywood Cemetery N. W., City limits, exact site to be determined, Tenn., using directional antenna. Amended: To omit request for move of transmitter.

NEW—Neil O. Davis & F. M. Gleason, d/b as North Georgia 1200. Broadcasting Co., Rossville, Ga.—Construction permit for a new station to be operated on 1200 kc., 100 watts, unlimited time.

NEW—Sweetwater Broadcasting Co., Sweetwater, Tex.—Construction permit for a new station to be operated on 1260 kc., 100 watts, unlimited time. Amended: To change frequency from 1260 kc. to 1310 kc., hours of operation from unlimited to daytime.

NEW—Brownwood Broadcasting Co., Brownwood, Tex.—Construction permit for a new station to be operated on 1210 kc., 100 watts, unlimited time. Amended: To change frequency from 1210 kc. to 1370 kc., and hours of operation from unlimited time to daytime only.

WPFB—Forrest Broadcasting Co., Inc., Hattiesburg, Miss.—Construction permit to install new equipment and move studio from Saphie Bldg., 512 Main St., Hattiesburg, Miss. to W. 7th St. & 25th Ave., Hattiesburg, Miss.

KALB—Alexandria Broadcasting Co., Inc., Alexandria, La.—1420 Authority to transfer control of corporation from Isaac Wahlder, F. S. Hemenway, Jr., J. P. Rush, Jr. & S. B. Pearce to W. H. Allen, 27 shares common stock.

Fourth Zone

WIBA—Badger Broadcasting Co., Inc., Madison, Wisc.—License 1280 to cover construction permit (B4-P-716) for changes in equipment, new antenna and increase in power.

Fifth Zone

NEW—Ben S. McGlashan, San Diego, Calif.—Construction permit 550 for a new station to be operated on 550 kc., 250 watts, daytime. Amended: To make changes in equipment.

KHQ—Louis Wasmer, Inc., Spokane, Wash.—Modification of construction permit (B5-P-925) for changes in equipment, requesting further changes in equipment and antenna, increase in power from 1 KW, 2 KW day to 1 KW, 5 KW day, move transmitter from Sprague Ave. & Post St., to site to be determined, Spokane, Washington, and extend commencement and completion dates.

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—License to 920 cover construction permit (B5-P-536) as modified for new equipment, increase in power and move of transmitter.

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Authority to 920 determine operating power by direct measurement of antenna.

NEW—KLA, Incorporated, La Grande, Ore.—Construction permit 1100 for a new station to be operated on 1100 kc., 250 watts, daytime.

NEW—Democrat News Co., Inc., Lewistown, Mont.—Construction permit for a new station to be operated on 1200 kc., 100 watts, 250 watts day, unlimited time. Amended: To make changes in equipment, change power from 100 watts, 250 watts day to 100 watts, transmitter site to be determined, Lewistown, Montana, and studio site given as 513 W. Main Street, Lewistown, Montana.

KIUJ—W. C. Irvin, Santa Fe, New Mex.—Voluntary assignment 1310 of license from W. C. Irvin to J. Laurence Martin.

NEW—Albuquerque Publishing Co., Albuquerque, New Mex.—1370 Construction permit for a new station to be operated on 1370 kc., 100 watts, unlimited time. Amended: To make changes in antenna and change transmitter site from 422-424 W. Gold Ave., to site to be determined, Albuquerque, New Mexico.

KOOS—Pacific Radio Corporation, Marshfield, Ore.—Construction 1390 permit to make changes in equipment, move transmitter from Hall Bldg., Marshfield, Oregon, to ¼ mi. from North city limits of Marshfield, Oregon.

KNEC—Puget Sound Broadcasting Co., Inc., Portable-Mobile—License to cover construction permit for a broadcast pickup station, to be operated on 1646, 2090, 2190, 2830 kc., 40 watts.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

NAB REPORTS

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NAB CONVENTION JULY 5, 6, 7, 8

The fourteenth annual convention of the National Association of Broadcasters will be held in Chicago, Ill., July 5, 6, 7 and 8. The hotel will be announced later.

DIRECTORS MEETING APRIL 27

The Board of Directors of the National Association of Broadcasters will meet in Chicago, Illinois, April 27. The meeting was called by the Managing Director (a) to receive and give consideration to a plan of action in the field of copyright; (b) to give consideration to questions of policy with respect to NAB participation in the general hearing called by the FCC for June 15 (see NAB REPORTS dated April 9, 1936, page 1273), and (c) to dispose of any routine matters.

INDEX OF ACTIVE MUSICAL SELECTIONS

E. C. Mills, General Manager of the ASCAP, has extended to the NAB, under authority given him by the ASCAP Board of Directors, an invitation to copy ASCAP indexes of and to all musical compositions. Conferences have been held, and correspondence has been exchanged concerning minimum data which would meet the requirements of broadcasters and the working out of a plan to compile complete information with respect to the musical selections used one or more times on the network key stations during the years 1934 and 1935. This will make available to broadcasters an index of 25,000 active musical selections, more or less, and furnish absolutely essential groundwork if a per-piece system is adopted.

Plans now under discussion include a continuing service which will maintain the indexes up to date and provide for a gradual enlargement of them. The ASCAP invitation imposes two conditions: (1) the NAB will be required to make copies of such index available to any broadcaster whether or not he is a member; and, (2) it is to be definitely understood that under no circumstances does the ASCAP warrant or guarantee to others that the information contained in the index is correct.

As soon as it is determined what minimum data are required to be shown on the cards, estimates of the cost for a single index will be obtained and furnished to all broadcasters in order that we may secure reliable information in respect to the demand for such a record. The need for such a record was never greater than it is today and every possible effort will be made to expedite the compilation of a master index from which copies can be made and supplied to all broadcasters.

HEARINGS ON DUFFY BILL ENDED

On April 15 the hearings on the Duffy Bill (S. 3047), and other copyright legislation, which began February 25, came to a close, although all persons who had appeared before the Committee were given until Saturday, April 18, to file briefs or further statements. These hearings have easily been the most extensive ever held before a committee of Congress on copyright legislation, and the printed transcript will reach enormous proportions.

At the end of the closing session, a controversy developed between members of the Committee with respect to the date on

which the Committee would take up consideration of the Bill and its report thereon. Congressman Church of Illinois, seconded by Congressman O'Malley of Wisconsin, moved that the Committee meet in executive session on the following day, April 16, or, in any event, not later than April 17. Congressman Kramer of California, seconded by Congressman Daly of Pennsylvania, made a substitute motion that the clerk call a meeting for Monday, April 20. The substitute motion prevailed. A circumstance that may result in a delay in reporting out a bill is the fact that probably (although not necessarily) a sub-committee will be appointed to study the legislation and draw up the Committee's report. Since the appointment of such a sub-committee would be by the chairman, Dr. Sirovich (whose hostility to the Duffy Bill has been continuously manifested since the outset), there is reason to fear that a majority of the sub-committee will oppose early action.

Some confusion has been created in the minds both of members of the Committee and to some extent among other members of the House by the so-called Vandenberg amendment having to do with design copyright. This amendment was added to the bill on the floor of the Senate and has to do with matters which are of no interest whatsoever to the broadcasting industry or to other users of music. Whatever be the merits of the amendment, there is a great deal to be said for the contention that it should be the subject of a separate bill. In any event, nothing will be lost if the amendment is stricken from the Duffy Bill.

The last day of the hearings was devoted to testimony by Dr. Wallace McClure of the Department of State, representatives of the Copyright Office, Nathan Burkan, ASCAP's general counsel, and two or three witnesses on minor matters. Burkan made a very lengthy statement with respect both to the provisions of the Duffy Bill and the proposed entry of the United States into the International Copyright Union. In the course of his testimony, he repeatedly made unfounded insinuations and charges against practically everyone who has supported the Duffy Bill. At the conclusion of his testimony, Dr. McClure was re-called to the stand and, under questioning by Congressman Church, reiterated his conviction that the \$250 minimum penalty should be eliminated from the law and his belief that the United States should adhere to the International Convention.

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act: General Time Instruments Corp., New York City (2-2019, Form A-2). Dairyland, Inc., San Antonio, Texas (2-2022, Form A-1). St. Joseph Water Company, St. Joseph, Mo. (2-2023, Form A-2). Tacony-Palmyra Bridge Co., Camden, N. J. (2-2024, Form A-2). LaFayette Atlantic Hotel Co., Philadelphia, Pa. (2-2025, Form E-1). LaFayette Atlantic Hotel Co., Philadelphia, Pa. (2-2026, Form F-1). Rockwood Associates, Inc., New York City (2-2027, Form A-2). Railway Equipment & Realty Co., Ltd., Oakland, Cal. (2-2028, Form A-2). Hartford Times, Inc., Hartford, Conn. (2-2029, Form A-2). Middle States Securities Corp., Cleveland, Ohio (2-2030, Form A-2). American Kid Company, Salem, Mass. (2-2031, Form A-1). Washington Industrial Loan Co., Washington, D. C. (2-2032, Form A-1). New York Merchandise Co., New York City (2-2033, Form A-2). Michigan Steel Tube Products Company, Hamtramck, Mich. (2-2034, Form A-2). Associated Telephone Company, Ltd., Long Beach, Cal. (2-2035, Form A-2). The McKay Machine Company, Youngstown, Ohio (2-2036, Form A-2).

Continental Service Company, Madison, Wis. (2-2037, Form A-1).
 Union Bag & Paper Corporation, New York City (2-2038, Form A-2).
 Wilson Vegetable Oils, Limited, Montreal, Canada (2-2039, Form A-1).
 Albuquerque Natural Gas Company, Chicago, Ill. (2-2040, Form D-1A).
 Ferro Enamel Corporation, Cleveland, Ohio (2-2041, Form A-2).
 Lima Locomotive Works, Incorporated, Lima, Ohio (2-2042, Form A-2).
 The Standard Tube Company, Detroit, Mich. (2-2043, Form A-2).
 Robot-Hand Corporation, Detroit, Mich. (2-2044, Form A-1).
 The H. A. Montgomery Company, Detroit, Mich. (2-2046, Form A-2).
 Consolidated Investment Trust, Boston, Mass. (2-2047, Form A-1).
 United Shirt Distributors, Inc., Detroit, Mich. (2-2048, Form A-2).
 The Hill Packing Company, Topeka, Kan. (2-2049, Form A-2).
 Tri-County Telephone Company, South Haven, Mich. (2-2050, Form A-2).
 The Master Electric Company, Dayton, Ohio (2-2051, Form A-2).
 Kalamazoo Stove Company, Kalamazoo, Mich. (2-2052, Form A-2).
 Kalamazoo Vegetable Parchment Company, Parchment, Kalamazoo County, Mich. (2-2053, Form A-2).
 The R. C. Mahon Company, Detroit, Mich. (2-2054, Form A-2).
 The Van Dorn Iron Works Company, Cleveland, Ohio (2-2055, Form A-1).
 Santa Barbara Telephone Company, Santa Barbara, Cal. (2-2056, Form A-2).
 Securities Investment Corporation, Omaha, Neb. (2-2057, Form A-2).
 All-Penn Oil and Gas Company, Pittsburg, Pa. (2-2058, Form A-1).
 Investors Trust Company, Providence, R. I. (2-2059, Form A-2).
 Iowa Electric Light & Power Company, Cedar Rapids, Iowa (2-2060, Form A-2).
 Seeber Brewing Company, Elizabeth, N. J. (2-2061, Form A-1).
 Commercial Credit Company, Baltimore, Md. (2-2062, Form E-1).
 The Pierce Governor Company, Anderson, Ind. (2-2063, Form A-2).
 Dixie-Vortex Company, Chicago, Ill. (2-2064, Form A-2).
 The Bridgeport Machine Company, Wichita, Kan. (2-2065, Form A-2).
 Navarro Oil Company, Houston, Texas (2-2067, Form A-2).
 National Petroleum Company, Titusville, Pa. (2-2068, Form A-1).
 Metal Textile Corporation, West Orange, N. J. (2-2069, Form A-2).
 Chicago Rivet Machine Co., Chicago, Ill. (2-2070, Form A-2).
 Foster Wheeler Corporation, New York City (2-2071, Form A-2).
 Veverly Apartments Liquidation Trust, Chicago, Ill. (2-2072, Form E-1).
 Sun Oil Company, Philadelphia, Pa. (2-2074, Form A-2).
 Columbia System, Inc., Washington, D. C. (2-2075, Form A-1).

PRATT RETURNS TO PRIVATE PRACTICE

Having completed for the NAB the work specially assigned to him, Elmer W. Pratt has returned to his private practice.

MORE WARNER SUITS

Warner Brothers have made official announcement that they have begun more suits based on the alleged infringing of song copyrights owned by them as follows:

Harms, Inc. vs. A. & U. Restaurants, Inc., operating the Hollywood in New York, for the alleged infringing use of "The Continental" and "Let's Swing It." \$500.00 damages demanded.
 Remick Music Corp. vs. 870 Seventh Avenue Corp., operating the Park Central Hotel in New York, on the songs "Moonlight Bay" and "Don't Give Up The Ship." \$500.00 damages demanded.
 Remick Music Corp. vs. Plaza Operating Co., Inc., operating the Hotel Plaza, on the song "My Buddy." \$250.00 damages demanded.
 Harms, Inc. vs. Plaza Operating Co. (the Hotel Plaza, New York) on the songs "April in Paris," "With A Song in My Heart,"

"Yours Sincerely" and "Dancing in the Dark." \$1,000.00 damages demanded.

T. B. Harms Co. vs. Miami Valley Broadcasting Co., operating WHIO, Dayton, Ohio, on "You've Got What It Takes" and "Two Hearts Carved on a Lonesome Pine." \$10,000.00 damages demanded.

Harms, Inc. vs. Miami Valley Broadcasting Co., on the song "Trav'lin' All Alone." \$5,000.00 damages demanded.

Remick Music Corp. vs. station WIS, Columbia, S. C., on "Sweet Georgia Brown." \$250.00 damages demanded.

Remick Music Corp. vs. Hotel Plaza, New York City, on "My Buddy." \$250.00 damages demanded.

Harms, Inc. vs. Frank DeGoff, operating the Club Deauville, San Francisco, on "Let's Take A Walk Around the Block" and "April in Paris." \$500.00 damages demanded.

M. Witmark & Sons vs. States Restaurant, San Francisco, Calif., on "The Kiss Waltz." \$250.00 damages demanded.

Harms, Inc. vs. St. Francis Hotel, San Francisco, on "April in Paris." \$250.00 damages demanded.

Harms, Inc. vs. station WGAL, Lancaster, Pa., on two uses of "Sleepy Valley." \$500.00 damages demanded.

Remick Music Corp. vs. station WOWO, Ft. Wayne, Ind., on "Breezin' Along With the Breeze." \$5,000.00 damages demanded.

Harms, Inc. vs. station WIRE, Indianapolis, Inc., on "Spin A Little Web of Dreams." \$5,000.00 damages demanded.

M. Witmark & Sons vs. station WSAR, Fall River, Mass., on the songs "When Irish Eyes Are Smiling," "That Wonderful Mother of Mine," "I Live For Love," "Then I Shant' Love You Any More," "Love Will Live On," "The Rose In Her Hair," "Lullaby of Broadway" and "About A Quarter To Nine." \$2,250.00 damages demanded.

Remick Music Corp. vs. the Nut Club, New Orleans, La., on "Avalon" and "Chinatown, My Chinatown." \$500.00 damages demanded.

M. Witmark & Sons vs. the Nut Club, New Orleans, on "Lulu's Back In Town" and "The Rose in Her Hair." \$500.00 damages demanded.

M. Witmark & Sons vs. station WSGN, Birmingham, Ala., on "Flag That Train To Alabam." \$250.00 damages demanded.

Harms, Inc. vs. station KSOO, Sioux Falls, S. D., on "Brother Can You Spare A Dime," "You're A Builder Upper" and "Let's Put Out The Lights and Go To Sleep." \$750.00 damages demanded.

Harms, Inc. vs. Palace Hotel, San Francisco, on "Three Little Words." \$250.00 damages demanded.

Remick Music Corp. vs. Palace Hotel, San Francisco, on "Sweet Georgia Brown." \$250.00 damages demanded.

Harms, Inc. vs. Kit Kat Club, San Francisco, on "Three Little Words." \$250.00 damages demanded.

Harms, Inc. vs. station WSAZ, Huntington, W. Va., on the songs "The Continental," "A Needle In A Haystack," "Take This Ring," "I Was Taken By Storm," "London On A Rainy Night" and "I'm Just An Ordinary Human." \$2,250.00 damages demanded.

Remick Music Corp. vs. station WTOG, Savannah, Ga., on "Sweet Georgia Brown," "Just A Little Bit of Love" and "The Lady in Red." \$1,500.00 damages demanded.

M. Witmark & Sons vs. station WESG, Elmira, N. Y., on "California, Here I Come." \$5,000.00 damages demanded.

Harms, Inc. vs. WSOC, Inc., Charlotte, N. C., on "Speak Easy." \$250.00 damages demanded.

M. Witmark & Sons vs. the National Broadcasting Co., Inc., operating station WENR, Chicago, on "My Wild Irish Rose." \$5,000.00 damages demanded.

Harms, Inc. vs. station WGST, Atlanta, Ga., on "Where Am I?" \$5,000.00 damages demanded.

Remick Music Corp. vs. Roosevelt Hotel, New Orleans, on "Sweet Georgia Brown," "Avalon" and "My Buddy." \$750.00 damages demanded.

Harms, Inc. vs. Roosevelt Hotel, New Orleans, on "Night and Day." \$250.00 damages demanded.

M. Witmark & Sons vs. Roosevelt Hotel, New Orleans, on "Lulu's Back In Town." \$250.00 damages demanded.

M. Witmark & Sons vs. Hotel Weylin, New York City, on "The Rose In Her Hair." \$250.00 damages demanded.

Remick Music Corp. vs. Morrison Hotel, Chicago, on "Breezin' Along With the Breeze." \$250.00 damages demanded.

Remick Music Corp. vs. Hotel Statler, St. Louis, on "Ev'ry Day." \$250.00 damages demanded.

Remick Music Corp. vs. Lennox Hotel, St. Louis, on "Mr. and Mrs. Is The Name." \$250.00 damages demanded.

Harms, Inc. vs. The New Music Box, Pittsburgh, Pa., on "Anything Goes" and "The Blue Room." \$500.00 damages demanded.

BROADCAST LIST CORRECTIONS

The Federal Communications Commission has made public the following list of broadcast station alterations and corrections for the month of March. The corrections are italicised.

<i>Call Letter</i>	<i>Main Studio Location</i>	<i>Name of Licensee</i>	<i>Power</i>	<i>Frequency (kc)</i>	<i>Time Designation</i>	<i>Quota Night</i>	<i>Units Day</i>
KCMO	Texarkana, Ark.	<i>K C M C, Incorporated</i>	100w	1420	U	0.1	0.1
KCMO	Kansas City, Mo.	Wilson Duncan, tr. as Wilson	100w	1370	S. H.	0.05	0.05
Formerly KWKC		Duncan Broadcasting Co. S. A. Charlotte Duncan, Adm., & Co-contracting parties, Lester E. Cox & Thos. L. Evans					
KDYL	Salt Lake City, Utah	Intermountain Broadcasting Corp.	1kw	1290	U	0.5	0.5
		<i>Strike out C. P. T-nr. Salt Lake City—5kw-LS</i>					
KFPY	Spokane, Wash.	Symons Broadcasting Co.	1kw	890	U	0.5	0.85
		<i>C. P. 5kw-LS</i>					
KFRU	Columbia, Mo.	K F R U, Incorporated	500w 1kw-LS	630	Simultaneous D-WGBF, S- WGBF night	0.16	0.5
KFSG	Los Angeles, Calif.	Echo Park Evangelistic Assn. (Maurice E. Kennedy, Agent)	500w 2½kw-LS	1120	S-KRKD	0.2	0.03
KGBX	Springfield, Mo.	<i>Springfield Broadcasting Co.</i>	100w	1310	S. H.	0.3	0.3
	S. A. T-nr.	Springfield	500w	1230	U - Exp.		
KID	Idaho Falls, Idaho	KID Broadcasting Co.	250w 500w-LS <i>C. P. 500w</i> 1kw-LS	1320	U	0.3	0.5
KOOS	Marshfield, Ore.	<i>Pacific Radio Corp.</i>	250w	1200 **1390	D	...	0.2
KSCJ	Sioux City, Iowa	Perkins Brothers Co. (The Sioux City Journal)	1 kw 2½kw-LS	1330	Simultaneous D-WTAQ, S. H. night C. P. U.	0.5	0.75
KVCV	Redding, Calif.	<i>Golden Empire Broadcasting Co.</i>	100w	1200	U (C. P. only)	...	...
<i>Effective 4-21-36</i>							
KWBG	Hutchison, Kans.	<i>The Nation's Center Broadcasting Co., Inc.</i>	100w	1420	U	...	...
KYA	San Francisco, Calif.	<i>Hearst Radio, Inc.</i>	1kw	1230	U	0.5	0.5
WDBJ	Roanoke, Va.	Times World Corp.	1kw <i>C. P. 5kw-LS</i>	930	U	0.5	0.85
WDZ	Tuscola, Ill.	WDZ Broadcasting Co.	250w	1020	D	...	0.2
WEST	Easton, Pa.	Associated Broadcasters, Inc.	100w 250w-LS	1200	S-WKBO	0.04	0.06
WFAM	South Bend, Indiana	The South Bend Tribune	100w	1200	U-D, S-WWAE, night	0.01	0.1
WFBC	Greenville, S. C.	Greenville News-Piedmont Co.	1kw 5kw-LS	1300	U	0.5	0.85
*WGRC	New Albany, Indiana	<i>North Side Broadcasting Corp.</i>	250w	1370	D (C. P. only)	...	0.2
<i>Effective 5-12-36</i>							
WHA	Madison, Wisc.	University of Wisconsin	2½kw <i>C. P. 5kw</i>	940	D	...	0.85
*WFBM	Indianapolis, Ind.	Indianapolis Power and Light Co.	1kw <i>C. P. 5kw-LS</i>	1230	U	0.5	0.85
WHBU	Anderson, Ind.	Anderson Broadcasting Corp.	100w <i>C. P. 250w-LS</i>	1210	U	0.1	0.2
WHIO	Dayton, Ohio	Miami Valley Broadcasting Corp.	1kw <i>C. P. 5kw-LS</i>	1260	U	0.5	0.85
WHN	New York, N. Y.	Marcus Loew Booking Agency	1kw 5kw-LS	1010	U	0.5	0.85
WILL	Urbana, Ill.	University of Illinois	250w 1kw-LS **1kw	890 580	S-KFNF, KUSD D	...	0.5
WJAS	Pittsburgh, Pa.	Pittsburgh Radio Supply House	1kw 2½kw-LS 5kw-LS	1290	U	0.5	0.85

Effective 5-19-36

Call Letter	Main Studio Location	Name of Licensee	Power	Frequency (kc)	Time Designation	Quota Night	Units Day
WJBC	Bloomington, Ill. T-Normal	Arthur Malcolm McGregor & Dorothy Charlotte McGregor, a partnership	100w C. P. 250w-LS	1200	S-WJBL	0.02	0.12
WMBR	Jacksonville, Fla.	Florida Broadcasting Co.	100w 250w-LS	1370	U	0.1	0.2
WNBX	Springfield, Vt.	The WNBX Broadcasting Corp.	1kw	1260	D to LS at Erie, Pa.	0.5	0.5
S. A. 500w U. . Exp.							
Strike out S. A.-U-Exp.			1kw-LS				
WOS	Strike out all particulars						
WRJN	Racine, Wisc. C. P. T-Mt. Pleasant	Racine Broadcasting Corp.	100w 250w-LS	1370	U	0.1	0.2
WSPD	Toledo, Ohio T-Perrysburg	Toledo Broadcasting Co.	1kw 2½kw-LS C. P. 5kw-LS	1340	U	0.5	0.85
WTAQ	Green Bay, Wisc. T-West De Pere	WHBY, Incorporated	1kw	1330	U	0.5	0.5
WWAE	Hammond, Ind.	Hammond Calumet Broadcasting Corp.	100w	1200	U-D, S-WFAM night	0.09	0.1.

** See Abbreviations—Lists of January 1, 1936.

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following companies. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

No. 2757. Retail Furniture Dealers' Association of St. Louis, its officers and 42 merchant members, have been named respondents in a complaint alleging violation of the Federal Trade Commission Act through combination and conspiracy to monopolize the sale and distribution of furniture and allied products in the St. Louis, Mo., and East St. Louis, Ill., trade area.

The respondents also are charged with combining to unreasonably suppress competition and deprive the public of advantages in price and service which it would otherwise receive.

Among practices alleged in the complaint are the fixing of prices at which furniture, electric refrigerators and radios are to be retailed in the St. Louis area; discrimination against small business enterprises; "freezing" competing companies out of business, and injuring the public, manufacturers, producers, dealers, distributors, and others who do not conform or do not desire to conform to the respondents' program, but are compelled to do so by the respondents' concerted action.

The respondents are alleged to have enforced two policies affecting (1) retail furniture dealers in the St. Louis area, and (2) manufacturers, distributors, jobbers and the public in that area.

No. 2758. False representations in advertising two brands of bread it manufactures and sells in interstate commerce, is charged in a complaint against **William Frehofer Baking Co.**, 20th Street and Indiana Avenue, **Philadelphia.** The respondents' methods of competition are alleged to be in violation of Section 5 of the Federal Trade Commission Act.

In advertisements, the respondent company allegedly represented that "Frehofer's Perfect Loaf" contains "100 per cent more butter," and made various other representations of similar import, which, according to the complaint, were misleading and deceptive, and implied to purchasers that this particular brand of bread contained an unusually high butter content.

No. 2759. Alleging unfair competition through false and misleading advertising of cosmetics, a complaint has been issued against **Hollywood Mask, Inc.**, 105 West Monroe St., **Chicago.**

Selling "Hollywood Vitamin Hand and Skin Lotion" and "Hollywood Mask Turtle Oil," the respondent is alleged to have advertised its products as possessing ingredients capable of erasing lines or wrinkles of the skin, or of nourishing the skin, muscles or tissues.

No. 2760. **Reta Terrell Sloan**, trading as **Reta Terrell**, with her principal office at 513 Oakdale Ave., **Chicago**, and a branch at 50 East 10th St., **New York City**, is charged with unfair methods of competition in the sale of cosmetics in interstate commerce.

In advertising matter, the respondent allegedly represents that her cosmetic preparations possess ingredients of such character and in such quantity as to serve as a food for the skin, muscles or tissues; that her preparations have a beneficial effect in filling out and tightening the lines of broken tissues; that they eliminate dryness from the skin and remove wrinkles, and that use of the preparations has a beneficial effect in the treatment of various conditions of the skin. Such representations, according to the complaint, are untrue, and the cosmetics do not produce the results claimed for them.

No. 2761. Deceptive representations in the sale of a two-volume set of books called "Health Knowledge," is alleged in a complaint issued against **Medical Book Distributors, Inc.**, publisher and distributor of the volumes, and **American Health Society, Inc.**, which purchases the books from Medical Book Distributors and sells them in interstate commerce. Both organizations have headquarters at 1476 Broadway, **New York City.**

Sales managers and salesmen employed by the Health Society are alleged to have interviewed prospective purchasers, usually women, announcing that they were authorized to call and give "health talks."

Although the books were allegedly represented as a "New Revised Edition, 1934," the set was not an up-to-date medical work, but treated of old methods abandoned by the medical profession, according to the complaint. A list of purported "eminent medical authors," said to have contributed to the work, is alleged to be false and misleading, as these persons, it is charged, did not submit their work for inclusion in the volumes.

No. 2762. Use of a lottery scheme to promote the sale of candy is alleged in a complaint issued against **Mack R. Keshan** and **Oswald Freund**, 114 East 13th St., **New York City**, and the **American Mint Corporation.** The complaint charges the respondents with unfair competition in violation of Section 5 of the Federal Trade Commission Act.

The respondents sell assortments of candy to brokers, wholesalers and retail chain stores, and, according to the complaint, furnish them with display cards describing the lottery scheme as one by which the ultimate purchaser of a small piece of candy may win a piece containing a sum of money, such sum of money being procured as a prize wholly by chance.

Stipulations

The Commission has issued the following cease and desist orders:

No. 2363. An order has been entered against **Edwin Cigar Co., Inc.**, and **James B. Hall, Jr., Inc.**, 100 East 16th St., **New York City**, both engaged in the manufacture and sale of cigars, directing them to discontinue certain unfair methods of competition in violation of Section 5 of the Federal Trade Commission Act.

The Commission found that **Edwin Cigar Co., Inc.**, operates a mail order business, selling direct to the consumer, that **James B.**

Hall, Jr., Inc., sells to jobbers and retailers exclusively, and that Max Rosenbloom is president of both respondent corporations and directs their policies as though they were a single enterprise.

Both respondents are ordered to cease representing, by use of the words "Finest Havana Filler," "Havana Filled," or "Havana Filler," that their cigars so designated or the filled portions thereof, are actually made of Cuban or Havana tobacco, unless they are composed of such tobacco and made and filled in conformity with the standards followed in the manufacture of genuine Havana filler cigars.

No. 2586. Radiator Specialty Co., 315 East 5th St., Charlotte, N. C., dealer in a cleaning fluid advertised as "Perfo," has been ordered to cease and desist from misrepresentations in the sale of the preparation.

Advertisements that the cleaning fluid is not harmful or injurious to any fabric, material or color, that it will absorb spots, and does not leave a spot or ring on materials, is prohibited in the order.

Findings are that use of the fluid on fabrics or materials dyed with certain kinds of dyes, such as non-fast dyes, impairs and harms the colors by causing them to bleed or run.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, April 20

HEARING BEFORE AN EXAMINER

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho—Renewal of license, 1240 kc., 500 watts, 1 KW LS, unlimited time.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho—Modification of license, 630 kc., 500 watts, 1 KW, unlimited time. Present assignment: 1240 kc., 500 watts, 1 KW LS, unlimited time.

KSEI—Radio Service Corp., Pocatello, Idaho—Renewal of license, 900 kc., 250 watts, 500 watts LS, unlimited time.

Wednesday, April 22

HEARING BEFORE AN EXAMINER (Broadcast)

KFH—The Radio Station KFH Co., Wichita, Kansas—C. P., 1300 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 1300 kc., 1 KW, 1 KW LS, unlimited time.

KFBI—The Farmers & Bankers Life Ins. Co., Wichita, Kansas—C. P., 1050 kc., 5 KW, limited time. (Request to move from Abilene to Wichita, Kansas.)

NEW—The Farmers & Bankers Life Ins. Co., Wichita, Kansas—C. P., 1210 kc., 100 watts, unlimited time.

Thursday, April 23

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-163

NEW—Paul R. Heitmeyer, Salt Lake City, Utah—C. P., 1210 kc., 100 watts, unlimited time.

Examiner's Report No. I-173

NEW—Wyoming Radio Educational Assn. (Lester G. Baker, Pres.), Cheyenne, Wyoming—C. P., 630 kc., 500 watts, 1 KW LS, unlimited time.

NEW—Paul R. Heitmeyer, Cheyenne, Wyoming—C. P., 1210 kc., 100 watts, 250 watts LS, unlimited time.

Examiner's Report No. I-180

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Renewal of license, 1340 kc., 500 watts, 1 KW LS, unlimited time.

Examiner's Report No. I-184

NEW—W. H. Kindig, Hollywood, Calif.—C. P., 1300 kc., 1 KW, share with KFAC. (Requests facilities of KFAC.)

KFAC—Los Angeles Broadcasting Co., Inc., Los Angeles, Calif.—Renewal of license, 1300 kc., 1 KW, unlimited time.

APPLICATIONS GRANTED

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted license to cover C. P. for new station; 1370 kc., 100 watts night, 250 watts day—all hours except those assigned station WSVS.

KELW—Evening Herald Pub. Co., Burbank, Calif.—Granted renewal of license; 750 kc., 500 watts. S-KEHE.

NEW—The Evening News Assn., Portable-Mobile (Detroit)—Granted C. P., 86000-400000 kc., 1 KW, unlimited time.

W8XAZ—Buffalo Broadcasting Corp., Portable-Mobile (Buffalo, N. Y.)—Granted C. P. to make changes in transmitter and increase power from 1.5 to 25 watts.

W8XAZ—Buffalo Broadcasting Corp., Portable-Mobile (Buffalo, N. Y.)—Granted license to cover C. P.; frequencies 31100, 34600, 37600, 40600 kc., 25 watts.

SET FOR HEARING

NEW—John S. Braun, Waco, Texas—Application for C. P. for new station; 1500 kc., 100 watts daytime. Site to be determined.

NEW—The Tribune Co., Tampa, Fla.—Application for C. P. for new station; 560 kc., 1 KW night, 5 KW day, unlimited time. Site to be determined.

NEW—Bay County Publishers, Inc., Panama City, Fla.—Application for C. P. for new station; 1420 kc., 100 watts, unlimited time.

NEW—I. T. U. Radio Station, Inc., Indianapolis, Ind.—Application for C. P. for new station; 560 kc., 5 KW day, 1 KW night, unlimited. Site to be determined.

NEW—J. W. Plame, Huntington Park, Calif.—Application for C. P., 1500 kc., 100 watts, unlimited time. Facilities used by KVOE.

NEW—George F. Bissell, Pittsfield, Mass.—Application for C. P. for new station; 1200 kc., 100 watts daytime. Site to be determined.

NEW—Golden Empire Broadcasting Co., Marysville, Calif.—Application for C. P. for new station; 1140 kc., 250 watts daytime. Site to be determined.

NEW—New Jersey Broadcasting Co., Inc., Paterson, N. J.—Application for C. P. for new station; 620 kc., 250 watts daytime.

KVOS—KVOS, Inc., Bellingham, Wash.—Consent to the transfer of control of KVOS, Inc., from Wescoast Broadcasting Co. to Rogan Jones. (1200 kc., 100 watts, unlimited time.)

ACTION ON EXAMINERS' REPORTS

NEW—Ex. Rep. No. 1-149: Reporter Broadcasting Co., Abilene, Texas—Granted C. P. for new broadcast station to operate on 1420 kc., 100 watts; unlimited time. Examiner Bramhall sustained. Order effective August 4th.

NEW—Wm. O. Ansley, Jr., d/b as Guilford Broadcasting Co., Abilene, Texas—Denied C. P. for new station to operate on 1420 kc., 100 watts, unlimited time. Examiner Bramhall sustained. Order effective August 4th, 1936.

KMED—Ex. Rep. No. 1-167: Mrs. W. J. Virgin, Medford, Oregon—Granted modification of license to change frequency from 1310 to 1410 kc.; power from 100 watts night, 250 watts day, to 250 watts night and day, and change hours from unlimited to specified. Examiner D. G. Arnold sustained. Order effective August 4th, 1936.

NEW—Ex. Rep. No. 1-208: James R. Ross, Jr., Tuscaloosa, Ala.—Granted C. P. for new broadcast station to operate on 1200 kc., 100 watts, daytime. Examiner Bramhall sustained. Order effective August 11, 1936.

ACTION ON CASES HEARD BY BROADCAST DIVISION

WTMJ—The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Granted renewal of license; 620 kc., 1 KW night, 5 KW day, unlimited time. Order effective August 11, 1936.

KFRC—Don Lee Broadcasting System, San Francisco, Calif.—Granted renewal of license; 610 kc., 1 KW, unlimited time. Order effective August 11, 1936.

ORAL ARGUMENTS GRANTED

NEW—Ex. Rep. No. 1-186: Advertiser Pub. Co., Ltd., Honolulu, T. H.—Oral argument set for June 11, 1936.

WEAN—Ex. Rep. No. 1-205: The Shepard Broadcasting Service, Inc., Providence, R. I.—Oral argument set for June 11, 1936.

KVSO—Ex. Rep. No. 1-206: The Ardmoreite Pub. Co., Inc., Ardmore, Okla.—Oral argument set for June 4, 1936.
 WFBR—Ex. Rep. No. 1-209: The Baltimore Radio Show, Inc., Baltimore, Md.—Oral argument set for June 4, 1936.
 WOOD—Kunsky-Trendle Broadcasting Corp., Grand Rapids, Mich.—Oral argument set for June 4, 1936.
 WASH—Kunsky-Trendle Broadcasting Corp., Grand Rapids, Mich.—Oral argument set for June 4, 1936.

MISCELLANEOUS

KFBB—Buttery Broadcast, Inc., Great Falls, Mont.—Denied motion asking Commission to dismiss and return to applicant the application of the Calif. Sales Contract Co., San Francisco, for authority to establish a new broadcasting station to operate on 1280 ke., 500 watts (1 KW LS).
 WAAW—Omaha Grain Exchange, Omaha, Neb.—Dismissed at request of applicant C. P. heretofore set for hearing requesting 660 ke., 5 KW, daytime.
 WORL—Broadcasting Service Organization, Inc., Needham, Mass.—Dismissed at request of applicant, modification of license heretofore set for hearing, for 920 ke., 1 KW, daytime.
 NEW—National Television Corp., New York City—Denied as in cases of default for failure to file an appearance and statement of facts to be proved in accordance with Rule 104.6 (c), application for C. P., 42000-56000 and 60000-85000 ke., 30 watts, unlimited time.

APPLICATIONS RECEIVED

First Zone

WCAO—Monumental Radio Co., Baltimore, Md.—Construction 600 permit to install a new auxiliary transmitter to be located 60 feet from present site at same address (811 West Lanvale Street) to use 250 watts power.
 WHDH—Matheson Radio Co., Inc., Boston, Mass.—License to use 830 old W. E. Type 106-B transmitter as an auxiliary transmitter using 500 watts power.
 WNAC—Shepard Broadcasting Service, Inc., Boston, Mass.—Construction 1230 permit to make changes in equipment and increase power from 1 KW, 2½ KW day, to 1 KW, 5 KW day.
 NEW—William F. Koller, Pittsfield, Mass.—Construction permit 1290 for a new station to be operated on 1290 ke., 250 watts, daytime.
 NEW—Black River Valley Broadcasts, Inc., Watertown, New York 1420 —Construction permit for a new station to be operated on 1420 ke., 100 watts, 250 watts day, unlimited time.
 NEW—World Broadcasting System, Inc., New York, N. Y.—Authority to transmit programs from the World Broadcasting System, Inc., to the Northern Electric Co., Ltd. (Canadian).

Second Zone

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Construction 560 permit to install new equipment, erect a vertical antenna, increase power from 500 watts, 1 KW day to 1 KW and move transmitter from 801 Market St., Philadelphia, Pa., to 1300 feet northeast of Monument and City Line Ave., Merion Twp., Pennsylvania.
 NEW—Cadillac Broadcasting Co., a Michigan Corporation, Dearborn, Mich.—Construction permit for a new station to be operated on 1140 ke., 500 watts, daytime.
 WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—1160 Construction permit to install a new transmitter, erect a vertical antenna and increase power from 5 KW to 25 KW, 10 KW day. Amended: Re-equipment.
 WRAK—WRAK, Incorporated, Williamsport, Pa.—Construction 1370 permit to make changes in equipment (antenna) and move transmitter from 244 West Fourth Street, Williamsport, Pa., to 1631 W. 3rd, Williamsport, Pa.
 WHIS—Daily Telegraph Printing Co., Bluefield, W. Va.—License 1410 to cover construction permit (B2-P-861) for new equipment and move of transmitter.
 WCKY—L. B. Wilson, Inc., Covington, Ky.—Construction permit 1490 to install new equipment and increase power from 5 KW to 50 KW day and night.
 WJBK—James F. Hopkins, Inc., Detroit, Mich.—Modification of 1500 construction permit to make changes in equipment, move transmitter from 12897 Woodward Avenue, Highland Park, Mich., to site to be determined, Detroit, Mich., install vertical antenna and extend commencement and completion dates.

Amended: To give transmitter site as Woodrow Wilson and Pilgrim Streets, Detroit, Mich., and omit request for extension of commencement and completion dates.

NEW—The Escanaba Daily Press Co., Escanaba, Mich.—Construction 1500 permit for a new station to be operated on 1500 ke., 100 watts, daytime.

Third Zone

WQAM—Miami Broadcasting Co., Miami, Fla.—License to cover 560 construction permit (B3-P-987) for new equipment.
 WQAM—Miami Broadcasting Co., Miami, Fla.—License to use old 560 W. E. D-87737 transmitter as an auxiliary transmitter.
 WPTF—WPTF Radio Co., Raleigh, N. C.—License to cover construction 680 permit (B3-P-863) to move auxiliary transmitter.
 WKY—WKY Radiophone Co., Oklahoma City, Okla.—Construction 900 permit to install new equipment, increase power from 1 KW to 5 KW, move transmitter from West 39th Street (highway 8 mi. w. of) Oklahoma City, Okla., to site to be determined, near Oklahoma City, Okla. Amended: Change power from 5 KW to 1 KW, 5 KW day, make changes in antenna and omit request for move to transmitter.
 WTJS—The Sun Publishing Co., Inc., Jackson, Tenn.—Construction 920 permit to install new equipment, increase power from 100 watts, 250 watts day to 250 watts, 500 watts day and change frequency from 1310 ke. to 920 ke. Amended: To move transmitter from Hall Street, Jackson, Tenn., to northwest of Jackson, Tenn.
 WIS—Station WIS, Inc., Columbia, S. C.—Modification of construction 1010 permit (3-P-B-3258) for changes in equipment, increase in power, change of frequency and move of transmitter, requesting extension of completion date from 5-10-36 to 7-10-36.
 WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Special 1180 experimental authorization to change hours of operation from limited to unlimited time and install directional antenna for the period to 8-1-36.
 NEW—Southern Broadcasting Corp., New Orleans, La.—Construction 1200 permit for a new station to be operated on 100 watts, share WJBW. Requests facilities of WBNO. The frequency 1200 ke. requested.
 NEW—Bayou Broadcasting Co., Houston, Texas—Construction 1210 permit for a new station to be operated on 1200 ke., 100 watts, unlimited time. Amended: To change frequency from 1200 ke. to 1210 ke.
 NEW—John S. Allen & G. W. Covington, Jr., Montgomery, Ala.—1210 Construction permit for a new station to be operated on 1210 ke., 100 watts, daytime. Amended: To change transmitter site from 1500 feet off Narrow Lane Road, 4 miles south of Montgomery, Ala., to 1000 feet off Narrow Lane Road, ¾ miles southeast of Montgomery business section.
 KUOA—KUOA, Inc., Fayetteville, Ark.—Construction permit to 1260 make changes in equipment, erect a new antenna, increase power from 1 KW to 2½ KW, move transmitter from Mount Sequoyah, Fayetteville, Ark., to John Brown University, Siloam Springs, Ark., and studio from Washington Hotel, 101 West Mountain Street, Fayetteville, Ark., to John Brown University, Siloam Springs, Ark.
 WAML—New Laurel Radio Station, Inc., Laurel, Miss.—Application 1310 for license filed by New Laurel Radio Station, Inc., for authority to operate Radio Station WAML.
 WMBR—Florida Broadcasting Co., Jacksonville, Fla.—License to 1370 cover construction permit (B3-P-958) to make changes in equipment.
 WACO—Central Texas Broadcasting Co., Inc., Waco, Texas—1420 Voluntary assignment of license from Central Texas Broadcasting Co., Inc., to KTSA Broadcasting Co.
 KOMA—National Radio Manufacturing Co., Oklahoma City, Okla. 1480 —Voluntary assignment of license from the National Radio Manufacturing Co. to Hearst Radio, Inc.

Fourth Zone

KSD—Pulitzer Publishing Co., St. Louis, Mo.—Modification of 550 license to change hours of operation from share KFUD to unlimited time. Amended: To request facilities of KFUD.
 NEW—Thomas L. Evans and J. L. Milligan, Jefferson City, Mo.—920 Construction permit for a new station to be operated on 920 ke., 500 watts, daytime.
 WSBT—The South Bend Tribune, South Bend, Ind.—Construction 1010 permit to make changes in equipment, install directional antenna, change frequency from 1360 ke. to 1010 ke., increase

power from 500 watts to 1 KW, change hours of operation from share WGES to unlimited time and move transmitter from 4½ miles west on U. S. 2, South Bend, Ind., to site to be determined, South Bend, Ind. Amended: For approval of transmitter site at about 4 miles southeast of center of South Bend on south side of Jackson Rd. ¼ mile east of Miami Highway, South Bend, Ind. To use directional antenna at night.

WCLO—Gazette Printing Co., Janesville, Wis.—Construction permit to move transmitter from Milwaukee Road, near Janesville, Wis., to Janesville, Wis. Amended: To give transmitter site as 1436 S. Oakhill Ave., Janesville, Wis., and to request changes in antenna.

KSCJ—Perkins Brothers Co., Sioux City Journal, Sioux City, Iowa
1330 —Modification of construction permit (B4-P-619) to make changes in equipment, change transmitter site from Sioux City, Iowa, to McLaughlin Farm, southeast quarter of northeast quarter-section 1, Sioux City, Iowa, extend commencement date to 15 days after grant and completion date to 90 days thereafter.

WKBI—WKBI, Incorporated, Cicero, Ill.—Modification of license
1420 to change specified hours as specified on license, from Central Standard Time to Eastern Standard Time.

WHFC—WHFC, Inc., Cicero, Ill.—Modification of license to
1420 change specified hours as specified on license, from Central Standard Time to Eastern Standard Time.

WEHS—WEHS, Incorporated, Cicero, Ill.—Modification of license
1420 to change specified hours as specified on license from Central Standard Time to Eastern Standard Time.

NEW—KMJB Broadcasting Co., by Myron J. Bennett, Pres.,
1450 Minot, N. D.—Construction permit for a new station to be operated on 1300 kc., 1 KW, unlimited time. Requests facilities of KLPM. Amended: To change frequency from 1300 kc. to 1450 kc.

Fifth Zone

KFXM—J. C. and E. W. Lee (Lee Bros. Broadcasting Co.), San
1210 Bernardino, Calif.—Authority to install automatic frequency control.

NEW—Ed Klies, Helena, Mont.—Construction permit for a new
1210 station to be operated on 1210 kc., 100 watts, 250 watts day, unlimited time. Amended: To make changes in equipment.

KEUB—Eastern Utah Broadcasting Co. (Sam G. Weiss), Price,
1420 Utah—Authority to install automatic frequency control.

KEUB—Eastern Utah Broadcasting Co. (Sam G. Weiss), Price,
1420 Utah—Modification of construction permit (B5-P-648) for a new station, requesting changes in equipment and approval of transmitter and studio sites as 2.4 miles northwest Price on Highway 50, Price, Utah.

NEW—Harold M. Finlay and Mrs. Eloise Finlay, La Grande,
1500 Oreg.—Construction permit for a new station to be operated on 1500 kc., 100 watts, daytime.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

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COPYRIGHT SUBCOMMITTEE APPOINTED

Representative Sirovich, chairman of the House Committee on Patents on Wednesday announced the following subcommittee to consider copyright legislation: Representative Lanham of Texas, chairman; Deen, of Georgia; O'Malley, of Wisconsin; Kramer, of California; Daly, of Pennsylvania; Barry, of New York; Perkins, of New Jersey; McLeod, of Michigan; Hartley, of New Jersey; and Risk, of Rhode Island. Mr. Lanham called a meeting of the subcommittee to be held on Thursday.

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

- McGraw-Hill Publishing Company, New York City. (2-2077, Form A-2)
- Alabama-California Gold Mines Co., Tacoma, Wash. (2-2078, Form A-1)
- Potrero Sugar Company, New York City. (2-2081, Form A-1)
- Ashland Home Telephone Co., Ashland, Ky. (2-2082, Form A-1)
- Cascade Mining Corporation, Ypsilanti, Mich. (2-2085, Form A-1)
- Coastal Minerals Development, Inc., New Orleans, La. (2-2086, Form A-1)
- Skookum Gold Mines, Ltd., Toronto, Canada. (2-2087, Form A-1)
- General Equities, Inc., Minneapolis, Minn. (2-2088, Form A-1)
- Insurance Investors Company, Seattle, Wash. (2-2089, Form A-1)
- Bankers Incomes Shares, Ltd., St. Johns, Newfoundland. (2-2090, Form A-1)
- General Illinois Light Company, Peoria, Ill. (2-2093, Form A-2)
- W. Wallace Alexander, Inc., Philadelphia, Pa. (2-2095, Form A-1)

PRALL ADDRESSES WOMEN'S RADIO COMMITTEE

Anning S. Prall, chairman of the Federal Communications Commission, on Wednesday addressed the Women's National Radio Committee at the Astor Hotel, New York City, in connection with the presentation of awards. Mr. Prall said:

"It is a privilege and a pleasure I assure you to compliment the Women's National Radio Committee for its devotion to a cause in which both the listening public and the broadcasting industry are vitally concerned.

"It is quite unnecessary to add that in its determination to improve the standards of radio programs the Women's Committee will always have the unqualified support of the Federal Communications Commission, of which I have the honor of serving as its Chairman.

"I had intended to devote full fifteen minutes this afternoon to the subject of the Freedom of Speech because frankness compels the admission that the political and economic crisis which has become world-wide in its effects has seriously undermined confidence in some of our cherished beliefs. I cannot do so because my time has been cut from fifteen minutes to eight. However, the objective of the Women's Committee and our Commission with respect to clearing the air of undesirable programs is closely related and the question

of free speech is so involved by legal restrictions that the elimination of obnoxious programs may depend entirely on the voluntary cooperation of the broadcasters. The Fourteenth Amendment to the Constitution guarantees the freedom of speech and the provisions of the Communications Act regarding censorship are very clear and definite. What is the justification for the feeling of political insecurity that fills the hearts of men? Who could have predicted that in the decades following a war intended to make the world safe for democracy the specter of dictatorships would become a reality? Who could have foretold that instead of the democratic form of government finding wider acceptance among the peoples of Europe we would see Lenin installed in Moscow, Hitler in Berlin, and Mussolini in Rome? Have the nations for all time rejected the ideal of democracy and with it all, the absolute repudiation of free speech? Apparently the peoples of other lands are willing to sacrifice much for economic and political security. For the moment at least fundamental liberties have been foresworn in an attempt to concentrate power in one or a few rather than in the many in order to insure the equivalent values of what our forefathers called 'life, liberty and the pursuit of happiness.' Freedom of speech, the laissez-faire policy in business and social life, the right of assembly, liberty of the press and radio, have been willingly sacrificed under the present European dictatorships.

"Fortunately, the English-speaking peoples, particularly in England and the United States, despite the perils of war and the economic disaster that followed, have not been willing to sacrifice such fundamental liberties, the attainment of which required centuries of effort and sacrifice.

"The battle for a free press and free speech was not won in a day or even in a century. The Supreme Court of the United States in the decision involving the 'Louisiana Newspaper Tax' case pointed out that it was a 'tax on knowledge' and a substitute for the older forms of direct censorship. It was a device in the form of a tax to limit the circulation of information to which the public is entitled.

"Can the lesser degree of freedom attach to the most recent medium of communication—the radio—an instrumentality as potent, or more so, for good or evil as the printing press itself?

"In the twinkling of an eye, this marvelous invention carries news items as well as recreational features, such as the drama and music, to remote areas of our land not served by the daily press, and its programs are heard by millions who have neither the desire, the time nor the facilities to read the daily paper.

"A message of plans proposed or work done spoken at the fire-side of the White House is heard at millions of hearthstones throughout the land. Issues of all kinds relating to the functions of government, such as the Constitution, finance, tariff, neutrality and various types of relief are presented to our countrymen by speakers of every type of status, race, political and religious belief in messages ranging from passionate praise to withering censure.

"It is inconceivable that, as in the dictator-ridden countries of Europe, or even in England where the radio is under state control, there could be imposed by the Communications Commission regulations that would mean a denial of the same degree of free speech over the radio as is enjoyed by the press of our country.

"But while that liberty should be granted and maintained, a degree of reasonable restriction should be preserved, namely, the protection of the government and its processes, including judicial action from violent disruption, and unlawfully created disrespect; the protection of individuals in good name and business reputation; and the protection of the morals of the public and of its right not to be defrauded or deceived.

"One might discuss at some length certain questions of discretion and propriety over and beyond the legal ones already implied. When this marvelous mechanism is used in violation of good taste as involved in either what is broadcast or the method employed, the problem becomes not one of further legal restriction but the de-

velopment of intelligence and taste both in the sponsors of a given program and the listening audience to which the appeal is made. It is a truism that you can legislate neither morals nor esthetic appreciation.

"In the conduct of the press and the radio our fundamental obligation is to respect freedom of speech. The search for truth shall keep us free.

"The freedom of the press within the legal limitations to which I have referred, which conditions bespeak the wisdom of experience, is a precious inheritance. That freedom must be extended to the radio. To the defense of that freedom of the press and the radio, we pledge as did our forefathers, our lives and our sacred honor."

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

No. 2763. Kroekel-Oetinger, Inc., Philadelphia candy manufacturer, has been charged with unfair competition in selling to the trade candy so packed and assembled as to involve lottery when distributed to the consumer.

A candy assortment sold by this manufacturer to wholesalers, jobbers and retailers is said to have been made up of candies of uniform size together with certain larger pieces to be given as prizes to certain purchasers of the uniform sizes.

The complaint alleges that sale of candy to the purchasing public in this manner is a practice deemed contrary to public policy by the common law and criminal statutes. Specifically, violation of Section 5 of the Federal Trade Commission Act is charged.

No. 2765. Charging unfair competition and restraint of trade in the jobbing of automobile parts and accessories, a complaint has been issued against the **Motor and Equipment Wholesale Association**, with headquarters in **Chicago**, whose membership is said to represent a substantial volume of this class of jobbing business in the United States, occupying a dominant position in the parts and accessories trade.

Those named as respondents include the association, its officers and directors; the Automotive Trades Association of Greater Kansas City, Mo., a member; Mississippi Valley Automotive Jobbers Association (Iowa); Southwestern Automotive Wholesalers Association, Southwestern Jobbers Association, and 42 member companies in various cities.

The complaint charges the respondents with entering into agreements, combinations and conspiracies among themselves for elimination of price competition among jobbers, preventing the creation of new competition, and controlling parts and accessories prices. This program, according to the complaint, was accomplished through agreement and concerted action in (1) use of uniform and substantially identical resale prices fixed by manufacturers; (2) threats of boycott and actual boycott against manufacturers not complying with the program; (3) monopoly in the distribution of replacement parts, accessories and shop equipment through "legitimate jobbers"; (4) strict enforcement of rules for jobbers recognized as "legitimate"; and (5) establishment of "jobbing points," "ethical merchandising," or "clean merchandising" policies for promotion of the respondents' program, and holding local and regional group meetings at national shows and elsewhere, of which only meager and incomplete records have been kept so as to avoid providing evidence of agreements and to minimize detection.

No. 2766. Allegedly representing himself as a chemist in order to promote the sale of formulas and specifications for the manufacture of a wide variety of products, L. W. Gibson, 4700 North Racine Ave., Chicago, is named respondent in a complaint charging unfair methods of competition.

Gibson sells formulas for cosmetics, tooth paste, hair tonics, polishing compounds, soap, food products, adhesives, rat exterminators and other commodities, and, the complaint alleges, certain assertions he makes in advertisements, catalogues and other printed matter regarding his business are in violation of Section 5 of the Federal Trade Commission Act.

Among the respondent's alleged misrepresentations are assertions that he was educated in the science of chemistry, has had long experience in the commercial application of such science, and has spent large sums of money and devoted years to perfecting prac-

tical working formulas and processes for the manufacture of various products. The complaint also charges the respondent represents that in his establishment are laboratories equipped with modern apparatus, and that associated with him are graduates of leading American colleges whom he employs because of their sound knowledge of chemistry, their experience in the formation of money-making formulas, their success as manufacturers, and their ability to teach other manufacturers every phase of profitable production.

No. 2768. False representations in the sale of men's clothing are alleged in a complaint against **Jonas Schainuek & Son, Inc.**, with headquarters at 757 Broadway, **New York City**, from where it operates a chain of retail stores in **New York**, **Washington, D. C.**, and **Pittston**, **Wilkes-Barre**, **Scranton**, **Allentown**, **Harrisburg**, and **Hazleton**, **Pennsylvania**, and in other cities.

The complaint charges that the respondent company makes assertions in radio broadcasts that its "Factory-to-You Policy Saves You Money," and that labels attached to garments sold by the respondent bear such statements as "Maker to Wearer."

According to the complaint, the respondent company does not own or operate a factory where its products are manufactured, and the representations that it does tend to cause purchasers of such products to believe they obtain closer prices and superior quality in dealing direct with a manufacturer rather than with a retailer or middleman.

In newspapers, over radio and in other ways, the respondent corporation is said to advertise that it sells "Two Garments for One Low Price," when, according to the complaint, it does not sell two suits, two overcoats, or one suit and one overcoat for the price of one garment, nor does the purchaser save the cost of an additional garment through the medium of the respondent's sales plan, but pays the usual and ordinary retail price of two garments, or approximately so.

The respondent's practices, the complaint avers, violate Section 5 of the Federal Trade Commission Act, and not only deceive purchasers but tend to divert trade to the respondent from competitors who do not misrepresent their products.

No. 2769. Combination and conspiracy to suppress competition and create a monopoly in the ladies' garment and dress goods trade in the United States is alleged in a complaint issued against five associations whose membership represents a large portion of the national volume of business in these commodities. The complaint charges violation of the Federal Trade Commission Act.

Principal respondents named are the **Fashion Originators Guild of America, Inc.**, with headquarters at 512 7th Ave., **New York City**; **Michigan Avenue Guild of Chicago**; **Minneapolis Fashion Guild**; **Ladies' Ready-to-Wear Guild of Baltimore**; **National Federation of Textiles, Inc.**, 10 East 40th St., **New York City**; and the respective officers, directors and members of each organization.

Included as respondents are members of the three main divisions of the Fashion Originators Guild of America, Inc., namely the ladies' garment manufacturers, the textile merchants, and the affiliated members, which group consists of certain retail dealers in ladies' garments and accessories in various cities.

Principal charges of the complaint have to do with alleged efforts of the Fashion Originators Guild of America, Inc. (F. O. G. A.), and its associated respondents, to maintain its style protective program. According to the complaint, the Guild was organized ostensibly to establish fair trade practices among its members, and to promote a program to protect originators of fashions and styles against copying and piracy. This program is said to extend to textile merchants, retail dealers and non-member garment manufacturers who cooperate in the style protective program.

No. 2770. Disparagement of competitors' products on the part of the Coolerator Company, Duluth, Minn., is alleged as an unfair method of competition in a complaint issued against that company.

The respondent company, a distributor of non-mechanical refrigerators using natural or artificial ice, is alleged to have made representations having a tendency to deceive buyers into the false belief that electric refrigerators are undesirable, ineffective and harmful.

According to the complaint, the respondent distributed a booklet called "Why Ice Is Best for Refrigeration," in which it was suggested that various gases used in electric refrigerators escape from the coils, permeate the food chamber and have a deleterious effect on foods; that foods kept in electric refrigerators dehydrate to such an extent that the nutritive properties are impaired, and other similar assertions.

Stipulations

The Commission has issued the following cease and desist orders and stipulations:

No. 1642. Barnum Laboratories, Inc., 2616 Independence Ave., Kansas City, Mo., engaged in the compounding and selling of cosmetics and toilet preparations, under the trade name of Barnum's Special Formula Laboratory, Inc., agrees to cease representing in advertising that its products are made by or under the personal supervision of Dr. Barnum, or that he renders any service to customers, when such is not the fact; that its products are a food for and penetrate the skin, possessing properties that will prevent or cure wrinkles and double chins, or that any of such products promote the growth of eyebrows and eyelashes. The respondent company also stipulates it will not use such expressions as "Only U. S. Government Standard Products Used," or any similar expression tending to mislead purchasers into the belief that, because the ingredients of which such products are made may conform to the requirements of the United States Pharmacopœia, these products are made under the supervision of the United States Government or have its endorsement.

No. 1643. Leon Seelig, 3225 Harrison St., Kansas City, Mo., trading as Peck Products, and engaged in the mail order business of selling a certain preparation commonly known as an emmenagogue, agrees to discontinue representing in advertising matter that such product is safe or harmless for self-administration.

No. 1645. James Lees & Sons Co., Bridgeport, Pa., agrees that in the sale of its yarns and threads it will discontinue use of the word "Rayona," or any other similar word, as a trade name for its products, or in any other way which may cause purchasers to believe that the respondent's products are made from that material known to the trade and public as rayon, when such as not the fact.

No. 1647. George A. White, 645 Merion Ave., Penfield, Pa., trading as the Church Mart, will cease representing in advertising matter, or in any other way, that his preparation, "Check-It," will prevent runs, breaks or snags in silk, chiffon or rayon hosiery, dresses and lingerie, or that use of such product makes fabrics treated with it proof against all spot-producing materials, or makes all colors fast.

No. 1651. Walter L. Gerke, 107 Pike St., Seattle, Wash., trading as Gerke Mineral Co., signed a stipulation to cease and desist from circulating, in connection with the sale of his mineral water product, advertisements consisting of alleged letters from users of such product, which letters contain representations that the writers thereof have been healed or cured of any serious or chronic ailment through the use of the respondent's mineral water, and from circulating advertising matter containing representations which claim for the mineral water medicinal properties or therapeutic values greater than those it actually possesses.

No. 1653. Chicago Mail Order Co., 511 South Paulina St., Chicago, dealing in rubber toilet products, will discontinue use of the words "Spiral Spray" in advertising matter to designate syringes of a type other than those commonly understood to be a "spiral spray" syringe, and will cease using such words in any way which may tend to deceive purchasers as to the type of the products so advertised.

No. 2368. Victor Soap Co., Concord and Scoville Avenues, Dayton, Ohio, trading as Royal Soap Co., and as Heick Soap Co., has been ordered to discontinue unfair methods of competition, including the misrepresentation of the incomes salesmen may earn in selling the respondent's products.

Specifically, the respondent is prohibited from representing that it guarantees the financial success of its agents, that Victor agents are "cleaning up" in opening soap shops, or that they are easily earning incomes in excess of the average income made by the average agent employed by the respondent.

No. 2738. Atlas China Co., Inc., 710 Wythe Ave., Brooklyn, N. Y., has been ordered to cease and desist branding chinaware products as "Limoges," or representing as Limoges certain porcelain or chinaware products which have not originated or been made in Limoges, France.

Findings are that for 150 years a vitreous, translucent and glazed ware has been made in Limoges, France, and has acquired a favorable reputation in Europe and America as a porcelain or china of superior quality, utility and beauty. The respondent's representations are held to have a tendency to deceive buyers into believing that its products were made in Limoges.

The order also directs the respondent to stop branding its articles with the words "French Decoration," or in any way representing

them as being decorated with French designs peculiar to France or to French artistry, when this is not the fact.

FEDERAL COMMUNICATIONS COMMISSION ACTION

There was no meeting of the Broadcast Division of the Commission early this week. The meeting was deferred because its members were attending hearings in connection with the Commission's telephone investigation. The meeting will be held later this week.

HEARING CALENDAR

Monday, April 27

HEARING BEFORE AN EXAMINER

(Broadcast)

WALR—WALR Broadcasting Corp., Zanesville, Ohio.—C. P. to move to Toledo, Ohio; 1210 kc., 100 watts, unlimited time.
NEW—Community Broadcasting Co., Toledo, Ohio.—C. P., 1200 kc., 100 watts, daytime.

Tuesday, April 28

HEARING BEFORE AN EXAMINER

(Broadcast)

KMMJ—The M. M. Johnson Co., Clay Center, Nebr.—C. P., 740 kc., 2½ KW (daytime), limited time.

Wednesday, April 29

HEARING BEFORE AN EXAMINER

(Broadcast)

KUMA—Albert H Schermann, Yuma, Ariz.—Renewal of license, 1420 kc., 100 watts, specified hours.
NEW—Continental Radio Co., Columbus, Ohio.—C. P., 1310 kc., 100 watts, unlimited time.

Thursday, April 30

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—The Steffen Ice & Ice Cream Co., Wichita, Kans.—C. P., 1210 kc., 100 watts, unlimited time.

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-187:

WCAO—The Monumental Radio Co., Baltimore, Md.—Modification of license, 600 kc., 1 KW, unlimited time. Present assignment: 600 kc., 500 watts, 1 KW LS, unlimited time.

WICC—Southern Connecticut Broadcasting Corp., Bridgeport, Conn.—Modification of license, 600 kc., 1 KW, specified hours. Present assignment: 600 kc., 500 watts, specified hours.

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Modification of license, 610 kc., 1 KW, unlimited time. Present assignment: 610 kc., 500 watts, unlimited time.

Examiner's Report No. I-189:

NEW—Golden Empire Broadcasting Co., Sacramento, Calif.—C. P., 1310 kc., 100 watts, unlimited time.

NEW—Royal Miller, Sacramento, Calif.—C. P., 1210 kc., 100 watts, daytime.

Examiner's Report No. I-164:

(Oral argument on petition for rehearing and reconsideration)
KGCX—E. E. Krebsbach, Wolf Point, Mont.—C. P., 1450 kc., 1 KW, unlimited time. Present assignment: 1310 kc., 100 watts, 250 watts LS, specified hours.

APPLICATIONS RECEIVED

First Zone

WMAS—WMAS, Inc., Springfield, Mass.—Construction permit to 560 make changes in equipment; change frequency from 1420 kc. to 560 kc.; increase power from 100 watts, 250 watts day, to

1 KW; move transmitter from 70 Chestnut St., Springfield, Mass., to Agawam, Mass., and studio from 70 Chestnut St., Springfield, Mass., to Hotel Stonehaven, Springfield, Mass.; and install directional antenna.

WJZ—National Broadcasting Co., Inc., New York, N. Y.—Construction permit to install new equipment, increase power from 50 KW to 500 KW, and move transmitter from No. 1 River Rd., Bound Brook, N. J., to site to be determined.

NEW—Twin City Broadcasting Co., Inc., Lewiston, Maine.—Construction permit for a new station to be operated on 1210 kc., 100 watts, unlimited time. Amended: Transmitter site and antenna to be determined.

WNBC—Wm. J. Sanders, New Britain, Conn.—Voluntary assignment of license from Wm. J. Sanders to State Broadcasting Corp.

NEW—Auburn Publishing Co., Auburn, N. Y.—Construction permit for a new station to be operated on 1420 kc., 100 watts, unlimited time. Amended giving transmitter site as York Street, Auburn, N. Y.

WMBQ—Metropolitan Broadcasting Corp., Brooklyn, N. Y.—Construction permit to install new equipment. Amended to move studio and transmitter from 95 Leonard Street, Brooklyn, N. Y., to 217 Havermeyer Street, Brooklyn, N. Y., and make changes in antenna.

Second Zone

WWJ—The Evening News Assn., Detroit, Mich.—Authority to determine operating power by direct measurement of antenna.

WWJ—Evening News Assn., Detroit, Mich.—License to cover construction permit (B2-P-297) as modified for move of transmitter, new equipment, and increase in power.

WCMI—The Ashland Broadcasting Co., Ashland, Ky.—Construction permit to make changes in equipment and increase power from 100 watts to 100 watts, 250 watts day.

NEW—Owensboro Broadcasting Co., Owensboro, Ky.—Construction permit for a new station to be operated on 1500 kc., 100 watts, unlimited time. Amended to give studio site as 102 E. 3rd Street, Messenger & Inquirer Bldg., Owensboro, Ky.

NEW—WJR, The Goodwill Station, Portable-Mobile.—Construction permit for a new general experimental station to be operated on 31100, 34600, 37600, 40600, 86000-400000 kc., 40 watts.

W8XEO—Harold F. Gross, M. Bliss Keeler, L. A. Versluis, d/b as Capitol City Broadcasting Co., Portable-Mobile.—License to cover construction permit for a new general experimental station to be operated on 31100, 34600, 37600, 40600 kc., 15 watts.

W3XER—Philco Radio & Television Corp., Philadelphia, Pa.—License to cover construction permit for a new special experimental station to be operated on 42000-56000, 60000-86000 kc., 250 watts.

Third Zone

WPTF—WPTF Radio Co., Raleigh, N. C.—Authority to determine operating power by direct measurement of antenna (1-KW auxiliary equipment).

NEW—State Capitol Broadcasting Assn. (R. B. Anderson, Pres.), Austin, Tex.—Construction permit for a new station to be operated on 1120 kc., 500 watts, 1 KW day, specified hours (all hours not used by WTAU), using directional antenna. Amended to make changes in directional antenna.

NEW—O. Lee Stone, Florence, S. C.—Construction permit for a new station to be operated on 1200 kc., 100 watts, daytime.

KFPW—Southwestern Hotel Co., Fort Smith, Ark.—Construction permit to make changes in equipment.

KTAT—KTAT Broadcast Co., Inc., Fort Worth, Tex.—Voluntary assignment of license from KTAT Broadcast Co., Inc., to Raymond E. Buck.

WRR—City of Dallas Texas, Dallas, Tex.—Modification of construction permit (B3-P-889) for new equipment and move of transmitter, requesting further changes in equipment.

WDOD—WDOD Broadcasting Corp., Chattanooga, Tenn.—Modification of license to increase power from 1 KW, 5 KW day, to 5 KW day and night.

KPDN—Pampa Daily News, Inc., Pampa, Tex.—License to cover 1310 construction permit (B3-P-382) as modified for a new station.

WGPC—Americus Broadcast Co., Albany, Ga.—Construction permit to install new equipment; move transmitter from 107 N. Jackson Street, Albany, Ga., to corner Pine and Jackson Sts., Albany, Ga., and studio from 107 N. Jackson Street, Albany, Ga., to 127½ N. Jackson Street, Albany, Ga.

W4XBZ—Radio Station WSOC, Inc., Portable.—License to cover construction permit for a new general experimental station to be operated on 31100, 34600, 37600, 40600 kc., 7 watts.

KNED—Carter Publications, Inc., Portable-Mobile.—License to cover construction permit for a new broadcast pickup station to be operated on 1606, 2020, 2102, 2760 kc., 50 watts.

NEW—Memphis Commercial Appeal, Inc., Portable-Mobile.—Construction permit for a new broadcast pickup station to be operated on 1606, 2020, 2102, 2760 kc., 35 watts.

Fourth Zone

KFRU—KFRU, Inc., Columbia, Mo.—Construction permit to change hours of operation from share WGBF night, simultaneous daytime WGBF, to unlimited time, using directional antenna night, and to move transmitter from 1200 Broadway, Columbia, Mo., to 4 miles from center of city, Columbia, Mo.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Construction permit to change hours of operation from share WOS, KFRU night, simultaneous day, to unlimited time, using directional antenna.

NEW—KFLW Broadcasting Co., Myron J. Bennett, President, Mandan, N. Dak.—Construction permit for a new station to be operated on 1200 kc., 100 watts, unlimited time. Requests facilities of KGCU.

NEW—C. E. Wilkinson Broadcasting Co., Inc., Mason City, Iowa.—Construction permit for a new station to be operated on 1370 kc., 100 watts, unlimited time. Amended to change name from Charles E. Wilkinson to C. E. Wilkinson Broadcasting Co., Inc., and change frequency from 1370 kc. to 1210 kc.

NEW—KMOK Broadcasting Co., Myron J. Bennett, Pres., Valley City, N. Dak.—Construction permit for a new station to be operated on 1310 kc., 100 watts, unlimited time.

WOC—Tri-City Broadcasting Co., Davenport, Iowa.—Authority to install automatic frequency control.

WRJN—Racine Broadcasting Corp., Racine, Wis.—Modification of construction permit (B4-P-370) for equipment changes and move of transmitter, requesting further changes in equipment and extension of commencement and completion dates.

NEW—Creston News Advertiser Broadcasting Co., Creston, Iowa.—Construction permit for a new station to be operated on 1500 kc., 100 watts, unlimited time. Amended to change name from W. E. Day to Creston News Advertiser Broadcasting Co.

WKBB—Sanders Brothers Radio Station, East Dubuque, Ill.—Construction permit to install a new transmitter.

NEW—Central States Broadcasting Co., Portable.—Construction permit for a new broadcast pickup station to be operated on 1606, 2020, 2102, 2760 kc., 30 watts.

Fifth Zone

NEW—The Hebrew Evangelization Society, Inc., Los Angeles, Calif.—Construction permit for a new station to be operated on 570 kc., 1 KW, unlimited time.

NEW—Thomas M. Hammond, d/b as Ventura Broadcasting Co., Ventura, Calif.—Construction permit for a new station to be operated on 1210 kc., 100 watts, daytime.

KVOA—Arizona Broadcasting Co., Inc., Tucson, Ariz.—Construction permit to make changes in equipment.

NEW—Mile High Radio Corp., Denver, Colo.—Construction permit for a new station to be operated on 1420 kc., 100 watts, unlimited time.

W6XKG—Ben S. McGlashan, Los Angeles, Calif.—Construction permit for increase in power of general experimental station from 100 watts to 1000 watts.

KABB—Don Lee Broadcasting System, Portable-Mobile, San Francisco, Calif.—License to cover construction permit for a new broadcast pickup station to be operated on 1646, 2090, 2190, 2830 kc., 100 watts.

**KGIR FILES ANSWER IN COPYRIGHT
INFRINGEMENT SUIT**

UNITED STATES DISTRICT COURT

DISTRICT OF MONTANA

REMICK MUSIC CORPORATION, Complainant

—against—

K. G. I. R., Inc., Defendant

The defendant, answering the bill of complaint herein:

(1) Denies each and every allegation contained in Paragraphs I, X, XII, XIII, XIV, XV and XVI.

(2) Denies that it has any knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraphs II, IIa, IV, VI, VII, VIII, VIIIa, IX, and XI, and therefore denies the same.

(3) Upon information and belief, defendant admits that Stanley Murphy, also known as S. Murphy, and Percy Wenrich, also known as P. Wenrich, prior to the 5th day of November, 1909, wrote and composed the words and music of a musical composition, entitled, "Put On Your Old Grey Bonnet," but defendant is without knowledge as to any of the other allegations contained in paragraph V.

FURTHER ANSWERING AND AS A FIRST AFFIRMATIVE DEFENSE, DEFENDANT SAYS:

I. Upon information and belief, that on or about the 13th day of February 1914, there was organized under the laws of the State of New York, for the term of ninety-nine years, an unincorporated voluntary association of seven or more persons, composed of composers, authors and publishers of musical works known and designated as the American Society of Composers, Authors and Publishers (hereinafter, for brevity, referred to as "ASCAP"), for the purpose of granting licenses to users of musical works, in public entertainment, to give public performances for profit of the works in the repertory of said "ASCAP" (hereinafter referred to as the small performing rights), and to collect from such users royalties for the right to give such public performances, and to allow and distribute among the members of ASCAP the revenue so collected from such users, and that ASCAP, was, is, and at all times has been, duly empowered by all of its members in its and their behalf to license the small rights of all musical compositions at any time written, composed, published or copyrighted by members of ASCAP.

II. Upon information and belief, that the complainant, or its predecessors in interest, were at all times from on or about the 6th day of March, 1914, to at least the 31st day of December, 1935, duly elected members of said ASCAP, and that the complainant has been such member of ASCAP since the year of 1914, and that the complainant, and its predecessors, agreed duly to perform and abide by the articles of association and all by-laws, rules, regulations and resolutions of ASCAP, and of its Board of Directors, which might be in force at the time of their applications to membership, or might thereafter from time to time be adopted. That Percy Wenrich, also known as P. Wenrich, and Stanley Murphy, also known as S. Murphy, the composers and authors of the music and words of the composition "Put On Your Old Grey Bonnet," and the said Percy Wenrich, also known as P. Wenrich, and Stanley Murphy, also known as S. Murphy, are at the present time, at this date, and were at all times hereinbefore mentioned, duly elected members of ASCAP, and that the estate and heirs of Stanley Murphy, as well as Stanley Murphy in his lifetime, and the said Percy Wenrich, agreed in writing to duly perform and abide by the articles of association and all of the by-laws, rules, regulations and resolutions of ASCAP, and of its Board of Directors, which might be in force at the time of its application to membership, or might thereafter from time to time be adopted.

III. Upon information and belief, that under the articles of association of ASCAP, and by virtue of the aforesaid membership agreements of the complainant and of Percy Wenrich and Stanley Murphy in ASCAP, the exclusive right to grant licenses to others in respect of the small rights of "Put On Your Old Grey Bonnet," together with the entire copyright, were vested in ASCAP, in that the by-laws of said association provided, among other things, that each member, including the complainant herein, should execute to ASCAP documents and agreements constituting exclusive assignments to said ASCAP of all the copyrighted music owned by said members, or that which they should thereafter acquire dur-

ing their membership; that each of the aforesaid parties, complainant, Stanley Murphy and Percy Wenrich, executed certain documents in writing to ASCAP, particularly providing:

- A. An Assignment to the Society of the entire and exclusive right of public performance of all copyrighted compositions owned or controlled by such members.
- B. That each member shall thereafter assign from time to time such entire and exclusive right to all the copyrighted compositions or original compositions which he may in the future compose or the rights to which he may in the future acquire.
- C. That he shall not grant any individual licenses and that he will join with the Society in all suits for infringements of the exclusive right of public performance granted to the Society.
- D. Assigns to the Society the exclusive right to fix or determine the terms or conditions of any license or licenses covering any of the compositions assigned to the Society.

That the aforesaid documents and assignments have never been revoked or reassigned from said ASCAP and the title to said copyrighted musical composition "Put On Your Old Grey Bonnet" is no longer vested in complainant or its assigns, but on the contrary, both grand and small rights are now vested in ASCAP and its assignees and successors, if any, as herein set forth.

IV. Upon information and belief, that ASCAP, since 1914, has licensed users of musical compositions in respect of the small rights of musical works written and composed by its writer and composer members, and published by its publisher members, including since the date of its composition, "Put On Your Old Grey Bonnet," written and composed by the aforementioned Wenrich and Murphy, and published by the Complainant; that for such small rights, ASCAP has collected, under license agreements, from time to time made with users of the aforesaid musical compositions, royalties which it has supposedly divided among its members in the ratio of one-half thereof to the writer and composer members, and one-half thereof to the publisher members; that under such license agreements, the users of musical compositions have been licensed in respect of the small rights of each and every musical composition which has either been written and composed by a writer and composer member of ASCAP, of which has been published by a publisher member of ASCAP, and all such works are referred to hereinafter as being within the repertory of ASCAP, or its successors and assigns.

V. Upon information and belief, that in the year 1921, the conditions then prevailing in said ASCAP were such that it was deemed for the advancement and protection and mutual interest of the members thereof, and to their benefit, that each member should execute an assignment as set forth in paragraph 6 herein, of the rights in his works then existing or which might thereafter be written, composed or acquired by such member, that thereafter, complainant and said Wenrich and Murphy agreed between and with each other and with ASCAP (of which they were members), each in consideration of the agreement made by the other, that the small and entire rights of all the musical works then published by complainant and written or composed by said Wenrich and Murphy, or which thereafter, and for a period of five years, should be written, composed, or acquired by them, or any of them, should be deemed to be and was vested in ASCAP, and that said Wenrich and Murphy and the complainant should be and were thereafter deemed by reason of their membership in ASCAP and the agreements as aforesaid, to be owners in common of the small and entire rights of all musical works theretofore or thereafter composed by said Wenrich and Murphy and published by complainant; that this complainant permitted, approved and ratified the election to membership in ASCAP of the said Wenrich and Murphy and their right to participate to the extent of one-half of the revenue derived from the licensing of the small and entire rights of such musical compositions; and in all manners and respects, the complainant recognized the ownership in common of said Wenrich and Murphy in and to a one-half undivided interest in the small and entire rights of such musical compositions including "Put On Your Old Grey Bonnet."

VI. On information and belief, this complainant permitted ASCAP to represent and hold out that the said Wenrich and Murphy were owners in common with the complainant of the small and entire rights of the musical compositions written and composed by the said composers, including "Put On Your Old Grey Bonnet," and this complainant permitted the said ASCAP, during said period, to represent that it had the right to make licenses for the small and entire rights of such musical compositions, including "Put On Your Old Grey Bonnet," and said

ASCAP, in reliance upon the permission, acquiescence and ratification of this complainant, did enter into various agreements with users of music for the purpose of granting them license for the small rights of the works in the repertory of ASCAP, including the composition, "Put On Your Old Grey Bonnet," and including license agreements for broadcasting over and by means of radio broadcasting station KGIR, as hereinafter set forth.

VII. That ASCAP, under various agreements made and renewed from time to time, and now in force with defendant, and in full force and effect prior to January 11th, 1936, licensed the use of the small rights of and in the works in its repertory by broadcasting from, over and by means of the facilities of radio broadcasting station KGIR, and the National Broadcasting Company, of which defendant is an affiliated station, and that such license included the right to broadcast each such work, in its repertory, including the composition "Put On Your Old Grey Bonnet," for which license substantial royalties have been paid to ASCAP. That there is now outstanding and in force a valid license agreement, under which the small rights of the works in ASCAP's repertory, including the composition "Put On Your Old Grey Bonnet" may be put to commercial use for broadcasting purposes by radio broadcasting station KGIR, and that such license and right existed on the 11th day of January, 1936.

VIII. That the execution of the aforesaid license agreements and the making of the payments required thereunder was all done in good faith and in full reliance upon the representations made by ASCAP and this complainant and in reliance upon the acts and conduct of this complainant in having acquiesced in, ratified and approved of, at all the times hereinabove mentioned, the ownership by ASCAP of such rights derived from the author and composer members of said ASCAP in the manner aforementioned, upon information and belief that at all the times hereinbefore mentioned, and up to the 5th day of December, 1935, this complainant had representation upon the board of directors of said ASCAP, and this complainant was cognizant of the representations made by ASCAP to all users of music, respecting the ownership of the small and entire rights in complainant and the respective authors and composers of the compositions published by the complainant, and this complainant with full knowledge of such representations, and in furtherance of the same, and for the purpose of causing broadcasters to enter into license agreements in reliance upon such representations, aided, assisted and collaborated in the execution of license agreements, from time to time, between the said ASCAP and broadcasters, including the agreements hereinbefore set forth, and ratified the same and accepted benefits thereunder; and by reason of the premises, complainant is now estopped from asserting that any performance by this defendant, publicly, for profit of the composition, "Put On Your Old Grey Bonnet," was without a license from this complainant, and complainant's claim in such respect is made in bad faith and bad conscience and is inequitable.

IX. Upon information and belief, that when said Murphy and Wenrich became members of ASCAP, they were given standing and classification in ASCAP by reason of their creation and composition of a number of musical compositions; that complainant, at said time, had knowledge of the said applications made by the said Murphy and Wenrich and acquiesced therein, and in all manner consented and agreed that ASCAP should then acquire, exclusively, the small and entire rights in and to the said compositions, including "Put On Your Old Grey Bonnet."

X. Upon information and belief, that thereafter, said Wenrich and Murphy executed various agreements with the said ASCAP, under which they assigned and continued to assign to ASCAP, the small and entire rights in the compositions written by them, including the composition "Put On Your Old Grey Bonnet," that the said Wenrich and Murphy executed such contracts with ASCAP in the year of 1931, and re-executed such contracts at the end of the year of 1935, for a term of five years from January 1, 1936; that in and by the aforesaid contracts, the said Murphy and Wenrich vested exclusively and irrevocably in said ASCAP the small and entire rights in all musical works theretofore written and composed by them, including the composition "Put On Your Old Grey Bonnet," and the sole and exclusive rights to license for public performance for profit such compositions, including "Put On Your Old Grey Bonnet," presently vested in, and on and many years prior to the first day of January, 1936, vested in said ASCAP.

XI. Upon information and belief, that for many years, said Murphy and Wenrich have participated in the royalties derived by the said ASCAP from licenses to publicly perform for profit and compositions written and composed by them, including the composi-

tion, "Put On Your Old Grey Bonnet," with the knowledge, consent, approval and ratification of complainant.

XII. Upon information and belief, that in and about the year 1929, Warner Brothers Pictures, Inc., then and still engaged in the business of producing and distributing motion pictures, through the medium of a corporation known as the Music Publishers Holding Corporation, purchased the controlling interest in the issued and outstanding capital stock of the complainant and a number of other music publishers, members of ASCAP; which the complainant, as well as the other music publishers, members of ASCAP, which have been owned and controlled by Warner Brothers Pictures, Inc., and the Music Publishers Holding Corporation, as aforesaid, since the year 1929, have since said time, been represented on the board of directors of ASCAP and have had full knowledge of and acquiesced in and ratified each and every contract made between ASCAP and said complainant, Murphy and Wenrich as referred to in paragraph 6 herein, as well as other contracts made between ASCAP and users of musical works, including all of the contracts licensing the performance of such works, by, over, and by means of the facilities of broadcasting station KGIR; and the license now in force and effect, under which such rights to exercise, use and enjoy the small rights in and to the works in the repertory of ASCAP for broadcasting purpose by KGIR was made with knowledge, acquiescence, and consent, agreement, ratification and approval of this complainant and the other music publishers, members of ASCAP owned and controlled by Warner Brothers Pictures, Inc., and the Music Publishers Holding Corporation.

FURTHER ANSWERING AND AS A SECOND AFFIRMATIVE DEFENSE, DEFENDANT SAYS:

I. That defendant KGIR is affiliated with the National Broadcasting Company as an outlet station, although defendant is independently owned and operated; that the business and practice of radio is such that by reason of defendant's affiliation with a national network, the defendant must receive programs from said networks, and the defendant has no choice in the selection of the musical compositions carried by the said National Broadcasting Company for rendition or performance; that the performance of a musical score by the National Broadcasting Company is the same identical performance as given by defendant; that while a rendition might originate in Chicago in a studio, the performance in Butte, Montana, is the same identical performance as that given in Chicago, with the same performers rendering the same composition; that the performance complained of, if it occurred, originated in Chicago and a single performance was then given in Chicago and carried by wire to Butte, Montana, and rendered simultaneously with that same performance in Chicago; that on information and belief, the National Broadcasting Company was licensed by complainant and its agents for a valuable consideration for a term of five years beginning on June 5th, 1935, and ending during the year 1940, by which license complainant gave the National Broadcasting Company the right to use commercially the works and compositions in its musical repertory, including the musical composition "Put On Your Old Grey Bonnet," that said license is now in effect, is in full force and operation and was subsisting on January 11th, 1936; that it is inequitable and unjust that the complainant be permitted to restrict the use of or to secure a second payment from defendant for the use of said composition "Put On Your Old Grey Bonnet" when the performance complained of originated, if performed at all, in Chicago, Illinois, and the right to use and the right to perform said composition had been paid for by said license agreement existing between the National Broadcasting Company and complainant; that defendant received said performance from the National Broadcasting Company and that such performance was a single performance and the complainant having been paid for the use of said composition in Chicago is estopped from restricting the same "use" of said composition, merely because the same performance was carried over defendant's facilities to a larger audience; that the same performer who rendered the performance in Chicago under a license to use the same from complainant, rendered only one single performance for profit in both Chicago and Butte, Montana; that the use of such music on said performance having been paid for, the complainant and its agents are estopped from restricting, collecting or receiving payment twice for the same use of said composition.

FURTHER ANSWERING, AND AS A THIRD AFFIRMATIVE DEFENSE, DEFENDANT SAYS:

I. That the title to said musical composition "Put On Your Old Grey Bonnet" is no longer in complainant, and the complainant is no longer the owner or proprietor thereof, by reason of exclusive

and irrevocable assignments made by complainant to ASCAP; that the title of the said musical composition "Put On Your Old Grey Bonnet" has been further clouded by the appointment of a receiver for ASCAP in the State of Washington, whose title to said composition relates back to the 24th day of June, 1935, when said complainant was a duly elected and participating member of said ASCAP; that the State of Washington in its sovereign capacity proceeded by injunction proceedings against said ASCAP and all of its members in an action in personam in said state in the Superior Court of the State of Washington for Thurston County, for the purpose of enforcing its criminal laws against price fixing, extortion, conspiracy, and monopoly; that personal service was obtained upon said ASCAP and its members pursuant to the laws of Washington, and that under the Code Civil Procedure No. 1919 of the laws of New York, under which said ASCAP and its members including the complainant were organized, such action brought the entire membership of ASCAP before the Superior Court of the State of Washington for Thurston County, of said state, including this complainant; that the Superior Court, as aforesaid, in construing the contracts and assignments between complainant and ASCAP, and the contracts and assignments between complainant and ASCAP, and the contracts and membership agreements between complainant and ASCAP, and the contracts and membership agreements in said Society entered its written judgment to the effect that each member, including the complainant, the said Percy Wenrich and Stanley Murphy, upon being admitted to membership in said ASCAP, were obliged to and did execute identical contracts to said ASCAP and that these contracts constituted exclusive and irrevocable assignments to said ASCAP of all of the copyrighted music owned by said members, or that which they should thereafter acquire during their membership; that the said judgment in said cause, entitled State of Washington vs. ASCAP, et al., and each and every member thereof, in Cause No. 16114, Superior Court of the State of Washington for Thurston County, recited that under the law and by virtue of these irrevocable assignments to ASCAP the said title to the copyrights of the members of the said ASCAP, including the composition "Put On Your Old Grey Bonnet," was vested in the Society, and that the receiver, Tracy Griffin, who was thereafter appointed by operation of law, came into legal possession and proprietorship of said copyrighted musical compositions, including "Put On Your Old Grey Bonnet"; that this judgment was entered on the 7th day of August, 1935, and a receiver for ASCAP and the joint property of its members including complainant was appointed on the 13th day of August, 1935, that no appeal was ever taken from this judgment of a Court of Competent Jurisdiction, and the receiver, as aforesaid, has assumed legal control and the proprietorship of all the joint property, the copyrights, the performing rights, and the tangible and intangible property of ASCAP and its members, including the title to the musical composition "Put On Your Old Grey Bonnet," that the terms of said judgment vesting the title to the musical composition "Put On Your Old Grey Bonnet," as well as to the other works of complainant and said ASCAP into the receiver, Tracy Griffin, will appear more fully and at large in the copy thereof, which will be produced as may be required; that the title to said copyrighted musical composition "Put On Your Old Grey Bonnet" is manifestly clouded and there is not sufficient title, proprietorship, or ownership in the complainant to justify the intervention of this court, sitting as a court of equity, nor is there sufficient grounds for this court to construe a right which does not arise under the copyright laws of the United States of America or any act of Congress in relation thereto.

FURTHER ANSWERING, AND AS A *FOURTH* AFFIRMATIVE DEFENSE, DEFENDANT SAYS:

I. That the said complainant, being a member of said ASCAP on the 24th day of June, 1935, was convicted in the State of

Washington, in said cause as alleged hereinbefore, of extortion, conspiracy, and price fixing, and said judgment has never been appealed nor rescinded, and the property including this composition is vested in the receiver as aforesaid, and by reason of the matters and things therein set forth, complainant is guilty of breaching the equitable maxim relating to "Unclean Hands," that a copy of said judgment will be made available at the trial hereof, and the decision of the United States District Court for the Western District of Washington, Southern Division, upholding the right of the State of Washington to maintain the action as aforesaid on a removal action is reported in 13 Federal Supplement 141.

FURTHER ANSWERING AND AS A *FIFTH* AFFIRMATIVE DEFENSE, DEFENDANT SAYS:

I. That the matter in controversy herein does not arise under and by virtue of the Copyright law of the United States; that this controversy hinges on contracts, assignments, and license agreements between the various parties as hereinbefore enumerated, and the construction of such agreements does not involve any law of the United States; that the controversy does not involve the validity of said copyrighted composition "Put On Your Old Grey Bonnet," the validity thereof and the fact that it was copyrighted being admitted; that this controversy involves a question of title and rights under contracts, assignments, and subsisting license agreements, between complainant ASCAP, Tracy Griffin as receiver for ASCAP, Stanley Murphy and Percy Wenrich, and the alleged claim for infringement set forth in the bill of complaint herein is merely incidental to such controversy; that this suit for infringement cannot lie in a Federal Court until the matter of complainant's title to "Put On Your Old Grey Bonnet" has been determined in the proper form, or until rescission has been sought in the Superior Court of the State of Washington for Thurston County of that order, proceedings, and judgment entered by said Court of Competent Jurisdiction, whereby title of said composition was vested in Tracy Griffin, as receiver for ASCAP, which judgment remains unappealed from; that the complainant is estopped from asserting its title in and to said composition, as the judgment of said Court filed in the United States Copyright Office, became the law of the case, and the matter of title to this composition is now res adjudicata; that defendant had permission of both said ASCAP and the Receiver, Tracy Griffin, to commercially perform said composition, and subsisting licenses issued by the said complainant and its agents ASCAP, and the Receiver, Tracy Griffin, to defendant and National Broadcasting Company to publicly perform said composition were issued with the knowledge, consent and acquiescence in both law and fact, of said complainant.

II. That by reason of the premises, this Court is without jurisdiction of the subject-matter of this suit and of the parties herein.

WHEREFORE, defendant demands judgment, dismissing the bill of complaint herein, besides the costs and disbursements of this action and reasonable counsel fees and for such other and further relief as to the Court may seem just and equitable.

JOHN CLAXTON,
Butte, Montana
KENNETH C. DAVIS,
1514 Northern Life Tower,
Seattle, Washington
RUSSELL, POST, DAVIS & PAINE,
Exchange Building,
Spokane, Washington

Solicitors for Defendant.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

NAB REPORTS

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Copyright, 1936. The National Association of Broadcasters

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STEVENS HOTEL SELECTED FOR NAB CONVENTION

The Board of Directors this week selected the Stevens Hotel as the place for holding the Fourteenth Annual Convention of the NAB on July 5, 6, 7 and 8.

Information concerning rates, etc., will be mailed to all members shortly.

NAB COPYRIGHT BUREAU

The Board of Directors, at a meeting held in Chicago, April 27, authorized the creation of a Bureau of Copyrights in the NAB. The report and plan of action as approved by the Board will be distributed for the information of the members.

BOARD ACTS ON HEARING

The Board of Directors this week authorized and directed the Managing Director to take such steps as are necessary to properly and adequately represent the NAB at the forthcoming general industry hearing called by the FCC for June 15.

FCC WINS MONOCACY CASE

Justice Jennings Bailey in the Supreme Court of the District of Columbia has upheld the Federal Communications Commission in an injunction proceeding filed against the Commission by the Monocacy Broadcasting Company.

The broadcasting company was granted a license by the Commis-

sion to erect a new station at Rockville, Md., but a protest was filed against the grant. The protest was later withdrawn but the Commission set the case for hearing. The Monocacy Company asked the District Supreme Court to enjoin the Commission against holding the hearing and to grant it the license. The Court refused to hold in favor of the broadcasting company.

RADIO COMMITTEE TO MEET

The American Section of the International Committee on Radio will meet at the University Club, this city, on May 5.

Anning S. Prall, chairman of the Federal Communications Commission, will speak and there will be discussion of the forthcoming meeting of the International Communications Conference to be held at Cairo.

WHEELER RADIO BILL PASSES SENATE

The Wheeler bill (S. 2243) relating to the allocation of radio facilities has passed the Senate just as it was favorably reported by the Senate Committee on Interstate Commerce. As it passed the bill is as follows:

That section 302 of the Communications Act of 1934 is hereby repealed.

Sec. 2. Subsection (b) of section 307 of such Act is amended to read as follows:

"(b) In considering applications for licenses, and modifications and renewals thereof, when and insofar as there is demand for the same, the Commission shall make such distribution of licenses, frequencies, hours of operation, and of power among the several States and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same."

MONAGHAN INTRODUCES RADIO AMENDMENT

Representative Monaghan of Montana has introduced a bill (H. R. 12421) to amend the Communications Act of 1934. The bill has been referred to the House Committee on Interstate and Foreign Commerce. Part of the bill deals with communication companies while another section provides for the striking out of the second sentence of Section 315 of the 1934 Act.

The second sentence which would be eliminated under the bill provides that "No obligation is hereby imposed upon any licensee to allow the use of its station by any such candidate."

The bill is as follows:

That section 207 of the Act of June 19, 1934, entitled the "Communications Act of 1934" is hereby amended by striking out all after the semicolon down to the period.

Sec. 2. Section 315 of such Act is hereby amended by striking out the second sentence.

Make Your Plans Now to Attend the
FOURTEENTH ANNUAL NAB CONVENTION
STEVENS HOTEL **CHICAGO, ILLINOIS**
JULY 5, 6, 7, and 8, 1936

GRANTING OF NEW LICENSE RECOMMENDED

J. Laurance Martin applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Tucumcari, N. M., to use 1200 kilocycles, 100 watts and unlimited time on the air.

Examiner P. W. Seward in Report No. I-219 recommends that the application be granted. He found that the applicant is qualified to erect and operate the proposed station; that the construction will conform to the regulations of the Commission; that its erection will not adversely affect the service of station WOAI and that it will serve the public interest.

AGENDA FOR JUNE 15 HEARING

The Federal Communications Commission has issued the following formal notice of the informal engineering hearing to be held before it on June 15.

Notice is hereby given of an informal engineering hearing before the Commission en banc to be held in the offices of the Commission at Washington, D. C., beginning at 10 A. M., June 15, 1936, for the purposes of:

- (1) Determining the present and future needs of the various classes of services for frequencies above 30,000 kc., with the view of ultimately allocating such frequencies to services;
- (2) Securing for the public and the Commission a keener insight into the conflicting problems which confront the industry and the regulatory body in the application of the new frequencies to the service of the public;
- (3) Guiding experimentation along more definite lines as may be justified from the evidence presented at the hearing;
- (4) Reviewing present frequency allocations to services in the radio spectrum below 30,000 kc., and
- (5) Assisting the Government in its preparation for the International Telecommunications Conference at Cairo in 1938.

At this hearing neither individual applications nor individual assignments within service bands will be considered. However, in determining the width of the frequency band to be assigned to a service in any particular portion of the spectrum, it may be necessary to justify, from an engineering standpoint, the width of the band requested.

Persons appearing before the Commission at this hearing in behalf of a particular service such as maritime, police, aviation, aural broadcasting or television, should be prepared to furnish information as follows:

Evaluation of Services from the Standpoint of Public Need and Benefit

- (a) The dependence of the service on radio rather than wire lines.
- (b) The probable number of people who will receive benefits from the service.
- (c) The relative social and economic importance of the service, including safety of life and protection of property factors.
- (d) The probability of practical establishment of the service and the degree of public support which it is likely to receive.
- (e) The degree to which the service should be made available to the public, that is, whether on a limited scale or on an extended competitive scale.
- (f) Areas in which service should be provided and, in general, the points to which communication must be maintained.

Technical

- (a) The frequency bands required for a given service and the exact position thereof in the radio frequency spectrum; also the width of communication bands or channels within each portion required for station frequency assignments.
- (b) Suitability and necessity for particular portions of the spectrum for the service involved. This includes propagation characteristics and reliable range data.
- (c) Field intensity required for reliable service.
- (d) The number of stations required to enable efficient service to be rendered.
- (e) The distance over which communication must be maintained.
- (f) The relative amount of radio and other electrical interference likely to be encountered.
- (g) The relative amount of noise which may be tolerated in the rendering of service.

Apparatus Limitations

- (a) The upper practical limit of the useful radio frequency spectrum and, in general, what higher limit can be expected in the future.
- (b) The operating characteristics of transmitters with respect to external effects and practicability in service for which intended, including frequency tolerances which should be prescribed.
- (c) Types of antennas which are available for service for which intended, and their practical limitations, including the best methods of obtaining the most effective use of frequencies.
- (d) Receivers available and in process of development, including data with respect to selectivity and practical usefulness for the service for which intended.

Persons who intend to testify at the hearing should prepare exhibits which show the requirements for frequency bands and positions in the frequency spectrum for the service in which interested. One copy of each exhibit should be furnished the Commission on or before June 1, 1936.

Cross examination of witnesses will be limited to questions by Commissioners or members of the Commission's technical or legal staffs; however, the Chairman may permit any question of any witness which may be submitted to the Chairman in writing.

Persons or organizations desiring to appear and testify will notify the Commission of such intention on or before June 1, 1936. In such notification the number of witnesses who will appear, the topic each will discuss, and the time expected to be occupied by each should be stated. This information is necessary in order more efficiently to organize the hearing.

NEW STATION RECOMMENDED ON CONDITIONS

The Pittsburgh Broadcasting Company has applied to the Federal Communications Commission for a construction permit for the erection of a new station at Pittsburg, Kans., to use 790 kilocycles, 1,000 watts power and daytime operation.

Examiner George H. Hill in Report No. I-220 recommended that the application be granted "provided other applications now pending before the Commission for 100 watt stations are denied."

The Examiner states that there is a definite need for radio service in the Pittsburg area and "there appears to be local talent to meet the requirements of such a station." He found also that no objectionable interference would be caused any existing service by the operation of the proposed station.

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

- The United States Graphite Co., Saginaw, Mich. (2-2096, Form A-2)
- Scott Paper Company, Chester, Pa. (2-2099, Form A-2)
- Diversified Royalty Co., Kansas City, Mo. (2-2100, Form A-1)
- Youngstown Sheet & Tube Co., Youngstown, Ohio (2-2101, Form A-2)
- Sterling, Inc., New York City. (2-2102, Form A-2)
- Hess Oil Company, Kansas City, Mo. (2-2103, Form A-1)
- Pickford-Laskey Productions, Inc., Hollywood, Cal. (2-2104, Form A-1)
- United Goldfields of Nova Scotia, Inc., Liverpool, Canada. (2-1748, Form A-1)
- Bullion Imports, Inc., Nogales, Ariz. (2-2105, Form A-1)
- Capital City Products Co., Columbus, Ohio (2-2106, Form A-2)
- Mid-West Abrasive Co., Detroit, Mich. (2-2107, Form A-1)
- Walton-Dodge Manufacturing Co., Detroit, Mich. (2-2108, Form A-1)
- Great Dike Gold Mines, Inc., San Francisco, Cal. (2-2109, Form A-1)
- Belmont Brewing Co., Martins Ferry, Ohio. (2-2110, Form A-1)
- Reed Roller Bit Company, Houston, Texas. (2-2111, Form A-2)
- United Gilpin Company, Denver, Colo. (2-2112, Form A-1)
- Perfection Grain Shocker Co., Minneapolis, Minn. (2-2114, Form A-1)
- Institutional Securities, Ltd., Jersey City, N. J. (2-2115, Form A-1)
- California Water & Telephone Co., San Francisco, Cal. (2-2116, Form A-2)
- Schwitzer-Cummins Co., Indianapolis, Ind. (2-2117, Form A-2)

Gold Mountain Mining & Milling Co., Denver, Colo. (2-2118, Form A-1)

Household Finance Corp., Chicago, Ill. (2-2120, Form A-2)

National Petroleum Corp., Dallas, Texas. (2-2121, Form A-1)

Southern States Oil Company, Charleston, S. C. (2-2122, Form A-1)

NEW WISCONSIN STATION RECOMMENDED

The Central Broadcasting Company filed an application with the Federal Communications Commission asking for a construction permit for the erection of a new broadcasting station to be located at Eau Claire, Wis., to use 1050 kilocycles, 250 watts and daytime operation.

Examiner Melvin H. Dalberg in Report No. I-218 recommended that the application be granted. The Examiner states that there is undoubtedly a need for daytime service in the area proposed to be served; that no existing station would be adversely affected by interference from the proposed station, and the granting of the application would serve the public interest.

RECOMMENDS AGAINST NORTH CAROLINA STATION

C. G. Hill, George D. Walker, and Susan H. Walker applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Winston-Salem, N. C., to use 1250 kilocycles, 250 watts power and daytime operation.

Examiner Ralph L. Walker, in Report No. I-217, recommended that the application be denied. He states that "the service which the applicants propose to render does not appear to differ materially from that which is or can be rendered through existing facilities. No substantial need is shown for additional service, nor does the record indicate that the proposed station could be successfully operated as a commercial project."

RECOMMENDS AGAINST STATION CHANGE

Broadcasting Station KLO, Ogden, Utah, filed an application with the Federal Communications Commission asking that its location be changed and that its power be increased from 500 watts to 1,000 watts and 5,000 watts LS. The station operates on a frequency of 1400 kilocycles with unlimited time operation.

Examiner Ralph L. Walker in Report No. I-221 recommends that the application be denied. He found that operation of the station as proposed would reduce its signal strength in Ogden to or below the minimum strength necessary to afford satisfactory reception in that community. It would also, he states, result in a restriction of the good service area of the station in the retail trade area of Ogden lying north of the city.

NATIONAL CONFERENCE ON EDUCATIONAL BROADCASTING

A group of organizations representing every important phase of American education has arranged the first National Conference on Educational Broadcasting in Washington, D. C., on December 10, 11, and 12. The Conference will be held in cooperation with the United States Office of Education and the Federal Communications Commission. The following organizations have been invited to sponsor the Conference: The American Association for Adult Education, The American Council on Education, The American Farm Bureau Federation, The General Federation of Women's Clubs, The Jewish Welfare Board, The International Council of Religious Education, The Institute for Education by Radio, The Institute of Radio Engineers, The National Advisory Council on Radio in Education, The National Association of Educational Broadcasters, The National Committee on Education by Radio, The National Catholic Educational Association, The National Congress of Parents and Teachers, The National Education Association, The National Grange, The Progressive Education Association, The Women's National Radio Committee, and The Workers Education Bureau.

The purpose of the meeting is to enable the large number of persons who are interested in educational broadcasting to discuss means by which radio may become a more effective instrument for education, both formal and informal; to serve as a clearing house for information on the latest technical and professional developments in educational broadcasting; and to enable persons representing all phases of the subject to become acquainted and to exchange ideas and experience.

In the last ten years complicated questions involving the use of radio in education have been raised in practically every educational conference held in the United States. In some instances individual organizations have met to discuss various phases of radio in education. The National Conference on Educational Broadcasting, however, will be the first meeting at which all interested groups will be represented.

The program will include such topics as schools of the air, radio music, speech, and drama, religious broadcasts, forums on the air, organization of listening groups, radio workshops, writing for radio, broadcasting to schools, use of radio programs by colleges and universities, use of radio by libraries and museums, developing use of electrical transcriptions for education, radio programs for children, problems of research in educational broadcasting, organizing audiences for radio programs, educational broadcasting in other countries, audience attitudes, exchange of programs for educational purposes, organizing the community on behalf of a radio station, and others. In addition to general sessions at which formal addresses will be given, smaller meetings will be held to discuss the more specialized interests of broadcasting.

All organizations interested in radio as a social force, nationally or regionally, are invited to participate. The broadcasting industry will be represented. Government officials and prominent educators from America and foreign countries will take part.

C. S. Marsh of the American Council on Education, 744 Jackson Place, Washington, D. C., is acting as Executive Secretary for the planning committee.

WARNER BROTHERS SUITS

Warner Brothers have made official announcement that they have begun suits based on the alleged infringement of song copyrights owned by them against radio stations, night clubs and restaurants through various music publishing subsidiaries as follows:

Harms, Inc. vs. WADC, Akron, Ohio—"You Took Advantage of Me"—\$5,000.

Remick Music Corp. vs. WHIO, Dayton, Ohio—"Don't Bring Lulu" and "Quicker Than You Can Say Jack Robinson"—\$10,000.

Harms, Inc. vs. WBTM, Danville, Va.—"Take This Ring"—\$250.

Remick Music Corp. vs. WBTM, Danville, Va.—"Sweet Georgia Brown"—\$500. Two infringements alleged.

M. Witmark & Sons vs. WBTM, Danville, Va.—"I Live For Love," "Mine Alone," "Mother Machree," "In a Shanty in Old Shanty Town"—\$1,000.

M. Witmark & Sons vs. WMFJ, Daytona Beach, Fla.—"She's a Latin From Manhattan"—\$250.

Harms, Inc. vs. Royal Palm Club, Miami, Fla.—"Where Am I?"—\$250.

M. Witmark & Sons vs. Gay Paree Cafe, Sacramento, Calif.—"My Wild Irish Rose," "Am I Blue"—\$500.

Remick Music Corp. vs. Prima's Shim Sham Night Club, New Orleans, La.—"Chinatown, My Chinatown"—\$250.

Harms, Inc. vs. Prima's Shim Sham Night Club, New Orleans, La.—"Where Am I?"—\$250.

M. Witmark & Sons vs. Prima's Shim Sham Night Club, New Orleans, La.—"Lulu's Back In Town," "The Rose In Her Hair"—\$500.

Remick Music Corp. vs. Hotel Del Coronado, Coronado, Calif.—"Put On Your Old Grey Bonnet"—\$250.

Harms, Inc. vs. WALA, Mobile, Ala.—"Day Dreams"—\$250.

M. Witmark & Sons vs. WCAM, Camden, N. J.—"In The Vine Covered Church Way Back Home"—\$250.

Remick Music Corp. vs. Lucca Restaurant, Los Angeles, Calif.—"The Lady In Red"—\$250.

Harms, Inc. vs. Cine-Grill of Hotel Roosevelt, Los Angeles, Calif.—"April in Paris"—\$250.

Harms, Inc. vs. WOV, New York City.—"All Through the Night"—\$250.

M. Witmark & Sons vs. WTOG, Savannah, Ga.—"West of the Great Divide," "That Wonderful Mother of Mine," "In a Shanty in Old Shanty Town"—\$1,500.

M. Witmark & Sons vs. WGAR, Cleveland, Ohio—"My Wild Irish Rose"—\$5,000.

Music Publishers Holding Corp. vs. KMOX, St. Louis, Mo.—"Liza Lee"—\$5,000.

M. Witmark & Sons vs. Vanity Club, New Orleans, La.—"Lulu's Back In Town," "The Rose in Her Hair"—\$500.

M. Witmark & Sons vs. Club Plantation, New Orleans, La.—"Lulu's Back in Town" and "The Rose in Her Hair"—\$500.

Harms, Inc. vs. KOMA, Oklahoma City, Okla.—“Where Am I? (Am I In Heaven?)”—\$5,000.

Harms, Inc. vs. New Kenmore Hotel, Albany, N. Y.—“April In Paris” and “I Cover the Waterfront”—\$500.

M. Witmark & Sons vs. WBNO, New Orleans, La.—“You’re An Eye-ful of Heaven”—\$250.

Harms, Inc. vs. WBNO, New Orleans, La.—“You and the Night and the Music”—\$1,750.

T. B. Harms Co. vs. WSMB, New Orleans, La.—“Two Hearts Carved On A Lonesome Pine”—\$5,000.

M. Witmark & Sons vs. WKI, San Francisco, Calif.—“That Old Irish Mother of Mine” and “Where the River Shannon Flows”—\$10,000.

Remick Music Corp. vs. WHIO, Dayton, Ohio.—“Don’t Bring Lulu”—\$5,000.

New World Music Corp. vs. KTAT, Fort Worth, Texas.—“I Got Rhythm”—\$5,000.

M. Witmark & Sons vs. New Kenmore Hotel, Albany, N. Y.—“My Wild Irish Rose”—\$250.

Remick Music Corporation vs. Savarin Restaurant, Buffalo, N. Y.—“Ev’ry Day”—\$250.

M. Witmark & Sons vs. Savarin Restaurant, Buffalo, N. Y.—“The Kiss Waltz” and “When Irish Eyes Are Smiling”—\$500.

Harms, Inc. vs. WGAR, Cleveland, Ohio.—“Where Am I? (Am I In Heaven?)”—\$5,000.

Harms, Inc. vs. The Village Farm Barn, Ltd.—“Anything Goes” and “Brother, Can You Spare a Dime?”—\$500.

M. Witmark & Sons vs. The Village Farm Barn, Ltd.—“California, Here I Come”—\$250.

Remick Music Corp. vs. Restaurant La Rue Co., Inc.—“The Lady In Red”—\$250.

Harms, Inc. vs. WGR, Buffalo, N. Y.—“When Buddha Smiles”—\$5,000.

Harms, Inc. vs. WDOD, Chattanooga, Tenn.—“Let’s Swing It”—\$250.

New World Music Corp., vs. WHFC, Cicero, Ill.—“I Got Rhythm”—\$250.

Harms, Inc. vs. WHFC, Cicero, Ill.—“Dancing in the Dark”—\$250.

Remick Music Corp. vs. WGFC, Cicero, Ill.—“Don’t Give Up the Ship”—\$500.

T. B. Harms Co. vs. WGFC, Cicero, Ill.—“Every Now and Then” and “Madonna Mia”—\$500.

Harms, Inc. vs. WCHS, Charleston, W. Va.—“Let’s Pretend There’s a Moon”—\$250.

M. Witmark & Sons vs. WCSH, Portland, Me.—“When Irish Eyes Are Smiling,” “My Wild Irish Rose” and “That Old Irish Mother of Mine”—\$750.

M. Witmark & Sons vs. WHFC, Cicero, Ill.—“I’m Goin; Shop-pin’ With You,” “The Words Are In My Heart,” “In a Shanty in Old Shanty Town,” “Lulu’s Back in Town”—\$1,000.

New World Music Corp. vs. Royal Palm Club, Miami, Fla.—“I Got Rhythm”—\$250.

Harms, Inc. vs. Roney Plaza Hotel, Miami Beach, Fla.—“Where Am I? (Am I In Heaven?)”—\$250.

Harms, Inc. vs. Palomar Cafe, Los Angeles, Calif.—“Night and Day”—\$250.

Harms, Inc. vs. Vanity Club, New Orleans, La.—“Where Am I? (Am I In Heaven?)”—\$250.

Harms, Inc. vs. New Bismarck Hotel, Chicago, Ill.—“Night and Day”—\$250.

Remick Music Corp. vs. Blackstone Hotel, Chicago, Ill.—“The Lady In Red”—\$250.

Harms, Inc. vs. Terrace Garden, Chicago, Ill.—“Anything Goes”—\$250.

M. Witmark & Sons vs. WNEW, Newark, N. J.—“I Like Mountain Music”—\$5,000.

Remick Music Corp. vs. WMEX, Boston, Mass.—“I Like Mountain Music”—\$5,000.

M. Witmark & Sons vs. WMEX, Boston, Mass.—“Weary”—\$5,000.

Harms, Inc. vs. WJAX, Jacksonville, Fla.—“Blue Moonlight”—\$500.

Harms, Inc. vs. WHBF, Rock Island, Ill.—“Born To Be Kissed”—\$500.

T. B. Harms Co. vs. WHBF, Rock Island, Ill.—“You’re An Angel (Playing Hookey From Heaven)”—\$500.

Harms, Inc. vs. Blackstone Hotel, Chicago, Ill.—“The Continental (You Kiss While You’re Dancing),” “Anything Goes,” “Where Am I? (Am I In Heaven?)” and “I Get a Kick Out of You”—\$1,000.

Remick Music Corp. vs. The Palmer House, Chicago, Ill.—“Moonlight Bay” and “Carolina in the Morning”—\$500.

M. Witmark & Sons vs. La Lune Club, New Orleans, La.—“Lulu’s Back In Town” and “The Rose in Her Hair”—\$500.

M. Witmark & Sons vs. Miami Biltmore Hotel, Coral Gables, Fla.—“Can’t You Hear Me Callin’ Caroline”—\$250.

Remick Music Corporation vs. WTFI, Athens, Ga.—“China-town, My Chinatown”—\$250.

Harms, Inc. vs. WTFI, Athens, Ga.—“Day Dreams”—\$500.

New World Music Corp. vs. St. Moritz-on-the-Park, Inc., N.Y.C.—“I Got Rhythm”—\$250.

New World Music Corp. vs. 870 Seventh Ave. Corp. (Park Central Hotel), New York City.—“I Got Rhythm”—\$250.

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following companies. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

No. 2767. A complaint alleging unfair methods of competition in the sale of tinted or colored enlargements of photographs and of frames therefor has been issued against **International Art Co.** and **American Discount Co.**, both with headquarters at 325 West Huron St., Chicago, and against their president, John C. Kuck. The complaint alleges that American Discount Co. is a “dummy corporation and collection agency” for International Art Co.

Under International Art Co.’s sales plan, its salesmen contact prospects, and, it is charged, offer to make from a family photograph furnished by the prospect, a genuine hand-painted oil portrait or picture with a sales value ranging from \$30 to \$60, when, in fact, according to the complaint, the finished product is merely a cheap photographic enlargement, tinted or colored by the use of crayons or pastels, and in no instance by the use of oil, and is not an original painting. The finished picture is said to cost about \$1.25, the cost of the frame ranges from 75¢ to \$1.75, and picture and frame allegedly are sold by the salesman for as much as they can obtain in any particular locality.

In order to induce prospects to sign orders, the respondent art company’s agents make various false and misleading representations, the complaint charges, including representations that it is appointing a limited number of purchasers as private exhibitors in any particular community where it sells pictures; that it intends to open a branch studio in such community; that it has won prizes in art in public exhibitions, and that it will enter baby pictures in a newspaper prize contest. Respondent’s contract blanks represent that it has branch offices in various cities in South America, Africa and Asia, when, according to the complaint, such is not a fact.

No. 2771. Charging unfair competition in the sale of “Grove’s Laxative Bromo Quinine Tablets,” a complaint has been issued against **The Grove Laboratories, Inc.**, 2630 Pine St., St. Louis.

On signs and counter placards featuring retail druggists in various parts of the country, the respondent company, according to the complaint, advertised its article by the representations “Stop that cold in its tracks,” “kill colds dead,” and “strike at the cold itself—not merely at the symptoms.”

These assertions are alleged to have been exaggerated and misleading, as the respondent company’s product, according to the complaint, neither kills colds dead, stops a cold in its tracks, nor has germicidal effect.

No. 2772. Unfair competition through representations that it is a manufacturer of handkerchiefs, when such is not a fact, is alleged in a complaint issued against **General Handkerchief Mfg. Co., Inc.**, 919 W. Roosevelt Rd., Chicago.

Use by the respondent company of the abbreviation “mfg.” in its trade name and of the words “manufactured” and “manufacturing” in circulars, letter-heads, advertising matter, and otherwise, in connection with the sale of handkerchiefs, constitutes violation of Section 5 of the Federal Trade Commission act, according to the complaint, which also charges that the respondent company caused itself to be listed as “General Handkerchief Manufacturing Co.” in the annual directory of the handkerchief industry.

No. 2773. Misrepresentation of certain building materials, constituting an unfair trade practice, is alleged in a complaint issued against **Standard Wall Covering Co., Inc.**, 1819 North 9th St., Philadelphia, manufacturer of fiber wall coverings.

Competing with companies selling wall coverings, including those made of ceramic or burned clay tile, and marble, the respondent

company is alleged to have advertised in some instances in a manner intended to convey the impression that its fiber products are clay tile and marble.

No. 2774. Charging unfair trade practices, in violation of the Federal Trade Commission Act, a complaint has been issued against **Twentieth Century Business Builders, Inc.**, 917 Furniture Mart Building, Chicago, and its resident manager, Edwin I. Gordon. The respondents are engaged in selling an alleged copyrighted sales promotion plan to retail merchants, and in offering the services of a business consultant. The respondents' practices, it is alleged, have resulted in unfair diversion of trade from competitors.

The sales plan, it is alleged, consists of furnishing to retailers advertising mats to be reproduced in local newspapers for displaying puzzles known as "Count the Dot" and "Count the Block," and of advertising merchandise sold by retailers in connection with the puzzles.

These advertisements are alleged to have represented that on a given day the retailer would give free of charge to the person most closely approximating the number of dots or blocks in the picture, certain described merchandise represented to be of considerable value.

No. 2775. A complaint alleging unfair methods of competition through use of a lottery scheme in connection with the sale of candy has been issued against **Helen Ardelle, Inc.**, 1401 E. 41st Seattle, Wash.

According to the complaint, the respondent corporation sells to wholesale and retail dealers certain assortments of boxes of candy, together with punch boards, each bearing a statement informing the purchasing public as to which numbers will win a box of candy.

The ultimate purchaser pays five cents to punch one of the numbers on a board, the complaint alleges, and if he obtains one of the winning numbers listed he receives a box of candy, while the purchaser obtaining other than a winning number receives nothing for his money.

No. 2776. Sale of candy by means of a lottery scheme is alleged as an unfair method of competition, in violation of Section 5 of the Federal Trade Commission Act, under a complaint issued against **Bonomo Candy and Nut Corporation**, 649 Morgan Ave., Brooklyn, N. Y.

The respondent corporation is said to pack candies in an assortment consisting of a number of pieces of uniform size and shape which retail for one cent. According to the complaint, a purchaser who selects a piece of candy with a center colored differently from the centers of the majority of pieces wins a box of candy as a prize.

Use of such lottery scheme, the complaint alleges, induces purchasers to buy the respondent's product in preference to the candy of competitors who do not resort to the same or equivalent sales method, and trade is thereby diverted to the respondent from such competitors.

No. 2777. **Plantation Chocolate Co., Inc.**, 3150 Janney Street, Philadelphia, is charged with unfair competition in promoting a sales lottery, under a complaint issued alleging violation of Section 5 of the Federal Trade Commission Act.

The lottery method is alleged to involve including in assortments of candy of uniform size and shape, several larger pieces and others having centers of a different color. Purchasers drawing such pieces different from the general run receive larger pieces of candy free, according to the complaint.

This practice is alleged to be of a type deemed contrary to public policy and to have a tendency to divert trade from competitors who do not use similar sales methods.

No. 2778. Use of unfair methods of competition is alleged in a complaint against **Vaughn C. Salter** and **Paul Tesson**, trading as **Falcon Camera Co.**, 8277 De Soto Ave., Detroit, and engaged in selling a sales promotional plan which offers cameras as premiums.

Retailers are persuaded by the respondents and their salesmen, the complaint alleges, to contract for the purchase of trade tickets at \$4.50 a thousand, generally in lots of 5,000, one of which the retailer gives to a customer with each merchandise purchase of a stipulated amount. When a customer has accumulated 25 tickets, he may forward them with 30 cents to the respondents, who, under the terms of a sales plan described in the complaint, ship to the customer a camera they have represented as a certain model Falcon camera, and a trial roll of film.

In sales talks, advertising literature, trade tickets, contracts and exhibits, the respondents are alleged to represent to retailers that they manufacture Falcon cameras and the films therefor; that they have put into operation a plan to increase the number of users of

Falcon cameras in order to increase the sale of films, which are the only ones that can be used in such cameras; that use of the sales plan by a retailer in conjunction with the distribution of cameras will increase his business and build up goodwill, and that the 30 cents remitted by each person who sends in trade tickets for redemption is not intended to apply to the purchase of the camera, but merely to cover the cost of packing and shipping, together with the cost of the trial roll of film.

According to the complaint, the respondents do not manufacture cameras or films; they ship to retailers' customers cameras that do not approximate in appearance or value the Falcon model promised; they are not interested in the sale of films, but principally in the sale of their promotion plan to obtain the profits resulting therefrom, and the 30 cents remittance does not cover solely the cost of packing and shipping, but actually represents the entire cost of the camera and one roll of film.

No. 2780. Charging unfair competition in the use of a lottery sales plan, a complaint has been issued against **Charles R. Luce**, trading as **Luce & Co.**, 350 Mercer St., Jersey City, N. J.

The practice complained of involves the sale of candy in assortments so that purchasers receiving certain pieces of a different color from the general run in the assortment are awarded a prize, consisting of a package of candy, according to the complaint.

This practice is alleged to result in diverting trade from competitors who do not use the same sales method, and to be of a type deemed contrary to public policy. Violation of the Federal Trade Commission Act is charged.

No. 2781. **A. C. Hynd Corporation**, 320 Franklin St., Buffalo, N. Y., is charged in a complaint with unfair competition in misrepresenting the therapeutic value of "Ku-Rill," a germicide manufactured and sold by the respondent corporation.

According to the complaint, "Ku-Rill" is not, as allegedly advertised by the respondent, a competent remedy for athlete's foot, pimples, and other skin diseases, does not kill 27 different kinds of disease germs or destroy the parasite that causes skin ailments, and does not banish every trace of red, cracked skin and make it clear and smooth again. Claims that the product excels other germicides are untrue, the complaint alleges.

No. 2782. A complaint has been issued against **Brown & Haley**, a corporation of 110 East 26th St., Tacoma, Wash., alleging unfair competition, in violation of Section 5 of the Federal Trade Commission Act, in the sale of candy. The respondent is charged with placing in the hands of others the means of conducting a lottery in the sale of its products.

Under the respondent corporation's sales plan, the complaint alleges, assortments of boxes of candy, together with punch boards, are distributed to retailers. Customers pay 5 cents to punch numbers on the board, and those who select certain numbers win a box of candy, while those who punch other numbers receive nothing.

Stipulations

The Commission has issued the following cease and desist orders and stipulations.

No. 01345. **M. C. Bass**, operating as **National Sales Co.**, **Walnut Ridge, Ark.**, agrees to discontinue representing that the "Astrological Life Reading" he sells is prepared especially for the individual purchasing the same or that it will advise one regarding money matters, home affairs, law suits, and other personal matters, and that his combination "Astrological Life Reading," "Fast Luck Powder" and "Good Luck Medallion" will bring one good luck, love, money and success in undertakings. The respondent also will cease selling any powder of the same or similar composition as "Fast Luck Powder" under any trade name, and stipulates that he will not publish any testimonial containing any representation contrary to his agreement with the Commission.

No. 01350. **Eunice Runge**, trading as **Wisconsin Institute of Horology**, 524 E. Mason St., Milwaukee, Wis., and selling a correspondence course in watch making and repairing, has signed a stipulation to cease representations that by such course of instruction a person can learn the trade of watch repairing at home as well as in a shop, and that after completing the course, one can secure a well paying position or start in business. The respondent also will discontinue representing that there is an ever increasing scarcity of competent watch-makers or an equally increasing scale of wages, and that diplomas of the Wisconsin Institute of Horology are recognized officially by German "authorities," or that such diplomas, by inference or otherwise, confer the right to practice the trade of watch-making and repairing.

No. 1641. Trading as **Tourist Luggage Co.**, 136 West 21st St., New York City, **Samuel Intner**, **Louis Aberman** and

Abraham Boretz, manufacturers of leather luggage, agree to cease and desist stamping or branding products made of split leather with the words "Cowhide Warranted," or "Cowhide," unless accompanied by the word "Split" or "Split Leather" stamped in immediate juxtaposition to "Cowhide" or "Cowhide Warranted," and in letters of equal size and conspicuousness. According to the stipulation, the respondent company had caused the word "split" to be placed at a distance from the phrase "Cowhide Warranted," having a tendency to deceive purchasers into the belief that the products were made of the whole cowhide and not of split leather.

No. 1644. M. Hopkins, trading as Silverware Redemption Bureau, 1003 Santa Fe Building, Dallas, Tex., engaged in the sale of coupons and advertising matter for use by retailers in connection with the sale of their goods, agrees to stop certain alleged fictitious price markings and other misrepresentations in the sale and redemption of coupons exchanged for silver-plated ware. Hopkins, under the agreement, will no longer assert that the usual selling price of silverware sets offered as prizes by his retail customers is \$25.75, or any other exaggerated sum, nor that the offer of silverware premiums is a "special advertising offer," obtainable only with his coupons, when this is not true. He agrees to desist from furnishing retail customers with advertising matter in which it is not made known that a cash payment, in addition to the required coupons, is exacted before retailers' customers can obtain the silverware promised them.

No. 1646. Oelerich & Berry Co., Inc., 854 Larrabee St., Chicago, manufacturing food products such as molasses, syrups and jellies, will stop the use in advertising of the word "maple," either alone or in connection with other words, to describe a product not composed wholly of maple syrup, unless the representation is properly qualified. Provision is made that when this preparation is composed substantially of maple syrup, the word "maple," if used to describe it, shall be immediately accompanied by other words in conspicuous type to show clearly that the article is not made wholly of maple syrup.

No. 1648. Oscar E. Minor, trading as "Craft Service," 542 Blossom Rd., Rochester, N. Y., is engaged in the sale of materials, tools and other merchandise to Boy Scouts and others interested in making craft work. He signed a stipulation to discontinue in advertising matter use of the words "Navajo Silver" as descriptive of certain metal products he sells and which are not composed of silver and not made by Navajo Indians. He also will cease using "ite" in connection with the word "silver" to imply that such metal products are composed of silver, and in the sale of leather jackets and other merchandise designated and referred to in advertising as "suede," will refrain from using that word, or any derivative thereof, so as to lead purchasers into the erroneous belief that such products are made from suede or leather, prepared from the skins of certain animals.

No. 1649. Ring-less Cleaning Fluid Co., Inc., 125 West 33rd St., New York City, distributing "Ring-less" and "Neverring" cleaning fluid, will no longer use on labels attached to containers of its product the representation "not injurious to the most delicate of materials," or other assertions implying that the colors of certain fabrics dyed with non-fast or fugitive dyes will not be injured by application of this fluid. The fluid also will not be represented as being capable of removing stains or spots of whatever kind or character from fabrics when this is not true, and the company will cease employing the word "Ring-less" as part of its trade name, or in any manner tending to convey the belief that the fluid will not leave a ring or mark when applied to certain fabrics for removal of spots.

Use of the word "Neverring" as a brand name for the respondent's preparation will be discontinued.

No. 1650. Spiegel, May, Stern Co., 1061 West 35th St., Chicago, dealers in general merchandise, agree to discontinue use in advertising matter of pictorial or other representations implying that the company keeps in stock or is able to obtain for the filling of orders products such as are pictorially or otherwise represented, when this is not a fact. The stipulation says that Spiegel, May, Stern Co. pictured in catalogues certain baseballs and playground balls and their pasteboard containers, and that on balls and containers were plainly visible depictions of the trade-mark, trade name, and numbers used exclusively by a competitor. Such markings identified these articles as products manufactured by the competitor, according to the stipulation, when in fact Spiegel, May, Stern Co., in filling orders, did not furnish the balls pictured in the advertising.

No. 1652. New Jersey Laboratory Supply Co., 235 Plane St., Newark, N. J., entered into a stipulation to discontinue use of the word "Manufacturers" in advertising matter and the words "Manufacturer" or "Manufacturers" in any way which may tend

to lead purchasers to believe that it owns or operates a factory where it makes the scientific glass apparatus and instruments of precision it sells and distributes in interstate commerce, when such is not the fact.

No. 1654. Tomlinson of High Point, Inc., High Point, N. C., furniture manufacturer, stipulates that it will cease using on labels or in advertisements the word "mahogany" to describe furniture, implying that such products are made of wood derived from trees of the mahogany tree family, when this is not true.

No. 1655. Minnie I. Marshall, of Bellows Falls, Vt., trading as Green Mountain Gummed Tape Co., engaged in the sale and distribution of gummed sealing tape, will ban use of the word "Manufacturers" in advertising matter, when in fact she is not the owner or operator of a plant or factory in which the product advertised is made, but has filled orders with a sealing tape made in factories controlled by others. The respondent also agrees to stop employing the word "Manufacturers" in connection with the phrase, "We sell to jobbers only."

No. 2718. Economy Rubber Products Co., 600 Burkhardt Ave., Dayton, Ohio, selling "Tiger-Grip Tire Patches," has been ordered to cease and desist from making exaggerated and misleading representations as to the value and efficiency of its product, and concerning the earnings of its salesmen.

The respondent company is directed to discontinue representing in advertisements or circulars, on labels, or by radio broadcasts, that its tire patches renew old blown out tires instantly or restore such tires to their original quality; that they permanently repair blow-outs and rim cuts, by self-vulcanizing, or that they save motorists 50 per cent either in mileage or in cost in comparison with the mileage obtained from or the price paid for comparable tire patches of competitors.

No. 2719. In an order entered against **Michael Whitehouse, trading as International Tableware Co., 800 Washington Boulevard Bldg., Detroit,** he is directed to cease certain unfair methods of competition in the sale of tableware, dishes, also promotional sales plans.

The Commission found that the respondent sold trade cards to local merchants, at \$4.50 a thousand, for distribution among their customers according to the amount of merchandise sold to such customers, and agreed to redeem the trade cards with tableware or chinaware. This and other representations made by the respondent were not fulfilled, according to the Commission's findings.

Under the order, the respondent will discontinue representing in contracts, circulars or in advertisements that, free of charge, he will redeem with tableware and dishes the trade cards he issues, or that he will refund money paid by merchants for premiums delivered to their customers; that he will furnish sets of tableware, or any other merchandise, free of charge, to merchants for display and advertising purposes, and to become their sole property, and that the "gift boxes" of tableware he sells contain four pieces or any greater number of pieces than they actually do contain.

FTC DISMISSES CASES

The Commission has announced the following dismissals:

No. 2757. The Commission has entered an order of dismissal in its complaint, Docket No. 2757, as to the **Biederman Furniture Co., of 801 Franklin Ave., St. Louis.**

In this complaint, the Retail Furniture Dealers' Association of St. Louis, its officers, and 42 merchant members, were named respondents, charged with violation of the Federal Trade Commission Act through combination and conspiracy to monopolize the sale and distribution of furniture and allied products in the St. Louis, Mo., and East St. Louis, Ill., trade area.

The Commission has ordered its complaint against the Biederman Company dismissed for the reason that evidence was presented to it to show that the Biederman Company resigned from the association some time prior to the issuance of the complaint, had ceased to participate in the activities of the association, and abandoned the practices charged against the association's members. The complaint was dismissed "without prejudice to the right of the Commission to reinstate should conditions warrant."

No. 2381. The Commission has also entered an order dismissing its complaint against **Van Kannel Revolving Door Co., 101 Clark Ave., New York City,** engaged in the manufacture and sale of wood and metal revolving doors.

Under the complaint, the respondent had been charged with violation of Section 7 of the Clayton Act in that it had acquired controlling stock in two competing companies, the Atchison Revolving Door Co., Independence, Kans., and Revolving Doors, Inc., New York City.

**FEDERAL COMMUNICATIONS COMMISSION
ACTION**

HEARING CALENDAR

Monday, May 4

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—The Times Dispatch Publishing Co., Inc., Richmond, Va.—C. P., 1500 kc., 100 watts, unlimited time.

(Visual Broadcast)

NEW—National Television Corp., New York, N. Y.—C. P., 2000-2100 kc., 500 watts, Emission A3, A4, unlimited time.

Tuesday, May 5

HEARING BEFORE AN EXAMINER

(Broadcast)

WQDM—E. J. Regan and F. Arthur Bostwick, d/b as Regan & Bostwick, St. Albans, Vt.—C. P., 1390 kc., 1 KW, specified hours. Present assignment: 1370 kc., 100 watts, specified hours (request to move transmitter and studio).

NEW—F. N. Pierce, Taylor, Tex.—C. P., 1310 kc., 100 watts, daytime.

NEW—Eugene DeBogory, tr/as Tem-Bel Broadcasting Co., Temple, Tex.—C. P., 1310 kc., 100 watts, daytime.

Wednesday, May 6

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Hunt Broadcasting Assn., Greenville, Tex.—C. P., 1290 kc., 100 watts, daytime.

NEW—Voice of Marshall, Marshall, Tex.—C. P., 1500 kc., 100 watts, specified hours.

NEW—Navarre Broadcasting Assn., Corsicana, Tex.—C. P., 1310 kc., 100 watts, daytime.

NEW—Dorrance D. Roderick, El Paso, Tex.—C. P., 1500 kc., 100 watts, unlimited time.

APPLICATIONS GRANTED

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted C. P. to make change in auxiliary equipment.

WLLH—Merrimac Broadcasting Co., Inc., Lowell, Mass.—Granted special experimental authority to install synchronized or booster station at Lawrence, Mass., to operate synchronously with station WLLH, Lowell, Mass., on 1370 kc., with variable power of 10 to 100 watts, for period ending July 1, 1936. Site to be determined.

NEW—Democrat-News Co., Inc., Lewistown, Mont.—Granted C. P. for new station to operate on 1200 kc., 100 watts, unlimited time. Site to be determined.

WSIX—Jack M. Draughon, Louis R. Draughon, d/b as 638 Tire and Vulcanizing Co., Nashville, Tenn.—Granted modification of C. P. approving proposed transmitter site at northeast corner Boscobal and 3rd St., Nashville, extend commencement date to two days after grant and completion date to 100 days thereafter.

WHIS—Daily Teleg. Printing Co., near Bluefield, W. Va.—Granted modification of C. P. to make changes in equipment.

WNAC—Shepard Broadcasting Service, Inc., Boston, Mass.—Granted C. P. to make changes in equipment and increase day power from 2½ to 5 KW.

WCLO—Gazette Printing Co., Janesville, Wis.—Granted C. P. to move transmitter locally from Milwaukee Road near Janesville, to 1436 S. Oakhill Ave., Janesville, and install new vertical radiator.

KOOS—Pacific Radio Corp., Marshfield, Ore.—Granted C. P. approving transmitter site ¼ mile north of city limits of Marshfield at the port of Koos Bay, and install new radiating system to comply with Rule 131.

WTAQ—WHBY, Inc., Green Bay, Wis.—Granted renewal of license for period May 1 to November 1, 1936.

Standard Radio, Inc., Hollywood, Calif.—Granted authority to deliver by express and parcel post, library service of pro-

grams in the form of electrical transcriptions, to station CHWC, Regina, Sask., Canada, and CFRB, Toronto, Ont., Canada.

World Broadcasting System, Inc., New York City.—Granted authority to deliver sustaining programs consisting of electrical transcriptions, to the Northern Electric Company, Ltd., of the Dominion of Canada by express for transmission of Canadian and Newfoundland radio stations.

WCAO—Monumental Radio Co., Baltimore, Md.—Granted license to cover C. P., 600 kc., 500 watts night, 1 KW day, unlimited time.

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Granted license to cover C. P., 920 kc., 1 KW night, 5 KW day, unlimited time.

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Granted authority to determine operating power by direct measurement of antenna input in compliance with terms of Rule 137.

WPTF—WPTF Radio Co., Cary, N. C.—Granted license to cover C. P. authorizing move of auxiliary transmitter from Raleigh, N. C., to Cary, N. C., the same site as regular transmitter.

WIOD-WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—Granted license to cover C. P. authorizing installation of new equipment.

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Granted license to use old transmitter as an auxiliary, to operate with 500 watts night and day, for emergency purposes only.

WQAM—Miami Broadcasting Co., Miami, Fla.—Granted license to use old transmitter as an auxiliary for emergency purposes only, equipment for 1 KW.

WKAQ—Radio Corp. of Porto Rico, San Juan, P. R.—Granted modification of license to change time of operation from ½ time to unlimited.

KFIZ—Reporter Printing Co., Fond du Lac, Wis.—Granted modification of license to increase time of operation from specified hours to unlimited.

KFXM—J. C. and E. W. Lee (Lee Bros. Broadcasting Co.), San Bernardino, Calif.—Granted authority to install automatic frequency control equipment.

WNBR—Memphis Broadcasting Co., Memphis, Tenn.—Granted renewal of license, 1430 kc., 500 watts, with an additional 500 watts from local sunrise to local sunset only. Antenna current 3.7 amperes for 500 watts, 5.25 amperes for 1 KW. Antenna resistance 36.4 ohms.

KSO—Cedar Rapids Broadcast Co., Des Moines, Iowa.—Granted renewal of license for period May 1 to November 1, 1936; 1430 kc., 500 watts night, 1 KW day, unlimited time.

KGDY—Voice of South Dakota, Huron, S. Dak.—Granted renewal of license for period May 1 to November 1, 1936; 250 watts, 1340 kc., daytime only.

KRNT—Iowa Broadcasting Co., Des Moines, Iowa.—Granted renewal of license for period May 1 to November 1, 1936; 1320 kc., 500 watts night, 1 KW daytime, unlimited.

WKBH—WKBH, Inc., La Crosse, Wis.—Granted renewal of license for period May 1 to November 1, 1936.

KXYZ—Harris County Broadcast Co., Houston, Tex.—Granted renewal of license for period May 1 to November 1, 1936.

KUJ—KUJ, Inc., Walla Walla, Wash.—Granted renewal of license for period May 1 to July 1, 1936.

KPDN—Pampa Daily News, Inc., Pampa, Tex.—Granted license to cover C. P. as modified for new station to operate on 1310 kc., 100 watts, daytime only.

WIS—Station WIS, Inc., Columbia, S. C.—Granted modification of C. P. to extend completion date from 5-10-36 to 7-10-36.

WNBC—William J. Sanders, New Britain, Conn.—Granted special temporary authority to operate unlimited time on the night of May 6, 1936, in order to broadcast a testimonial dinner being given in honor of Postmaster General James A. Farley.

NEW—Lynchburg Broadcasting Corp., Portable-Mobile (Lynchburg, Va.)—Granted C. P. for new broadcast pickup station, frequencies 31100, 34600, 37600 and 40600 kc., 40 watts.

W1XEH—Travelers Broadcasting Service Corp., Avon Mountain, Avon, Conn.—Granted license to cover C. P., frequency 63500 kc., 150 watts, unlimited time, for rebroadcast of WTIC program and radiotelephone transmissions.

W10XGJ—Atlantic Broadcasting Corp., Portable-Mobile (New York, N. Y.)—Granted license to cover C. P., frequencies 31100, 34600, 37600, 40600, 86000-400000, 401000 kc. and above, 50 watts.

KNEC—Puget Sound Broadcasting Co., Inc., Portable-Mobile (Tacoma, Wash.)—Granted license to cover C. P., frequen-

cies 1646, 2090, 2190 and 2830 kc., 40 watts; to be used for temporary broadcast pickup service only.

WGBE—Onondaga Radio Broadcasting Corp., Portable-Mobile (Syracuse, N. Y.).—Granted license to cover C. P. for new broadcast pickup station in temporary service; 1646, 2090, 2190 and 2830 kc., 45 watts.

WABA—Wodaam Corp., Mobile—in plane (Newark, N. J.).—Granted license to cover C. P. for broadcast pickup station in temporary service, frequencies 1622, 2060, 2150 and 2790 kc., 7½ watts.

SET FOR HEARING

NEW—Glenn Van Auken, Indianapolis, Ind.—Application for C. P. for new station, 1050 kc., 1 KW daytime. Site to be determined.

NEW—Seaboard Investment Co., Inc., Montgomery, Ala.—Application for C. P. for new station, 610 kc., 500 watts night, 1 KW day, unlimited time.

NEW—William F. Kolleck, Pittsfield, Mass.—Application for C. P. for new station, 1290 kc., 250 watts, daytime. Site to be determined.

NEW—Smith, Keller & Cole, a partnership composed of Ralph E. Smith, A. H. Keller and H. Wadsworth Cole, San Diego, Calif.—Application for C. P. for new station, 1200 kc., 100 watts, daytime. Site to be determined.

NEW—Hildreth & Rogers Co., Lawrence, Mass.—Application for C. P. for new station, 680 kc., 1 KW daytime. Site to be determined.

NEW—Lillian E. Kiefer, Brooklyn, N. Y.—Application for C. P. for new station, 1500 kc., 100 watts, specified hours. Site to be determined.

NEW—Red River Valley Broadcasting Corp., Sherman, Tex.—Application for C. P. for new station, 1310 kc., 100 watts daytime. Site to be determined.

NEW—Tribune Printing Co., Jefferson City, Mo.—Application for C. P. for new station, 1310 kc., 100 watts, daytime. Site to be determined.

NEW—E. Anthony & Sons, Inc., Pawtucket, R. I.—C. P., already in hearing docket, amended to read: 1200 kc., 100 watts night, 250 watts day, unlimited time. Site to be determined.

KFPM—Voice of Greenville, Greenville, Tex.—C. P., already in hearing docket, amended to read: Install new equipment; change frequency from 1310 kc. to 1420 kc.; increase power from 15 watts, specified hours, to 100 watts, daytime only; and move station locally, site and antenna system to be determined with Commission's approval.

NEW—Ellwood W. Lippincott, Bend, Ore.—C. P., already in hearing docket, amended to read: 1500 kc., 100 watts, unlimited time. Site to be determined.

NEW—Ben S. McGlashan, San Diego, Calif.—C. P., already in hearing docket, amended to read: 550 kc., 250 watts, daytime only. Exact transmitter site and type of antenna to be determined with Commission's approval.

NEW—John E. Fetzer, Benton Harbor, Mich.—C. P., already in hearing docket, amended to read: 1500 kc., 250 watts, daytime only. Exact transmitter site to be determined with Commission's approval.

WTJS—The Sun Publishing Co., Inc., Jackson, Tenn.—C. P., already in hearing docket, amended to read: Install new equipment; move transmitter locally, 1.55 miles northwest of Jackson, Tenn., 920 kc.; install directional antenna; 250 watts night, 500 watts day, unlimited time.

NEW—Dr. F. P. Carniglia, Monroe, La.—Application for C. P. for new station, 1500 kc., 100 watts, unlimited time.

NEW—George Harm, Fresno, Calif.—Application for C. P. for new station, 1310 kc., 100 watts, unlimited time.

NEW—Edwin A. Kraft, Petersburg, Alaska.—Application for C. P. for new station, 1420 kc., 100 watts, unlimited. Exact transmitter site and type of antenna to be determined with Commission's approval.

WHBC—Edward P. Graham, Canton, Ohio.—Application for modification of C. P. requesting extension of completion date from 4-27-36 to 7-27-36 (original C. P. authorized changes in equipment and increase in day power to 250 watts subject to Rule 131).

NEW—Luther E. Gibson, d/b as Times-Herald Publishing Co., Vallejo, Calif.—Application for C. P. for new station in vicinity of Mare Island Navy Yard between Vallejo and South Vallejo, Calif., to operate on 1320 kc., 250 watts, daytime only.

NEW—Arthur E. Seagrave, Lewiston, Maine.—Application for C. P. for new station, 1420 kc., 100 watts night, 250 watts day, unlimited. Site to be determined with Commission's approval.

J. L. Statler, M. D., d/b as Baker Hospital, Muscatine, Iowa.—Authority to furnish programs in the form of electrical transcriptions to stations in Canada and Mexico to be delivered by mail, express or by carrier.

WJBR—J. B. Roberts, Gastonia, N. C.—Consent to voluntary assignment of C. P. from J. B. Roberts to Virgil V. Evans (present assignment, under C. P. only, 1420 kc., 100 watts, unlimited time).

WJBR—Virgil V. Evans, Gastonia, N. C.—Modification of C. P. requesting approval of transmitter and studio sites at 214 So. St. Masonic Temple, Gastonia, and radiating system.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KFBK, Sacramento, Calif.; KIDO, Boise, Idaho; KIEM, Eureka, Calif.; KMO, Tacoma, Wash.; KOH, Reno, Nevada; KOY, Phoenix, Ariz.; KTBS, Shreveport, La.; WBCM, Bay City, Mich.; WCOA, Pensacola, Fla.; WFBC, Greenville, S. C.; WHIS, Bluefield, W. Va.; WHP, Harrisburg, Pa.; WIOD-WMBF, Miami, Fla.; WQBC, Vicksburg, Miss.; WROK, Rockford, Ill.; WSAI, Cincinnati, Ohio; WSAN and auxiliary, Allentown, Pa.; WSMK, Dayton, Ohio; WTFI, Athens, Ga.

WATL—J. W. Woodruff and S. A. Cisler, Jr., d/b as Atlanta Broadcasting Co., Atlanta, Ga.—Present license further extended on a temporary basis only, for the period May 1 to June 1, 1936, subject to such action as may be taken upon application for renewal pending before the Commission.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Present license further extended on a temporary basis only, for the period May 1 to June 1, 1936, subject to such action as may be taken upon application for renewal pending before the Commission.

WWL—Loyola University, New Orleans, La.; KWKH—International Broadcasting Corp., Shreveport, La.—Granted extension of present license for the period May 1 to June 1, 1936, subject to same conditions as contained in existing authorities to said stations, pending consideration of pending petition of Station WLWL and petitions in opposition thereto.

The following stations were granted renewal of licenses on a temporary basis only, subject to whatever action may be taken by the Commission upon pending applications for renewal of licenses:

KFAC, Los Angeles; WARD, Brooklyn, N. Y.; WBBC and auxiliary, Brooklyn, N. Y.; WLTH, Brooklyn, N. Y.; WSMB, New Orleans; WVFV, Brooklyn, N. Y.

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Granted renewal of license on a temporary basis only subject to whatever action may be taken by the Commission upon the renewal application and upon the petition of Station WSPD in opposition to the granting of renewal of license to this station. Also on condition that WFEA shall not permit nighttime signal intensity without attenuation of station radiated in the direction of station WSPD to be greater than 62.5 millivolts per meter at a distance of 1 mile from transmitter of WFEA.

The following stations were granted renewal of experimental visual broadcasting licenses in the experimental service, for the period May 1, 1936, to expire May 1, 1937, in exact conformity with existing license:

W6XAO, Los Angeles; W9XAL, Kansas City, Mo.; W9XD, Milwaukee, Wis.; W9XAK, Manhattan, Kans.; W3XE, Philadelphia, Pa.; W8XAN, Jackson, Mich.; W9XAT, Minneapolis, Minn.

W1XAL—World Wide Broadcasting Corp., Boston, Mass.—Granted renewal of relay broadcasting license for experimental service, in exact conformity with existing license, for the period May 1, 1936, to May 1, 1937.

W8XAM—The Sparks-Withington Co., Jackson, Mich.—Same, except for special experimental station.

W3XDD—Bell Tel. Labs., Inc., Whippany (Morris Co.), N. J.—Same, except for the period April 29 to July 29, 1936.

W1XAC—Shepard Broadcasting Service, Inc., Quincy, Mass.—Same, except for the period May 21 to August 21, 1936.

APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were dismissed at request of applicants:

WAAW—Omaha Grain Exchange, Omaha, Nebr.—Applied for voluntary assignment of license, 660 kc., 500 watts, daytime.
WJIM—Harold F. Gross, M. Bliss Keeler and L. A. Veraluis, d/b as Capitol City Broadcasting Co., Lansing, Mich.—Applied for C. P., 1010 kc., 500 watts, 1 KW LS, unlimited time.

The following application, heretofore set for hearing, was dismissed for failure of applicant to answer Commission letters and want of prosecution:

NEW—The Attala Broadcasting Corp., Columbus, Miss.—Applied for C. P., 1200 kc., 100 watts, unlimited time.

MISCELLANEOUS

KFH—Radio Station KFH Co., Wichita, Kans.—Affirmed Commission's action of May 28, 1935, in granting application of KFH for C. P., 1300 kc., 1 KW, 5 KW LS, unlimited time, and dismissed protest of KFBI which had been designated for hearing, upon request of KFBI to withdraw said protest.
WCAC—Connecticut State College, Storrs, Conn.—Present license of this station cancelled, and call letters WCAC deleted, effective April 30, 1936, upon request of the College asking permission to discontinue operation of the station. WCAC was normally licensed for 600 kc., 500 watts power, with specified hours of operation.

KTSM—Tri-State Broadcasting Co., El Paso, Tex.—Granted petition to intervene at hearing of application of Dorrence D. Roderick for C. P. to establish a new station at El Paso to operate on 1500 kc., 100 watts, unlimited time.

KVOS—KVOS, Inc., Bellingham, Wash.—Denied motion to dismiss hearing to consider application for renewal of license scheduled for May 19, 1936, at Washington, D. C., before an examiner.

Winona Radio Service, Winona, Minn.—Granted request to take depositions in re application for new radio station.

KMMJ—M. M. Johnson Co., Clay Center, Nebr.—Granted request for postponement of hearing on application for increase in power until after application for assignment of license is acted upon.

WOWO—Main Auto Supply Co., Fort Wayne, Ind.—Granted petition to postpone application for C. P. for increase in power set for hearing May 18, 1936, until Commission has acted upon application to transfer control of station to the Westinghouse Electric & Mfg. Co.

WELI—Patrick J. Goode, New Haven, Conn.—Granted request to postpone hearing on application for modification of license now fixed for May 13, 1936.

WICC—Southern Connecticut Broadcasting Corp., Bridgeport, Conn.—Granted permission to file answer to the appearance of Patrick J. Goode, who seeks modification of license of WELI at New Haven, Conn.

The Commission advanced the effective date of the following cases:

Ex. Rep. 1-176—Symons Broadcasting Co., Spokane, Wash.—Effective date postponed to May 1, 1936, from April 28, 1936.
Ex. Rep. 1-182—C. C. Morris, Ada, Okla.—Effective date postponed to May 8, 1936, from May 5, 1936.
Ex. Rep. 1-111—University of Illinois, Urbana, Ill.—Effective date postponed to May 8, 1936, from May 5, 1936.

ORAL ARGUMENT GRANTED

NEW—Ex. Rep. 1-212: A. W. Hayes, Erie, Pa.—Oral argument granted to be heard September 10, 1936.

NEW—Watertown Broadcasting Corp., Watertown, N. Y.—Oral argument granted to be heard September 10, 1936.

APPROVED MONITORS

The Commission approved the following monitors for use in broadcast stations in order to comply with Rule 139, and assigned approval numbers as given below:

Manufacturer's Name	Type	Approval No.
General Radio Company	Type 731-A	1551
RCA Manufacturing Company	Type 66-A	1552

APPLICATIONS RECEIVED

First Zone

WTAG—Worcester Telegram Publishing Co., Inc., Worcester, 580 Mass.—License to cover construction permit (B1-P-986) to make changes in equipment.

NEW—Clarence C. Dill, Washington, D. C.—Construction permit 1230 for a new station to be operated on 1310 kc., 100 watts, unlimited time. Requests facilities of WOL if WOL is granted 1230 kc. Consideration under Section 307 (b).

NEW—John C. Looney, d/b as High Fidelity Broadcasting Service, Milton, Mass.—Construction permit for a new experimental broadcast station to be operated on 1570 kc., 1 KW, unlimited and variable time.

W2XJI—Bamberger Broadcasting Service, Inc., New York, N. Y.—Modification of construction permit to establish definite site of transmitter at 1450 Broadway, New York City, to be remotely controlled from 1440 Broadway, New York, N. Y.; change power from 1 KW to 100 watts; make changes in equipment; and extend commencement and completion dates to 4-15-36 and 9-15-36, respectively.

W10XCT—Shepard Broadcasting Service, Inc., Portable-Mobile.—License to cover construction permit for changes in equipment and increase in power of general experimental transmitter.

Second Zone

NEW—Harold F. Gross, Lansing, Mich.—Construction permit for 580 a new station to be operated on 580 kc., 500 watts, 1 KW day, unlimited time, to use directional antenna.

WHIS—Daily Telegraph Printing Co., Bluefield, W. Va.—Modification of construction permit (B2-P-861) for authority to install new equipment and move transmitter, requesting further changes in equipment.

Third Zone

WPTF—WPTF Radio Co., Raleigh, N. C.—Special experimental 680 authorization to use transmitter as requested under license B3-L-301 as an auxiliary from local sunset to 11:00 p. m., EST, for period to 8-1-36.

KTRH—KTRH Broadcasting Co., Houston, Tex.—Modification of 1290 license to change power from 1 KW, 5 KW day, to 5 KW day and night.

NEW—A. H. Belo Corporation, Grapevine, Tex.—Construction permit for a new general experimental station to be operated on 31600, 35600, 38600, 31000, 86000-400000, 401000 kc., and above, 100 watts.

W3XEN—Havens & Martin, Inc., Portable-Mobile.—License to cover construction permit, as modified, for a new general experimental station.

Fourth Zone

WCFL—Chicago Federation of Labor, Chicago, Ill.—Construction 970 permit to install new equipment and increase power from 5 KW to 25 KW.

NEW—Eau Claire Broadcasting Co., Eau Claire, Wis.—Construction permit for a new station to be operated on 1210 kc., 100 watts, unlimited time.

KWKC—Charlotte Duncan, Admin., Lester E. Cox, Thomas L. Evans and C. C. Payne, Kansas City, Mo.—Construction permit to install new equipment; move studio from Werby Bldg., 29th and Main St., Kansas City, Mo., to Commerce Bldg., northwest corner 10th and Walnut, Kansas City, Mo., and transmitter from 3912 Main St., Kansas City, Mo., to Commerce Bldg., northwest corner 10th and Walnut Sts., Kansas City, Mo. Amended to change hours of operation from specified hours to unlimited and include C. C. Payne in partnership and as a party applicant.

KWKC—Wilson Duncan, tr. as Wilson Duncan Broadcasting Co., 1370 Kansas City, Mo.—Voluntary assignment of license from Wilson Duncan, tr. as Wilson Duncan Broadcasting Co. to Lester E. Cox, Thomas L. Evans and C. C. Payne. Amended to add name of C. C. Payne to partnership—assignees.

NEW—WHBY, Inc., Portable-Mobile.—Construction permit for a new general experimental station to be operated on 31100, 34600, 37600, 40600 kc., 10 watts.

NEW—WHBY, Inc., Portable-Mobile.—Construction permit for a new general experimental station to be operated on 31100, 34600, 37600, 40600 kc., 10 watts.

W9XHW—Northwestern Broadcasting, Inc., Minneapolis, Minn.—
License to cover construction permit for a new general experimental station.

Fifth Zone

KMJ—James McClatchy Co., Fresno, Calif.—Voluntary assignment of license from James McClatchy Co. to McClatchy Broadcasting Co.

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—License to 920 use W. E. D-87737 transmitter for auxiliary purposes.

KFEL—Eugene P. O'Fallon, Inc., Denver, Colo.—Construction 920 permit to make changes in equipment.

KFBB—Buttrey Broadcast, Inc., Great Falls, Mont.—Construction 950 permit to make changes in equipment; increase power from 1 KW, 2½ KW day, to 1 KW, 5 KW day; change frequency from 1280 kc. to 900 kc.; and move transmitter from 5 miles south of town on 13th Street, Great Falls, Mont., to site to be determined, south of Great Falls, Mont. Amended to change frequency from 900 kc. to 950 kc. and omit request for facilities of KSEI.

KJR—Fisher's Blend Station, Inc., Seattle, Wash.—Construction 970 permit to install a new transmitter, erect a new antenna and move transmitter from 185th Street and 15th Ave. N. E., Lake Forest Park, near Seattle, Wash., to 2600 26th Ave., Southwest, Seattle, Wash.

KWG—Portable Wireless Telephone Co., Inc., Stockton, Calif.—1200 Voluntary assignment of license from Portable Wireless Telephone Co., Inc., to McClatchy Broadcasting Co.

NEW—Barney Hubbs, A. J. Crawford, Jack Hawkins and Harold 1210 Miller, d/b as Carlsbad Broadcasting Co., Carlsbad, N. Mex.—Construction permit for a new station to be operated on

1210 kc., 100 watts, unlimited time. Amended to change name from Carlsbad Broadcasting Co. to Barney Hubbs, A. J. Crawford, Jack Hawkins and Harold Miller, d/b as Carlsbad Broadcasting Co., and giving exact transmitter site as "La Huerta," approximately 1¼ miles north of Carlsbad, N. Mex.

KYA—Hearst Radio, Inc., San Francisco, Calif.—Construction 1230 permit to install new equipment and increase power from 1 KW to 1 KW, 5 KW day. Amended to make changes in antenna and move transmitter from 1231 Market St., San Francisco, Calif., to Bay View Park, San Francisco, Calif.

KGGM—New Mexico Broadcasting Co., Albuquerque, N. Mex.—1230 Consent to transfer control of corporation from Mrs. A. R. (Goldie) Hebenstreit to A. R. Hebenstreit, 444 shares capital stock.

NEW—The Tribune, Great Falls, Mont.—Construction permit for 1280 a new station to be operated on 950 kc., 1 KW, 5 KW day, unlimited time. Amended to change frequency from 950 kc. to 1280 kc., and request facilities of KFBB.

KERN—The Bee Bakersfield Broadcasting Co., Bakersfield, Calif. 1370 —Voluntary assignment of license from The Bee Bakersfield Broadcasting Co. to McClatchy Broadcasting Co.

KFBK—James McClatchy Co., Sacramento, Calif.—Voluntary assignment of license from James McClatchy Co. to McClatchy Broadcasting Co. 1490

NEW—Louis Wasmer, Inc., Portable-Mobile.—Construction permit for a new general experimental station to be operated on 31100, 34600, 37600, 40600 kc., 2 watts.

NEW—Louis Wasmer, Inc., Portable-Mobile.—Construction permit for a new general experimental station to be operated on 31100, 34600, 37600, 40600 kc., 2 watts.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.

JAMES W. BALDWIN, Managing Director

NAB REPORTS

Copyright, 1936. The National Association of Broadcasters

Special
MAY 5, 1936

REPORT ON COPYRIGHT

There is printed below the full text of the Report and Recommendations of the Managing Director concerning the creation of a Bureau of Copyrights in the NAB as approved by the Board of Directors at a meeting held in Chicago, April 27, 1936.

TO THE MEMBERS OF THE BOARD OF DIRECTORS
OF THE
NATIONAL ASSOCIATION OF BROADCASTERS

By motion passed on February 3, 1936, at your last meeting, you instructed me to prepare and submit to the Board at an early date a detailed plan and program for the establishment and successful operation of a corporation having substantially the same purposes and powers as the Radio Program Foundation. In pursuance of that action I submit the following report. In doing so I want to take formal note of the assistance received from Mr. Walter J. Damm, Milwaukee, Wisconsin, to whom I am indebted for the music classifications contained in the report; also of the advice and counsel received by me from Messrs. Philip G. Loucks and Louis G. Caldwell, Washington, D. C., in formulating the basic principles embodied in the plan.

Part I

Foreword

Broadcasters Have Waged Copyright Fight For Ten Years

For more than ten years the broadcasting industry in the United States has been endeavoring to solve what it calls the copyright problem.

The industry has at different times both supported and opposed copyright legislation in the Congress. It has instituted a lawsuit against the largest group of copyright proprietors in the world and has aided the Government in its suit against this same group. It has waged fierce fights against groups of copyright proprietors over terms and conditions in contracts and over methods of royalty payments. It has attempted on two occasions to establish and operate its own music source. It has expended many thousands of dollars; consumed many hours in discussion; considered many plans and proposals; and adopted many resolutions and reports. But today the problem remains unsolved.

The present copyright laws are antiquated and should be revised. The provision of the present law imposing minimum damages for infringement should be repealed. It is an anomaly in our law. No other nation in the world has a similar provision in its copyright laws. Other changes also are needed. But revision of the law, however favorable to broadcasters, will not in and of itself solve the problem.

A monopoly of music performing rights, if in violation of our laws, should be dissolved by the Government. But dissolution of the monopoly, however sweeping the decree, will not in and of itself solve the problem.

The broadcasting industry has learned one thing from its ten years of fighting. It has learned that it must give more attention to its own business and less to the business of copyright owners. Nobody knows whether the industry is paying too much or too little for its use of copyrighted music. As long as the present situation exists, nobody can find out.

Existing Licensing Agreements Offer No Promise For Solution

Not a single license agreement in existence today holds any promise of a permanent solution of the problem. Not only is this true from the viewpoint of the broadcasters; but it is equally true from the viewpoint of the originator or creator of musical compositions. When broadcasting developed a new market for creative works, it found the author and composer allied with publishers. The publishers are commercial users of musical works in very much the same sense as broadcasters. Unlike conditions of a decade ago, the publisher and broadcaster now compete for the creation of the author and composer. It was simply a fact that the creator had disposed of a part of his valuable performing right to one class of customers before another class had risen to prominence. Broadcasters want, and are willing to pay generously for the works of the creator. Their interest is in the author and composer. They are not concerned with the profits or losses of the publishers or other users.

The problem has been made to appear more difficult than it really is. There are millions of musical compositions now in existence and many more millions will be written. But of the millions of works in existence, less than 800,000 are currently copyrighted in the United States. Of copyrighted and non-copyrighted musical works of all classes, about 35,000 compositions are active, that is, in ordinary day to day use. An average broadcasting station, operating full time, will perform about 75,000 separate selections in a year. If the same composition is performed once a week for fifty-two weeks, a library of 1,500 different compositions would supply the needs of a broadcast station. But

some numbers are performed more frequently and some less frequently, and 1,500 compositions would not be considered by any broadcaster as an adequate repertory. But, contrary to the popular belief, the broadcaster does not need all of the copyrighted music in the world; nor should he be required to pay for such extensive accessibility.

Broadcasting Industry Has Never Measured Actual Musical Needs

The first task of the broadcaster, therefore, is to obtain some estimate of his actual musical needs. Having determined this, he should then set about acquiring on the best terms possible that music which will satisfy his needs. He should not endeavor to influence the price or prices asked by the copyright owner. If the price is disproportionate to the merit or value of a work or works, he has the option to refrain from use. As a member of an industry interested in a never-ending supply of new musical works, the broadcaster is desirous of encouraging the creator. He is interested in encouraging authors and composers to write for radio presentation. He will not forever be interested simply in acquiring performing rights of music written primarily for publication or for the stage, motion picture, dance hall or night club. As an art, broadcasting must develop creations written primarily for radio presentation and adapted to conditions peculiar to broadcasting. Any proper plan devised by broadcasters for the utilization of original creations must inevitably inure to the benefit of authors and composers. The use of such creations should determine the extent of compensation to authors and composers. Merit of such creations should determine the extent of their use.

Music Publishing Industry Custom Has Confused Copyright Ownership

Basic difficulties have faced broadcasters and copyright owners in their attempts to work out a joint solution. Licensing agreements are entirely too vague as to rights conveyed thereunder. Existing agreements say simply to the licensee that in the event you perform a composition, the performing right of which is vested in the licensing group, that no infringement suit will be instituted. These agreements, when carefully analyzed, convey no definite affirmative rights but are more in the nature of forbearance of suits for infringement. This is so because no licensing group of any importance has furnished to its licensees a complete list of the works it owns or controls or has agreed to adequately indemnify the user in all cases where he exercises his best efforts to avoid infringement.

Perhaps one reason for the reluctance or refusal of licensing groups, up to the present time, to make available detailed and complete catalogs and adequately warrant title to all compositions listed therein, is the confusion which has resulted from private contracts between composers or authors and publishers or other users. This confusion is the result of custom in the music publishing industry which obtained before the advent of either broadcasting or sound motion pictures. The publisher may own the performing right or the composer may have reserved that right to himself and parted only with the right of publication. It is not always true, therefore, that a licensee may rely entirely upon the copyright notice imprinted upon the printed copy of a composition.

Until such time as each broadcaster has in his possession a complete catalog of the compositions in day to day use through which he is able to ascertain ownership of the performing rights therein, confusion will continue. Until that time arrives the broadcaster is left with no alternative except to avoid the use of all compositions, the performing right ownership of which is in doubt. With respect to each and every composition performed, the broadcaster must know (a) that he has a right to perform the particular work he is using; (b) that the proper legal or equitable owner has authorized the performance; and (c) that compensation is paid to the legal or equitable owner or his lawfully appointed agent.

Use Should Determine Basis of Compensation To Copyright Owner

Much has been said and written about the so-called "per piece" plan. The plan has been commended as the only sound and scientific method for the licensing of performing rights and, at the same time, it has been condemned as impractical and unworkable. In these discussions mention is seldom made of the fact that so-called "grand rights" are nearly always obtained on a "per piece" or a "per performance" basis. But it is a fact that this method of obtaining "grand rights" has never been extended to the more extensively used "small rights." In existing licensing agreements "grand rights" are specifically withheld and are available in most instances only upon a "per performance" basis.

At the present time broadcasters are at a distinct disadvantage in checking their performances and entering such performances upon their program logs. But if for no other reason than to be in a position to defend against an infringement suit erroneously commenced, the broadcaster must be in a position to make proper entries on his log. This is now virtually impossible and will continue to be impossible until confusion over ownership of performing rights is abated and the stations are in possession of adequate information to check accurately.

It is a condition precedent to the institution of a "per piece," "per performance" or any measured service plan, that each station should have in its possession a complete catalog of the works it is licensed to perform and that accurate entries be kept on program logs at all times. Furthermore, broadcasters have a right to know what they have a right to perform under their licenses. They should not be put to the expensive and almost impossible task of trying to ascertain what they have no right to perform. In no other way can the constant danger of infringement, with its unfairness to both the broadcaster and the copyright owner, be avoided.

Performing Right Responsibility At Program Originating Point

Where a program is originated at a single point for broadcasting over a group of stations, performing rights, with respect to all stations accepting the program, should be cleared at such originating point. This should be so irrespective of whether the originator of the program is a network, transcription or other company.

This should be so because a station broadcasting a network program, for example, does not know, and even by the exercise of the greatest degree of care cannot know, whether the composition next being broadcast is one for which he holds a valid license. Yet if there is included in the program a composition for which the station holds no valid license, the rule seems to be that he is just as liable as the originating station. The liability is the same whether the unlicensed composition occurs in a network or an electrically transcribed program.

Networks and transcription companies exercise the greatest possible care in avoiding the use of compositions for which their affiliated or accepting stations do not hold licenses; but should error occur the station actually broadcasting the number would be liable even though it had no way of knowing in advance that the composition was to be performed or did not know that the particular arrangement or adaptation from which the transcription was made was one for which it had no license.

In the case of network programs you have declared yourselves in favor of clearance of copyright at the source so that only the originating station will be held responsible for infringement and affiliate stations will be under no obligation to secure licenses with respect to such programs or to bear responsibility for any infringements that may occur therein. The same policy should apply with equal force to electrical transcriptions.

Payment of Copyright Royalties Presents Serious Policy Question

The preceding section deals entirely with the matter of responsibility for clearing performing rights. It does not mention by whom payment of the royalties should be made. Custom in the industry is not uniform. Transcription companies, as a general rule, do not clear performing rights. Network companies clear performing rights for affiliates with respect to certain licensing groups but do not do so with respect to the largest and most important group. As a general proposition the station pays the performing right royalties whether the program is supplied by the network or transcription company.

The fee must be paid. Whether the fee should be paid by the network or transcription company for all stations taking a given program; whether it should be paid by the stations individually; or whether it should be divided up among the stations and network or transcription companies, is a serious policy question which is now, and perhaps always must be, a matter of private contract between the stations and originating companies directly concerned.

But this is true. All of the costs which go into program production must be paid by someone. If the originating company is required to add copyright performing fees to its other program production costs then it should have the right to adjust its station agreements to take into consideration this new cost item.

As pointed out before, this is a matter of contract between stations and originating companies. It would seem, however, that no distinction should be made between copyright costs and other items of cost which go into the production of the entire program.

In the final analysis the advertiser pays all of the costs which go into the production and broadcasting of his program; and copyright fees are just as much a part of this program cost as is the cost of talent, telephone lines, recording operations, and other items. In a few instances the copyright fee is passed on to the advertiser as a direct charge but the general practice is otherwise. It may be that the time has arrived when the advertiser should pay for the use made of music in his program as a direct charge and under a system whereby he might have the benefits which will accrue from a market in which copyright owners sell their rights in competition with each other and in which prices are fixed by such competition. This is a question of policy which cannot be answered in this report.

Adequate Financial Support and Competent Personnel Needed

The Board of Directors of the National Association of Broadcasters has authorized the formation of a corporation as the vehicle for perfecting and executing a comprehensive copyright plan designed to effect a solution of the industry's copyright problem. The exact form of the corporation or organization is not discussed in this part of the report. But any corporation or organization created will be confronted with the necessity for raising money and finding competent personnel.

The ultimate object of the plan is to stabilize methods and practices in the performing rights field in so far as those methods and practices affect broadcasting. It seeks to achieve this through the creation of the machinery necessary to make competition among copyright owners effective and at the same time secure to the creators of original works the compensation which their works are able to command in an open and competitive market. It is not proposed that the corporation or organization should enter either the publishing, transcription or licensing businesses unless it becomes necessary to do so in order to achieve its objective. It recognizes that many, if not all, of the proposed functions can be performed by one or more existing agencies and that it would be far more desirable to utilize existing facilities than to duplicate them. At the same time, the plan is complete enough to duplicate any or all of them if that should become necessary.

The plan is divided into three principal parts:

1. Making available to broadcasters a complete and accurate catalog or index of active musical compositions.
2. Creation of a standard library of musical compositions taken, for the most part, from the public domain of music.
3. Establishment of a system for making available to the industry copyrighted musical works on a measured service basis.

Great flexibility should be given to the plan. In its administration it may be found advisable or necessary to eliminate some of the principles; modify others; or develop new ones. Practical considerations should govern each step in its development and wide discretionary powers should be given to its executive officers. Advantage should be taken of every opportunity to utilize existing facilities and the cooperation of copyright owners sought toward this end.

The plan should not be considered as a substitute for pending litigation or legislation except where such litigation or legislation is in direct conflict with the general objectives to be achieved.

Part II

Proposed Plan

1. The organization proposed to be organized under the resolution adopted by the Board of Directors of the National Association of Broadcasters should provide broadcasters with a complete and accurate catalog or index of all active musical compositions based upon minimum library requirements.
2. In the event such catalog or index is found to be unavailable, the organization should undertake a survey of the musical needs of the industry with a view to compiling its own catalog or index based upon minimum library requirements.
3. If it is found necessary to undertake such survey, the study should embrace:
 - A. Analyses of libraries of leading broadcasting companies.
 - B. Analyses of transcription libraries.
 - C. Analyses of the best phonograph collections.
4. From the information obtained from such survey there should be compiled a master index of all active musical compositions.
 - A. Three identical cards should be made for each composition included in the minimum library.
 - B. Each card should list
 - (a) Title of the composition
 - (b) Name of composer or composers
 - (c) Name of author or authors
 - (d) Publisher or copyright owner
 - (e) Date of copyright
 - (f) Name of arranger
 - (g) Licensing group controlling performing right
 - (h) Character of composition
 - (i) Type of composition
 - C. If the composition has been electrically transcribed, the card should also note
 - (a) Name of transcription company
 - (b) Library reference
 - (c) Name or names of performing artists
 - (d) Serial number or other identification
 - D. If the number has been phonographically recorded, the card should note
 - (a) Name of recording company or companies
 - (b) Name or names of performing artists
 - (c) Serial number or numbers
 - (d) Arrangement used, etc.
5. One set of cards in the master index should be filed alphabetically by title of composition.
6. A second set of cards in the master index should be filed by classes or types of composition. The following classifications are suggested:
 - A. Classical orchestrations
 - B. Classical song orchestrations

- C. Popular old dance orchestrations
 - D. Popular new dance orchestrations
 - E. Popular song orchestrations
 - F. Popular song copies
 - G. Classical song copies
 - H. Hillbilly orchestrations
 - I. Special arrangements for particular groups
 - J. Modern impressions
 - K. Brass band
 - a. Concert
 - b. Marches, etc.
 - L. Vocal scores
 - M. Hillbilly song copies
 - N. String ensembles
 - O. Foreign language song copies
7. A third set of cards should be arranged in detailed classifications as an aid to program directors in building programs. An example of this type of classification follows:
- A. Accordion solos and duets
 - African (Indian)
 - Agitatos
 - Air
 - American music
 - Arabian music
 - Argentine
 - Aviation
 - B. Ballets
 - Baritone solos with orch. accomp.
 - Birds (butterfly)
 - Bohemian music
 - Bolero
 - Brass band
 - 1. American marches
 - 2. American patriotic
 - 3. Baritone solos
 - 4. Bass solos
 - 5. Chime solos and Vibra-Harp solos
 - 6. Christmas
 - 7. Clarinet solos, duets, etc.
 - 8. College music
 - 9. Comedy songs
 - 10. Concert
 - 11. Fan Fares
 - 12. Flute solos. Piccolo duets, etc.
 - 13. Fox-trots—popular music
 - 14. Funeral march
 - 15. Galops—one-steps

16. German fox-trots & waltzes
 17. German marches & Polonaise
 18. German songs—vocal
 19. Guitar solos
 20. Horn solos
 21. Laendlers
 22. Lancers, Quadrilles, reels & hornpipes
 23. Mazurkas, Mazurs, Kujawiaki, Oberok & Menuetts
 24. Other foreign marches
 25. Overtures
 26. Polkas, Krakowiaks & Cakewalks
 27. Brass quartets
 28. Religious or Sacred
 29. Schottisches & Barn dances
 30. Tenor solos
 31. Trombone solos
 32. Trios
 33. Trumpet solos, trios & duets
 34. Waltzes—concert-dances
 35. Waltzes—popular-dances
- B. Brigadiers
- C. Canadian music
- Cello solos
- Cello (duets, quartets, trios, etc.)
- Characteristic dances
- Children
- Chinese
- Christmas
- Clarinet solos with orch. accomp.
- College music
- Light concert
- Heavy concert
- Cuban music
- D. Dance (Special rhythmic)
- Dance orchestrations
1. Bird
 2. Children
 3. Comedy
 4. Day
 5. Dream
 6. Eyes
 7. Fall
 8. Flowers
 9. Home
 10. Kiss
 11. Luck
 12. Moon

- 13. Mother
- 14. Name
- 15. Night
- 16. Rain
- 17. Smile
- 18. Spring
- 19. Star
- 20. Summer
- 21. Sun
- 22. Water
- 23. Wedding
- 24. Winter
- Danish music
- Day and night
- Dramatic music
- Dutch
- E. Earth
- Easter
- Egyptian
- English
- F. Fan fares
- Fashions
- Flowers
- Flute solos with orch. accomp.
- Flute and Clarinet duets with orch. accomp.
- Folk songs (American)
- Forest (Woods-trees)
- Fraternal music
- French
- Funeral marches
- G. Galop
- Gavottes
- German
- Grecian music
- H. Hawaiian
- Hill Billy
- Hungarian (Gypsy)
- I. India
- Indian music
- Intermezzo (Humoresque & Caprices)
- Irish
- Italian
- J. Japanese
- Jewish
- K.
- L. Lullaby's
- M. Mazurkas

- Minuettes
- Modern Impressions
- Mother and Father
- Mountains (Hills, Cliffs)
- Musical comedy (Operettas & Comic Opera)
- M. Mysteriosos
- N. New Year
- Nocturne
- Northern music
- Norwegian music
- Novelty
- O. One steps
- Operatic music
- Opera selections
- Oriental music
- Overtures
- Medley overtures
- P. Persian music
- Piano solos
- Piano solos with orch. accomp.
- Piano duets
- Piano duets with orch. accomp.
- Picture tunes
- Polish
- Polkas
- Processional marches
- Q.
- R. Religious
- Reveries (Meditations, Barcolles & Romance)
- Rhapsodies (Fantasias, Paraphrases)
- Rube (Reels, Jigs, Hornpipes, Quadrilles & Lancers)
- Rumbas
- Russian music
- S. Saxophone solos with orch. accomp.
- Schottisches
- Scotch music
- Seasons (Spring, summer, fall & winter)
- Serenades (Berceuses, Idyll)
- Slavonic music
- Classical song orchestrations
- Popular song orchestrations
- South American music
- Southern music
- Spanish music
- Sports
- Standard marches
- Stein songs (Toasts)

- String ensemble
- String quartets
- String trios (Violin, Piano & Cello)
- Suites
- Swedish music
- Swiss music
- Symphonies (Sonatas)
- T. Tangos
- Themes
- Trombone solos, with orch. accomp.
- Trumpet solos with orch. accomp.
- Trumpet duets with orch. accomp.
- Turkish music
- Two steps
- U.
- V. Valse concert
- Viola solos, duets, etc., with piano accomp.
- Violin solos with orch. accomp.
- Violin solos with piano accomp.
- Violin duets with orch. accomp.
- Vocal
 1. Vocal ensemble or chorus
 2. Male quartets
 3. Male trios
 4. Mixed quartets
 5. Trios (Sop., bar. & ten.)
 6. Six voices (Male Quartet, sop. & alto)
 7. Duets (Sop. & bar.)
 8. Duets (Sop. & ten.)
 9. Women's trios
- W. Waltzes (Dance)
- Water (Nautical, Nature)
- Wedding music
- Wood wind music
- Y.
- Z.

8. Information contained in the master index should be made available to all broadcasters.
 - A. The exact form in which the information should be made available should be decided after the master index is completed. It may be advisable to duplicate the three sets of cards or only one set. It may be found advisable to publish the breakdown described in Paragraph 7 in loose-leaf catalog form. Practical considerations of administration and use should govern decision in this step.
9. The master index should be constantly supplemented by cataloging:
 - A. Additional compositions not included in the minimum library.
 - B. Currently published compositions.
10. All or a part of this additional information should be supplied to broadcasters.

11. The organization should equip itself with adequate facilities to supply a copyright checking service to members.
 - A. Obviously, it would be impractical to include in broadcasters' indices the hundreds of thousands of cards listing compositions only occasionally used; but the organization should, as rapidly as possible, build up complete information on the musical literature of the world in order that its checking service will be both complete and accurate.
12. The organization should compile a standard library of music for broadcast stations.
 - A. Compositions included in the standard library should be available to broadcasters for their unlimited use without the payment of performing fees.
 - (a) Such compositions should be taken from the public domain of music by careful selection.
 - B. Compositions in the standard library should be arranged or otherwise adapted to sound or visual broadcasting presentation.
 - (a) Copies of such arrangements or adaptations should be made available to broadcasters.
 - C. Cards for such compositions should be inserted in the master index and duplicates sent to all broadcasters just as in the case of all other compositions. These compositions, however, should be listed on cards of different color in order that they may be readily distinguished from compositions the performance of which requires payment of fees to an individual or licensing group.
 - D. Compositions in the standard library should be electrically transcribed as rapidly as possible through arrangement between the organization and some transcription firm or firms and pressings of such compositions should be made available to all broadcasters.
13. The rights to perform compositions included in the standard library should be unlimited with respect to all broadcasters.
 - A. Disposition of rights, if any, other than rights necessary and proper to the use and maintenance of the library may be disposed of by private contract but no such contract shall in any manner impair the usefulness of the library.
14. The organization should warrant its rights in all compositions included in the standard library and should defend against all claims for infringement and agree to save broadcasters harmless in the event of recovery of judgment for infringement.
15. In addition to its other services, the organization may act as agent for broadcasters in the negotiations for radio rendition or performance rights of any rhapsody, concerto, symphony, or like work, or any opera, operetta, musical comedy, play or similar production which rendition or performance involves the so-called grand rights. Also it may act as agent for any broadcaster with respect to rentals necessary for such renditions or performances.
16. Under proper rules and regulations, the organization may classify broadcasters in accordance with their relative economic status and may provide classifications of musical works, under which rules and regulations copyright owners may list their compositions and set over against each a price per performance for each class of members.
 - A. With respect to compositions listed on a performance basis the organization shall have the power to collect from the broadcaster and pay over to the copyright owner all moneys due from such broadcaster and due to such copyright owner.

- B. Broadcasters shall send periodic statements of performances to the organization, upon request, certifying that the information contained therein is taken from the official program log. Should dispute arise broadcasters may be required to submit their complete official logs.
 - C. Compositions on a performance basis should be listed along with the cost per performance or other cost factor on cards in the master library and duplicates sent to all broadcasters. It may be found advisable to identify such per performances compositions through the use of cards of a different color.
17. The organization should suggest library methods, agreement forms, studio and remote control practices, and supply other information of a detailed nature which will enable broadcasters to minimize library expenses; facilitate their program operations; and avoid use of unowned or unlicensed copyrighted material.

Part III

Organization

In acting on my Report dated February 3, 1936, you approved the following recommendation:

“13. That the need for the immediate establishment of a corporation having substantially the same purposes and powers as the Radio Program Foundation be recognized and that the Managing Director be instructed to prepare and submit to the Board at an early date a detailed plan and program for the establishment of such a corporation and its successful operation.”

Further study and investigation has convinced me that the primary purposes and objectives outlined in this report can be accomplished successfully by a properly manned “Bureau of Copyrights” in the NAB. If such a Bureau is created no legal formalities will be required. The formation of a new corporation, of course, will require compliance with certain legal formalities. The important factor here is the achievement of results and I am now of the opinion that in the beginning, at least, the NAB, without the aid of a separate corporation, can accomplish much in respect of the three principal parts of the plan, namely:

1. Make available to broadcasters a complete and accurate catalog or index of active musical compositions.
2. Creation of a standard library of musical compositions taken, for the most part, from the public domain of music.
3. Establishment of a system for making available to the industry copyrighted musical works on a measured service basis.

Already substantial progress has been made with respect to (1) above. Mr. E. C. Mills, General Manager of the ASCAP, has extended to the NAB, under authority given him by the ASCAP Board of Directors, an invitation to copy their records concerning musical compositions. This invitation has been accepted. Conferences have been held and correspondence has been exchanged concerning minimum data required and the working out of a plan to compile complete information with respect to the musical selections used one or more times on the Network key stations during the years 1934 and 1935. This will make available to broadcasters an index of approximately 25,000 active musical selections and furnish the most important groundwork for the establishment of a per piece or measured service system. A continuing service will be supplied by the NAB which will keep such records up-to-date and provide for a gradual enlargement of the index. The ASCAP invitation imposes two conditions: (1) The NAB will be required to make copies of such index available to any broadcaster whether or not he is a member, and (2) it is to be definitely understood that under no circumstance does the ASCAP warrant or guarantee to others that the information contained in the index is correct.

Also, investigation and study made since the last Board meeting leads to the conclusion that the NAB can provide a standard library (No. 2, above) of musical compositions taken, for the most part, from the public domain. There is music of excellent quality available. It can be supplied through the medium of electrical transcriptions of high quality and at a cost which any station can afford to pay.

Moreover, should experience resulting from practical operation show the need for a separate corporation, the “Bureau of Copyrights” could be incorporated without impeding further progress.

Part IV

Personnel

Adequate provision should be made for the employment of competent personnel to carry the plan into successful operation.

Obviously there should be employed as Director of the Bureau of Copyrights a man of high academic training in music who has had extensive practical experience in the field of copyrights and their use in building radio programs.

Part V

Finances

It must be recognized at the outset that the plan can succeed only if it is adequately financed.

In the beginning it will be necessary only to provide funds for the employment of a Director of the Bureau of Copyrights and his staff; and necessary office space and equipment. But prosecution of the entire plan will require substantial expenditures and ways and means should be provided so that the NAB's income will be sufficient to meet them. This is a matter that must be passed upon by the membership.

Part VI

Conclusion

The plan herein submitted is far from perfect. Undoubtedly it will necessitate extensive revision and amplification in actual administration; but it is proposed as a framework upon which I believe a constructive solution to the industry's copyright problem can be found. It is my opinion that if adopted it will receive wholehearted cooperation from both member and nonmember stations. I am confident that with adequate financial support the plan will succeed. While progress will be slow, I believe that it will materially improve the quality of radio programs. I believe it will result in a new and more equitable formula for the payment for use of copyrighted music whereby authors and composers may be rewarded generously for their creative ability. And I believe that authors and composers ultimately will be encouraged to write music primarily for radio presentation.

I urge its adoption.

Respectfully submitted,

JAMES W. BALDWIN,
Managing Director.

Washington, D. C.
April 27, 1936.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

NAB REPORTS

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DR. AIKEN RETAINED BY NAB

James W. Baldwin, Managing Director, has announced the retention of Dr. Charles B. Aiken to represent NAB at the hearings called by the Federal Communications Commission for June 15.

Dr. Aiken was born in New Orleans in 1902. He has a B.S. degree from Tulane University and an M.S., M.A., and Ph.D. from Harvard. During the summers of 1918-1921 he was a radio marine operator and was assistant operator of Station WAAB, Tulane University, 1922-1923.

In 1926-1928 Dr. Aiken was engaged in the development of apparatus for geophysical exploration and in field work with Mason, Slichter and Hay at Madison, Wis. He was a member of the technical staff of the Bell Telephone Laboratories in 1928-1935. From 1930-1935 he was supervisor in charge of broadcast receiver development and was also engaged in work on aircraft communication, field strength measuring, centralized radio systems, and common frequency broadcasting. He is assistant professor of electrical engineering, in charge of communication, at Purdue University this year, and has obtained a leave of absence to accept the NAB assignment.

Dr. Aiken is the author of papers dealing with amplifiers, detectors, frequency measurement, shared channel broadcasting, synchronized broadcasting, band width and receiver noise, and radio compass for aircraft. He is a member of the Institute of Radio Engineers, American Institute of Electrical Engineers, Phi Beta Kappa, and Sigma Xi.

COURT UPHOLDS FCC

Chief Justice Martin of the United States Court of Appeals of the District of Columbia in a decision handed down this week upheld the Federal Communications Commission in the so-called Head of the Lakes Broadcasting Company case.

In January, 1934, Station KGFK, Moorehead, Minn., filed an application with the Commission to move to Duluth, Minn. The station operated on 1500 kilocycles, 100 watts power, and unlimited time. At the same time the City of Moorehead filed a protest with the Commission on the ground that public interest required that the station remain there. Also, Station WEBC, Superior, Wis., filed a protest on the ground that it would be adversely affected by removal of the station. The case was heard before an Examiner who recommended that KGFK be granted permission to move, which was later approved by the Commission. The Court of Appeals, after reviewing the facts, states "that this decision (of the Commission) is sustained by substantial evidence and that it is not arbitrary or capricious and accordingly it is hereby affirmed."

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

American Box Board Company, Grand Rapids, Mich. (2-2123, Form A-2)

NOTES FOR THE SALES STAFF

Broadcast advertising in March increased 12.6% over the level of the corresponding month of 1935. Radio continues to show the most rapid increase of any major medium over the corresponding periods of previous years. (See Comparison with Other Media, page 1308.)

Regional network and national non-network business continue to show the greatest gains in advertising volume. (See Total Broadcast Advertising, page 1308.)

Electrical transcription and live talent business were the only forms of rendition in the national field to gain as compared with last March. Transcriptions alone increased in the local field. (See Non-network Advertising by Type of Rendition, page 1309.)

Automotive and food advertising throughout all portions of the medium, national non-network and regional network drug advertising and local financial advertising were among the fields showing important gains during the month. (See Comparison with 1935, page 1309.)

American Box Board Company, Grand Rapids, Mich. (2-2124, Form A-2)
Truax-Traer Coal Company, Chicago, Ill. (2-2125, Form A-2)
T. O. Heinrich et al., Richmond, Va. (2-2126, Form D-1)
Bayuk Cigars, Inc., Philadelphia, Pa. (2-2127, Form A-2)
Motherlode Development Corporation, Atlanta, Ga. (2-2128, Form A-1)
Lockheed Aircraft Corporation, Burbank, Calif. (2-2129, Form A-1)
Bliss & Laughlin, Inc., Harvey, Ill. (2-2130, Form A-2)
Seminole Provident Trust, Tulsa, Okla. (2-2131, Form A-1)
A-B Stoves, Inc., Battle Creek, Mich. (2-2132, Form A-1)

FCC AMENDS RULE 106.18

The Federal Communications Commission has announced the adoption of the following revision of its Rule 106.18:

Rule 106.18. Subpenas requiring the attendance and testimony of witnesses, and subpoenas requiring the production of any books, papers, schedules of charges, contracts, agreements, and documents relating to any matter under investigation or hearing may be signed and issued as follows:

- (1) Hearings before the Commission en banc:
By any Commissioner.
- (2) Hearings before a Division:
By a member of the Division.
- (3) Hearings before a Director:
(a) By a member of the Division which authorized the hearing.
(b) When a Director of any Division has been designated to hear testimony in any case such Director may sign and issue subpoenas in that case.
- (4) Hearings before an Examiner:
(a) By a member of the Division which authorized the hearing.
(b) When an examiner has been designated to hear a case, he may sign and issue subpoenas in that case.
(c) By the Chief Examiner or the Assistant Chief Examiner.

No subpoena shall be signed or issued in any event without recommendation thereon in advance by the Law Department; Provided, however, that if a hearing is held in the field and no representative of the Law Department is in attendance, examination and recommendation by the Law Department in advance shall not be required.

NEW MEXICAN STATIONS PLANNED

According to the monthly Bulletin of the U. I. R., the construction of the following stations in Mexico is planned for 1936:

		Kilowatts	Kilocycles
Matamorow	XEQ	5	1010
Villa Acuna	XER	150	630
Atzacapotzalco	XEMG	0,007	1060
Ensenda	XEAN	0.2	1000
Tijuana	XEPO	0,25	1060
San Luis Polosi	XEFH	0,25	1250
Mexico	XEBZ	0.1	820
Mexico	XENC	0,05	810

RECOMMENDS DENIAL OF RICHMOND APPLICATIONS

Broadcasting Station WMBG, Richmond, Va., requested authority of the Federal Communications Commission to change its frequency from 1210 to 1350 kilocycles, increase its power from 100 watts night and 250 watts LS, to 500 watts, hours of operation unlimited, and to change its transmitter site.

At the same time the Century Broadcasting Company, Inc., applied to the Commission for authority to establish a new station at Richmond, to use 1470 kilocycles, 100 watts power, and daytime operation only.

Examiner John P. Bramhall, in Report No. I-222, recommended that both of the applications be denied. In connection with the application of WMBG the Examiner found that there are some pending applications which involve the question of interference. Also the state and zone are overquota and that area is already being sufficiently served by radio.

The Examiner found in connection with the Century Company application that the need for additional daytime service was not shown in the area proposed to be served and the granting of the application would not be in the public interest.

BROADCAST ADVERTISING IN MARCH

Developments of the Month

Broadcast advertising in March experienced the usual seasonal up-swing. Gross time sales of the medium totaled \$9,332,368 and were 14.6% above the February level. Radio broadcast advertising continued to show increases over the corresponding month of the preceding year and was 12.6% greater than in March 1935.

Regional network and national non-network advertising continued to show the greatest gains as compared to the preceding year. National network increases continued to taper off gradually, while local broadcast advertising showed confused tendencies. March volume in the latter field declined below the 1935 level.

Other than farm papers, radio broadcast advertising experienced the greatest gains during the month as compared to the corresponding period of the previous year. National farm paper volume increased 39.6% over the March 1935 level.

Increases in non-network revenue were fairly even throughout the entire medium as compared to March of last year. Regional station volume showed the most pronounced increases as compared to the previous month. Non-network advertising in the South and Middle Western States continued to show the greatest gains over the previous year's volume.

While announcement volume showed the greatest increase as compared to February, electrical transcription and live talent business were the only forms of rendition to show gains over March 1935. In the national non-network field, announcement volume experienced the most important increase over the preceding year's level, though it was closely seconded by both transcriptions and live talent programs. Transcription programs were

the only ones to show gains in the local field as compared to March of last year.

The most important gains in the national network field, as compared to March 1935, occurred in the automotive, accessory and cosmetic fields. Drug advertising fell off to a marked degree as did confectionery and household equipment volume.

Gains were fairly general throughout the regional network field, with drug, food, confectionery, household equipment and soap and kitchen supply volume showing the most marked increases.

Automotive, accessory, drug, food, beverage and household equipment advertising experienced the most important increases as compared to March of the previous year in the case of national non-network advertising. Trends were confused in local broadcast advertising. Principal gains included automotive, food and financial advertising. Retail broadcast advertising increased 3.5% over the March 1935 level.

Total Broadcast Advertising

Total broadcast advertising over stations and networks during the month under review is set forth in Table I.

TABLE I

TOTAL BROADCAST ADVERTISING

Class of Business	1936 Gross Time Sales		
	February	March	Cumulative Jan.-Mar.
National networks.....	\$4,785,804	\$5,400,252	\$14,926,616
Regional networks.....	92,432	112,546	300,318
National non-network.....	1,946,650	2,097,400	5,670,550
Local	1,316,950	1,722,170	4,611,880
Total	\$8,141,836	\$9,332,368	\$25,509,364

Total broadcast advertising volume increased 14.6% as compared to the preceding month. National network advertising rose 12.8% and regional network volume 21.8%. National non-network volume gained 7.7% as compared to February and local broadcast advertising rose 30.8%.

Compared to March 1935, radio advertising as a whole gained 12.6%. Principal increases occurred in the regional network and national non-network fields, the respective volume of which rose 45.5% and 42.6%. Local broadcast advertising declined 5.2% as compared to the corresponding month of last year.

Comparison with Other Media

Advertising volume placed in national media during March is found in Table II.

TABLE II

ADVERTISING BY MAJOR MEDIA

Advertising Medium	1936 Gross Time and Space Sales		
	February	March	Cumulative Jan.Mar.
Radio broadcasting.....	\$8,141,836	\$9,332,368	\$25,509,364
National magazines ¹	11,240,096	13,481,404	32,977,625
National farm papers ¹	657,717	746,502	1,826,218
Newspapers ²	36,511,000	48,242,000	124,033,000
Total	\$56,550,649	\$71,802,274	\$184,346,207

¹ Publishers' Information Bureau.

² Estimated.

Newspaper advertising showed the greatest increase in volume of any medium as compared to the preceding month, rising 32.1%. National magazine advertising increased 19.9%, while farm paper volume rose 13.5%.

The greatest increase as compared to March of last year occurred in the national farm paper field. Advertising revenues for this type of medium rose 39.6% as compared to March 1935. National magazine volume gained 9.2% and newspaper volume 5.8%.

Non-network Advertising

Non-network advertising as a whole rose 17.0% as compared to February of the current year and 16.2% over the level of March of the preceding year.

Regional stations experienced the greatest rise in non-network volume as compared to the preceding month. Non-network advertising for this class of transmitter rose 26.3%. Clear channel and high-powered regional station volume increased 13.2% over the preceding month, while local station volume rose 7.3%.

Gains were fairly general as compared to March of the previous year and were as follows: Clear channel and high-powered regional stations 15.9%, regional stations 15.7%, local stations 18.7%.

Broadcast advertising by power of station is found in Table III.

TABLE III

NON-NETWORK ADVERTISING BY POWER OF STATION

Power of Station	1936 Gross Time Sales		
	February	March	Cumulative Jan.-Mar.
Over 1,000 watts	\$1,580,270	\$1,788,350	\$4,858,520
250-1,000 watts	1,185,180	1,496,880	3,903,180
100 watts	498,150	534,340	1,520,730
Total	\$3,263,600	\$3,819,570	\$10,282,430

As compared to the previous month, non-network advertising rose most markedly in the New England-Middle Atlantic Area. Non-network revenues gained 34.9% in this district. Other gains were as follows: South Atlantic-South Central district, 12.0%; North Central States, 11.4%; Mountain and Pacific Area, 15.6%.

Non-network gains continued to be most pronounced in the South and Mid-Western portions of the country as compared to the preceding year. Non-network advertising rose 47.0% above the March 1935 level in the South Atlantic-South Central Area and 21.1% in the North Central Area. Mountain and Pacific State volume rose 5.8%, while New England-Middle Atlantic State non-network business declined 0.5%.

Non-network advertising by geographical areas is set forth in Table IV.

TABLE V

NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

Type of Rendition	National Non-network		1936 Gross Time Sales		Local		Total		Cumulative Jan.-Mar.
	February	March	February	March	February	March	February	March	
Electrical transcriptions	\$694,775	\$789,680	\$118,995	\$156,660	\$813,770	\$946,340	\$2,549,570		
Live talent programs	994,530	989,380	715,770	953,490	1,710,300	1,942,870	5,280,140		
Records	2,670	7,980	53,430	62,700	56,100	70,680	183,970		
Announcements	254,675	310,360	428,755	549,320	683,430	859,680	2,268,750		
Total	\$1,946,650	\$2,097,400	\$1,316,950	\$1,722,170	\$3,263,600	\$3,819,570	\$10,282,430		

Sponsor Trends in March

March broadcast advertising experienced the usual seasonal upswing. Principal gains in the national network field included the following: automotive, cosmetics, food and household equipment. The most important decline was one of 11.4% in drug and pharmaceutical volume. Accessory, beverage, soap and kitchen supply and tobacco advertising showed the greatest gains as compared to February in the regional network field. Increases were fairly general with regard to national non-network advertising, with household equipment and soap and kitchen supply volume leading the field. Local automotive, accessory, clothing, beverage and household equipment volume experienced material increases during the month.

Comparison with March 1935

Principal increases in the national network field as compared to the corresponding month of last year were as follows: automotive 34.3%, accessory 32.0%, cosmetics 24.1%, tobacco 18.3%. Drug and pharmaceutical advertising declined 38.9%, due principally to the application of the new network policies regarding this form of

TABLE IV

NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

Geographical District	1936 Gross Time Sales		
	February	March	Cumulative Jan.-Mar.
New England-Middle Atlantic Area	\$659,400	\$889,700	\$2,235,450
South Atlantic-South Central Area	676,600	757,660	2,065,670
North Central Area	1,324,000	1,474,330	4,084,730
Pacific and Mountain Area	603,600	697,880	1,896,580
Total	\$3,263,600	\$3,819,570	\$10,282,430

Non-network Volume by Type of Rendition

Gains were general with regard to all types of rendition as compared to February. Announcement volume rose 25.8%, record 26.0%, live talent business 13.6%, and electrical transcriptions 16.3%.

In the national field, transcription volume rose 13.7% above the February level, while announcements increased 21.9%. Live talent business remained comparatively unchanged, rising 0.5%.

Local transcription volume rose 31.7% above the February level, while live talent business gained 33.2%. Records increased 17.3% and announcements 28.1%.

Transcription and live talent business were the only types of rendition to increase in volume as compared to March 1935. The former rose 50.9% and the latter 19.0%. Record volume declined 6.8% and announcements 9.6%.

In the national field, all forms of rendition rose materially as compared to March of the preceding year. Announcement volume increased 72.3%, transcriptions 56.5%, and live talent programs 47.1%. In the local field, transcription volume alone experienced a gain, rising 28.1%. Announcements declined 17.0% below the March 1935 level, record volume dropped 12.1%, and live talent business 0.8%.

National non-network and local broadcast volume by type of rendition is found in Table V.

radio sponsorship. Other declines of importance were as follows: clothing 43.5%, confectionery 37.5%, and household equipment 55.3%.

Principal gains in the regional network field included an approximate twelve-fold increase in drug and pharmaceutical volume, a rise of 44.2% in food advertising, a marked increase in confectionery, household equipment and soap and kitchen supply business. Several declines of minor importance occurred in the regional field.

Gains were quite general throughout the national non-network field. Principal among them were the following: automotive 101.8%, accessory 72.2%, drug and pharmaceuticals 26.3%, food stuffs 58.5%, beverages 37.6%, household equipment 44.4%, and tobacco 37.9%. The most important decline was one of 23.0% in confectionery volume.

Local broadcast advertising trends were highly confused. The most important gains were one of 56.6% in the automotive field and a rise of 56.7% in food volume. Clothing advertising declined 1.7%, while household equipment volume dropped 5.3%. Department and general store business decreased 11.6% as compared to March of last year. Broadcast advertising volume during March by national and local sponsoring groups is found in Table VI.

TABLE VI
RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS
(March, 1936)

<i>Type of Sponsoring Business</i>	<i>National Networks</i>	<i>Regional Networks</i>	<i>Gross Time Sales</i>		<i>Total</i>
			<i>National Non-network</i>	<i>Local</i>	
1a. Amusements	—	—	\$14,100	\$31,000	\$45,100
1-2. Automobiles and accessories:					
(1) Automobiles	\$428,475	—	233,620	115,470	777,565
(2) Accessories, gas and oil	447,904	\$11,867	155,000	69,320	684,091
3. Clothing and apparel	42,878	348	44,290	248,500	336,016
4-5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals	444,822	14,265	499,800	65,400	1,024,287
(5) Toilet goods	1,161,925	2,260	120,250	21,920	1,306,355
6-8. Food products:					
(6) Foodstuffs	1,047,245	30,990	433,490	227,970	1,739,695
(7) Beverages	332,042	5,953	44,500	82,290	464,785
(8) Confections	120,640	5,893	56,300	4,080	186,913
9-10. Household goods:					
(9) Household equipment and furnishings	51,948	5,017	79,020	188,900	324,885
(10) Soap and kitchen supplies	320,492	9,942	60,000	11,880	402,314
11. Insurance and financial	52,885	535	27,620	87,730	168,770
12. Radios	121,340	—	11,300	15,940	148,580
13. Retail establishments	—	728	13,180	129,820	143,728
14. Tobacco products	380,415	9,240	43,660	4,500	437,815
15. Miscellaneous	447,241	15,508	261,270	417,450	1,141,469
Total	\$5,400,252	\$112,546	\$2,097,400	\$1,722,170	\$9,332,368

Details as to trends in the various fields of sponsorship are as follows:

1a. **Amusements.** National non-network volume 138.6% above February. Local up 38.5%. Compared to March 1935, national non-network up ninefold and local down 30.3%.

1. **Automotive.** Gains compared to February as follows: National network 15.8%, national non-network 0.4%, local 38.5%. Increases as against March 1935 as follows: National network 34.3%, national non-network 101.8%, local 56.6%.

2. **Gasoline and accessories.** Increases over February as follows: National network 8.9%, regional network 31.4%, national non-network 16.2%, local 39.8%. National network 32.0% above the March 1935 level. Regional network volume up 35.0% and national non-network 72.2%. Local down 3.7%.

3. **Clothing.** Compared to February, gains as follows: National network 25.8%, national non-network 10.1%, local 62.0%. Regional network down 43.5%. Declines from March 1935 level as follows: National network 43.5%, regional network 86.1%, and local 1.7%. National non-network up 81.3%.

4. **Drugs and pharmaceuticals.** National network volume 11.4% under February. Other gains as follows: Regional network 5.8%, national non-network 10.5%, local 0.8%. Regional network volume twelve times that of last March and national non-network up 26.3%. National network volume down 38.9% and local 36.5%.

5. **Toilet goods.** National network volume 19.0% ahead of February. Regional network down 32.7%. National non-network up 0.8% and local 17.8%. National network advertising 24.1% above last March and national non-network up 24.5%. Regional network volume down 71.2% and local 81.1%.

6. **Foodstuffs.** Gains over February as follows: National network 24.3%, regional network 3.9%, national non-network 18.7%, local 18.8%. Gains as compared to March of preceding year as follows: National network 6.0%, regional network 44.2%, national non-network 58.5%, local 56.7%.

7. **Beverages.** National network 11.1% below February and national non-network down 40.7%. Regional network up 40.9% and local 32.4%. Gains over March 1935 as follows: National network 16.6%, national non-network 37.6%, local 13.9%.

8. **Confectionery.** National network 13.3% above February. Regional network up 29.2% and national non-network 24.4%. Local down 3.3%. Declines as against March of preceding year as follows: National network 37.5%, national non-network 23.0%, local 60.9%. Regional network up 100.4%.

9. **Household equipment.** Gains over February as follows: National network 41.8%, regional network 11.1%, national non-network 22.7%, local 55.1%. National network 55.3% below pre-

vious March and local down 5.3%. Regional network up 241.8% and national non-network 44.4%.

10. **Soap and kitchen supplies.** Gains over February as follows: National network 19.8%, regional network 89.2%, national non-network 65.8%, local 362.3%. Increases as compared to last March as follows: National network 14.0%, regional network 138.2%, national non-network 29.6%, local 149.6%.

11. **Insurance and financial.** National network 8.9% above February and local up 43.9%. Regional network down 26.8% and national network 30.3%. Increases over preceding March as follows: National network 26.3%, regional network 30.5%, national non-network 102.4%, local 29.5%.

12. **Radio.** National network 25.3% over February and local up 47.6%. National non-network down 31.1%. Increases as compared to corresponding month of previous year as follows: National network 27.7%, national non-network 296.5%, local 18.8%.

13. **Department and general stores.** National non-network volume 31.0% below February. Local up 32.5%. Compared to March 1935, national non-network up 90.2% and local down 11.6%. Total down 6.5%.

14. **Tobacco products.** National network volume 12.3% over February. Regional network up 51.7%, national non-network 23.6%. Local down 27.4%. Gains as against last March as follows: National network 18.3%, regional network 12.5%, national non-network 37.9%. Local down 37.5%.

15. **Miscellaneous.** Gains compared to February as follows: National network 17.2%, regional network 44.5%, local 18.7%. National non-network down 5.4%. National network volume 120.2% ahead of March of last year. National non-network up 23.5%. Regional network down 3.6% and local 17.9%.

Retail Broadcast Advertising

Total retail broadcast advertising increased 34.2% as compared to the preceding month. Principal gains occurred in the automotive, filling station, retail clothing and house furnishing fields.

Radio advertising by retail establishments exceeded the March 1935 level by 3.5%. Gains were as follows: Automotive 70.7%, clothing 6.0%, grocery and delicatessen stores 75.4%, restaurants 25.7%, radio dealers 17.3%. Declines as compared to the preceding March were as follows: Filling stations and accessory stores 39.3%, drug stores 10.7%, beauty parlors 36.1%, beverage retailers 67.4%, confectionery stores 49.2%, household equipment dealers 17.1%, furniture stores 2.9%, hardware retailers 29.7%, department stores 6.5%, and miscellaneous establishments 6.2%. Broadcast advertising by retail establishments will be found in Table VII.

TABLE VII
RETAIL BROADCAST ADVERTISING OVER
INDIVIDUAL STATIONS

<i>Type of Sponsoring Business</i>	<i>1936 Gross Time Sales</i>	
	<i>February</i>	<i>March</i>
Automobiles and accessories:		
Automobile agencies and used car dealers	\$101,170	\$127,110
Gasoline stations, garages, etc.....	22,995	45,100
Clothing and apparel shops.....	167,900	264,000
Drugs and toilet goods:		
Drug stores	21,020	14,020
Beauty parlors	5,280	7,210
Food products:		
Grocery stores, meat markets, etc.....	62,920	81,370
Restaurants and eating places.....	23,280	20,370
Beverage retailers	5,320	1,100
Confectionery stores	1,700	1,320
Household goods:		
Household equipment dealers.....	31,710	44,960
Furniture stores	70,810	106,060
Hardware stores	6,750	13,800
Radio retailers	7,580	15,900
Department and general stores.....	117,095	143,728
Tobacco shops	625	125
Miscellaneous	78,920	86,870
Total	\$725,075	\$973,043

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

No. 2779. Charging unfair disparagement of competitors' products in violation of the Federal Trade Commission Act, a complaint has been issued against **Sterling Products Corporation**, 118-120 East 25th St., New York City, trading as **Paul Hartmann Agency**, and engaged in selling surgical instruments and supplies at wholesale and retail.

The respondent company is alleged to have made assertions in catalogues and circulars to the effect that ethyl chloride tubes, ethyl chloride, distilled water and glass ampules sold by competitors were either "German-made" goods or were not "100 per cent American products," and originated, in whole or in part, in Germany. These representations, according to the complaint, were not true, as many of these products offered for sale on the American market were wholly American-made goods.

Nos. 2783-2784. Under complaints issued, the **Smoked Products Co.** and **The Smoked Salt Co., Inc.**, both of Cincinnati, and **Pennsylvania Salt Manufacturing Co.** and **General Laboratories, Inc.**, both of Philadelphia, are charged with unfair competition in the use of the term "smoked salt" in advertising their salt products and in describing the effects of their process.

The different respondents are alleged to have advertised their "Old Hickory Smoked Salt" by phrases such as "Curing with Old Hickory Smoked Salt gives that same delicious flavor which has made Virginia hams famous throughout the world," and "The curing salt that puts actual hickory smoke into your meats." The respondents are said to have advertised that their salt is exposed to smoke "just like meat is exposed to smoke in old-fashioned smoke houses," when, according to the complaint, this is not true.

No. 2785. The **American Lawn Mower Corporation**, trading as **Richmond School Furniture Co.**, 18th St., Muncie, Ind., is named respondent in a complaint alleging unfair methods of competition in the sale of "Litho Plate" blackboards to the toy trade, and to a limited extent to schools.

The company allegedly advertises that its blackboards are unbreakable, are "better than slate," and that their surfaces are "slated" and not painted. The complaint charges that the respondent's blackboards are breakable, are not superior to slate, and the surfaces are painted.

According to the complaint, the writing surface is twenty-seven thousandths of an inch in thickness and contains such a minute quantity of slate flour that use of the term "slated surface" in advertising misleads and deceives purchasers.

No. 2787. Unfair methods of competition in the sale of furs and fur garments are alleged in a complaint issued against **Bernard**

Licht, trading as **Licht's Fur Factory**, 102 West 29th St., New York City.

Licht is alleged to represent in radio broadcasts and advertising matter that he is the owner of a factory and the manufacturer of the fur garments he sells, that he carries in stock thousands of such garments, and that the purchasers of his products avoid the middleman's profit, thereby realizing savings of as much as 50 per cent, when, according to the complaint, such assertions are not true.

As to the respondent's purported representations that he repairs without charge garments bought from him and provides free storage for the same, the complaint alleges that the amount of "free" repairs furnished is very limited, that he charges for materials necessary to make repairs, and that he does not give free storage, but charges customers for insurance against fire, burglary and theft on furs and fur garments stored by such customers.

No. 2788. **Duro-Test Corporation**, 583 Broadway, New York City, is named respondent in a complaint alleging unfair competition in the sale of incandescent lamps.

The respondent corporation, through its canvassers and in advertising matter, allegedly misrepresents that its lamps actually possess the electro-motive power and force indicated by the number of watts and volts marked thereon; that they are guaranteed to have a life performance of 2,000 hours, or to give service for a year, and to test correctly as to rated watts, volts and lumens; and that they produce more luminosity, consume less current, and are more economical than the lamps of competitors.

In connection with such alleged misrepresentations, the canvassers, for purposes of comparison, the complaint charges, demonstrate lamps of the respondent and those of competitors by operating them on a multiple socket, with the result that it is made to appear to purchasers that the respondent's lamps, marked falsely as to the number of watts and volts, use less current and produce the same amount, or more, of light, and at lower cost of operation than the lamps of competitors correctly marked with an equal or greater number of watts and volts.

No. 2789. A complaint has been issued charging **The Leader Novelty Candy Co., Inc.**, 23 Marcy Ave., Brooklyn, with unfair methods of competition.

This respondent company is alleged to have made representations in trade literature to the effect that it controls and operates factories and manufactures the candy it sells, when, according to the complaint, these are not the facts.

These representations, it is alleged, have a tendency to cause customers to believe that the respondent company is a manufacturer and that by dealing with it they eliminate the profits of middlemen and obtain other advantages not available in buying from a selling agency or middleman.

No. 2790. False representations in the sale of specially built shoes designed for ill-formed feet are alleged in a complaint against **Dr. H. B. Norton Shoe Co., Inc.**, trading as **The Foot Health Institute**, 1619 Chestnut St., Philadelphia. The complaint, charging violation of Section 5 of the Federal Trade Commission Act, also names as respondents **Dr. H. B. Norton** and **Benjamin Weinstein**, officers and owners of the controlling stock in the corporation.

The respondents are said to use the radio for the major portion of their advertising, and in broadcasts allegedly represent, among other things, that 90 per cent of all ordinary foot troubles are caused by ill-fitting shoes and can be successfully treated or cured by use of the respondents' shoes; that the respondents' shoes cure or relieve sufferers from arthritis, neuritis, lumbago or rheumatism to such an extent as to enable them to walk in absolute comfort; that 87 different bodily ailments result from feet that are not in good health, and that curvature of the spine and twisted pelvis can be caused by bad feet improperly fitted with shoes. According to the complaint, such assertions are grossly exaggerated and untrue.

No. 2791. Use of false and misleading advertising on the part of **Remsen Corporation**, 70 Pine St., New York City, in the sale of "Aspirin + Plus," is the basis of a complaint charging that corporation with unfair methods of competition in violation of Section 5 of the Federal Trade Commission Act.

The complaint alleges that the respondent corporation, in radio broadcasts and in other ways, represents that its product is a newer form of aspirin; that it combines aspirin with other ingredients which doctors say are necessary for quick, safe action; that it is the exact prescription many leading physicians always give when they prescribe aspirin, and that it is the safest and quickest way to relieve pain, and gives better results and more lasting relief.

No. 2792. Charging unfair competition in the sale of a book entitled "How to be Always Well," used in promoting the sale of health foods made in Canada and sold there and in the United States, a complaint has been issued against **Dr. Robert G. Jackson**,

trading under the name **Jackson Publishing Co.**, with offices in **Buffalo, N. Y.**

In advertisements, the respondent is alleged to have represented that the book offers the key to perfect health, "years in which you can have the energy and vitality of a 30-year-old"; immunity from sickness and disease, even such minor ailments as colds; freedom from "tiredness, edginess and nerves," and a new way to live, a way that will banish sickness and disease and add many active years to life.

These representations are alleged to have no foundation in fact, as, it is charged, there is no known system of diet, exercise or hygiene, or all three combined, which, if used, offers complete immunity from sickness and disease, and which will add 25 or more years to human life.

No. 2793. Premier Peat Moss Corporation, 150 Nassau St., New York City, is named respondent in a complaint charging unfair competition in the sale of imported peat moss. The respondent company is said to be the principal importer and distributor of Swedish peat moss in the United States.

The complaint points out that peat moss consists of vegetable matter partially decomposed in water, and that because of its great water-absorbing and moisture-retaining capacities, it is extensively used as a soil conditioner. A controlling influence in the sale of competing varieties of this product, according to the complaint, is the comparative weight, quality, absorbing capacity, and ash and moisture content.

Representations of the respondent company are alleged to have deceived purchasers into buying Swedish peat moss in preference to German peat moss under the erroneous belief that the United States Department of Agriculture recommends Swedish as preferable to German peat moss; that the New York State Experiment Station, Geneva, N. Y., demonstrated that the Swedish product's absorbing capacity is 25 per cent higher than that of the German; that ash content of Swedish moss is 40 per cent less than that of the German; that State experiment stations in New Haven, Conn., and Amherst, Mass., have made tests showing that Swedish peat moss contains 33 per cent less moisture than the German product, and affords savings in weight. These and other representations of like character, made in disparagement of German peat moss, were not true, according to the complaint.

No. 2794. Charging unfair representations in the sale of hosiery, a complaint has been issued against **Charles W. Cromer**, trading under the name of **Shalwin Hosiery Mills, Hagerstown, Md.**

Hosiery sold by this respondent company is alleged to have been marked in a manner tending to deceive buyers into believing that it was made in large part of silk and was of a quality and price higher than was actually the case.

In one type of men's hosiery, the top, heel, toe and sole were made of cotton and the remaining part of a mixture of rayon and silk, each thread consisting approximately of 60 per cent rayon and 40 per cent silk, according to the complaint. This article was alleged to have been marked as "Rayon-Reinforcing—Two threads pure silk." Among other markings alleged to have been used to designate respondent company's products were: "Pure Thread Silk—Reinforced with fine rayon—made in U. S. A."; "Shalwin—New Style split-foot Silk Hose are made of the finest materials and will give the wearer complete satisfaction," and "Pure thread silk—reinforced with art silk made in U. S. A."

No. 2796. Charging unfair competition in the sale of lumber products, a complaint has been issued against **Lumber Mills Co.**, 11 South LaSalle St., Chicago, alleging misrepresentation of the company's business and products.

Selling and distributing sash, windows, doors, molding, and other wood mill work, the respondent company is charged with using the word "Mills" in its corporate name on letterheads, order blanks, and other business literature when it is not itself a manufacturer, but engages solely in selling and distributing products.

The complaint points out that many wholesale and retail purchasers of wood products prefer to deal directly with a manufacturer because of closer prices, superior quality, and other advantages, and that the respondent's representations of itself as a manufacturer tend to deceive buyers.

Stipulations

The Commission has issued the following cease and desist orders and stipulations.

No. 2158. W. A. Sheaffer Pen Co., of Fort Madison, Iowa, under an order to cease and desist, is directed to discontinue a resale price maintenance policy in violation of the Federal Trade Commission Act.

In the sale of fountain pens, automatic pencils, ink, desk sets and kindred articles, the respondent company is ordered to stop entering into contracts, agreements or understandings with its dealer purchasers to the effect that Sheaffer products are not to be advertised or sold at retail at prices less than those specified or fixed by the respondent company.

Under the order, the respondent company's resale price policy is not to be effected by promises or assurances on the part of purchasers to the respondent company or by cooperative methods between the respondent company and its dealers.

No. 2551. Under an order entered, the **Chicago Silk Co.**, 421 South Wells St., Chicago, has been directed to cease and desist from selling or disposing of hosiery or lingerie, free of charge, or at varying prices, by lot or chance.

The order requires the respondent company to discontinue selling its products by the use of push or punch cards. It also prohibits the company from supplying, mailing, or shipping to members of the public push or punch cards so prepared or printed as to enable such persons, by the use thereof, to sell hosiery or lingerie.

No. 2572. Under an order to cease and desist issued against **Samuel Horowitz**, trading as **Commercial Silk Co.**, New York City, he is directed to discontinue representing, by use of his trade name or through advertising literature, that he is a manufacturer, mill operator, or mill owner.

Engaged in the sale and distribution of silk greige goods and finished silk, the respondent is alleged to have advertised his business as that of a manufacturer.

FTC DISMISSES CASE

No. 2343. The Federal Trade Commission announces it had vacated and set aside an order to cease and desist, issued January 30, 1936, against **Rossett Manufacturing Corporation**, 8 Astor Place, New York City, engaged in the sale of hats and caps. The order had directed cessation of the representation that the respondent company was a manufacturer.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Tuesday, May 12

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Continental Radio Co., Toledo, Ohio.—C. P., 1200 kc., 100 watts, daytime.

WALR—WALR Broadcasting Corp., Zanesville, Ohio.—C. P. to move to Toledo, Ohio; 1210 kc., 100 watts, unlimited time.

NEW—Community Broadcasting Co., Toledo, Ohio.—C. P., 1200 kc., 100 watts, daytime.

Wednesday, May 13

WTJS—The Sun Publishing Co., Inc., Jackson, Tenn.—C. P., 920 kc., 250 watts, 500 watts LS, unlimited time. Present assignment: 1310 kc., 100 watts, 250 watts LS, unlimited time.

Thursday, May 14

KGDE—Charles L. Jaren, Fergus Falls, Minn.—Renewal of license, 1200 kc., 100 watts, 250 watts LS, unlimited time.

KRNT—Iowa Broadcasting Co., Des Moines, Iowa.—C. P., 1320 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 1320 kc., 500 watts, 1 KW LS, unlimited time.

Friday, May 15

NEW—Albert Lea Broadcasting Corp., Albert Lea, Minn.—C. P., 1200 kc., 100 watts, unlimited time.

NEW—Winona Radio Service, Winona, Minn.—C. P., 1200 kc., 100 watts, unlimited time.

NEW—Daily News Corporation, St. Paul, Minn.—C. P., 1370 kc., 100 watts, unlimited time.

NEW—Fred A. Baxter, Superior, Wis.—C. P., 1200 kc., 100 watts, unlimited time.

NEW—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—C. P., 1200 kc., 100 watts, unlimited time.

APPLICATIONS GRANTED

WKBB—Sanders Bros. Radio Station, East Dubuque, Ill.—Granted C. P. to install new equipment.

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—Granted C. P. to move transmitter approximately 70 feet, install new equipment, and increase day power from 2½ KW to 5 KW.

WCAO—Monumental Radio Co., Baltimore, Md.—Granted C. P. to rebuild entirely auxiliary equipment to comply with Rule 132 and move same 60 feet from present site to site of main transmitter, using 250 watts for auxiliary purposes only.

KFPY—Symons Broadcasting Co., Spokane, Wash.—Granted C. P. to move transmitter and approve vertical radiator and transmitter site.

KVOA—Arizona Broadcasting Co., Inc., Tucson, Ariz.—Granted C. P. to make changes in equipment.

WREC—WREC, Inc., Rochester, N. Y.—Granted modification of C. P. approving antenna and transmitter site at Mt. Read Blvd., ½ mile north of Lyell Ave., Rochester; extend commencement date to 60 days after grant and completion date to 6 months thereafter.

WTRC—The Truth Publishing Co., Inc., Elkhart, Ind.—Granted modification of C. P. approving antenna system and transmitting equipment and move of transmitter to junction of State Highway 19 and Mishawaka Road, Elkhart.

WRJN—Racine Broadcasting Corp., Racine, Wis.—Granted modification of C. P. to install new equipment and extend commencement date to 30 days after grant, and completion date to 180 days thereafter.

WBEN—WBEN, Inc., Buffalo, N. Y.—Granted modification of C. P. approving antenna and transmitter site at R. F. D. No. 2, near Martinsville, N. Y.

WOC—Tri-City Broadcasting Co., Davenport, Iowa.—Granted authority to make changes in automatic frequency control equipment.

WWJ—Evening News Assn., Inc., Detroit, Mich.—Granted license to cover C. P. authorizing local move of transmitter, installing new equipment, and increasing day power to 5 KW; 920 kc., 1 KW night, unlimited time. Also granted authority to determine operating power by direct measurement of antenna input in compliance with terms of Rule 137.

WTAG—Worcester Telegram Pub. Co., Inc., Worcester, Mass.—Granted license to cover C. P. authorizing installation of new equipment; 580 kc., 500 watts, unlimited time.

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Granted license to use old W.E. transmitter for auxiliary purposes only.

WQAM—Miami Broadcasting Co., Miami, Fla.—Granted license to cover C. P. authorizing installation of new equipment.

WQAN—E. J. Lynett (Prop., The Scranton Times), Scranton, Pa.—Granted consent to voluntary assignment of license to the Scranton Times (copartnership), E. J. Lynett, Wm. R. Lynett, Elizabeth R. Lynett, Edw. J. Lynett, Jr.

KNOW—KUT Broadcasting Co., Austin, Tex.—Granted authority to transfer control of corporation from Southwest Broadcasting Co. to Hearst Radio, Inc. (present assignment: 1500 kc., 100 watts, unlimited time).

KTSA—Southwest Broadcasting Co., San Antonio, Tex.—Granted consent to voluntary assignment of license to KTSA Broadcasting Company.

WOV—International Broadcasting Corp., New York, N. Y.—Granted authority to install new automatic frequency control equipment.

W6XKG—Ben S. McGlashan, Los Angeles, Calif.—Granted C. P. to make changes in equipment and increase power from 100 watts to 1 KW.

W4XBZ—Radio Station WSOC, Inc., Portable-Mobile (Charlotte, N. C.)—Granted license to cover C. P. (broadcast pickup station), frequencies 31100, 34600, 37600 and 40600 kc., 7 watts.

KNED—Carter Publications, Inc., Portable-Mobile (Fort Worth, Tex.)—Granted license to cover C. P. (temporary broadcast pickup), frequencies 1606, 2020, 2102 and 2760 kc., 50 watts.

KABB—Don Lee Broadcasting System, Portable-Mobile (San Francisco)—Granted license to cover C. P. for new broadcast pickup station, frequencies 1646, 2090, 2190 and 2830 kc., 100 watts.

W10XCT—Shepard Broadcasting Service, Inc., Portable-Mobile (Boston, Mass.)—Granted license to cover C. P. authorizing changes in equipment and increase power from 2 watts to 100 watts.

W8XEO—Harold F. Gross, M. Bliss Keeler, L. A. Versluis, d/b as Capital City Broadcasting Co., Portable-Mobile (Lansing,

Mich.)—Granted license to cover C. P. for broadcast pickup station, frequencies 31100, 34600, 37600 and 40600 kc., 15 watts.

W3XER—Philco Radio & Television Corp., Philadelphia, Pa.—Granted license to cover C. P. for new special experimental station to be used for experimental transmission of the associated synchronized sound of visual broadcast station, frequencies 42000-56000 kc. and 60000-86000 kc., 250 watts.

SET FOR HEARING

NEW—Telegraph Herald, Dubuque, Iowa.—Application for C. P. for new station, 1340 kc., 500 watts, daytime. Site to be determined.

NEW—Advertiser Pub. Co., Ltd., Honolulu, T. H.—Application for C. P. for new station, 1370 kc., 100 watts, unlimited time.

NEW—Harry J. Grant, Milwaukee, Wis.—Application for C. P. for new station, 1010 kc., 250 watts night, 500 watts day, unlimited time. Site to be determined.

WCKY—L. B. Wilson, Inc., Covington, Ky.—Application for C. P. to install new equipment and increase power from 5 KW to 50 KW.

WHO—Central Broadcasting Co., Des Moines, Iowa.—Special experimental authorization to install new equipment, increase power from 50 KW to 500 KW for period ending August 1, 1936. (To be heard by Broadcast Division.)

WGL—F. C. Zeig (Allen-Wayne Co.), Fort Wayne, Ind.—Application for voluntary assignment of license of station WGL from Fred C. Zeig to Westinghouse Electric & Mfg. Co.

WJZ—National Broadcasting Co., Inc., New York City.—Application for C. P. to install new equipment, move transmitter to site to be determined, install new radiator, and increase power from 50 KW to 500 KW. To be heard by Broadcast Division.

KOMA—National Radio Mfg. Co., Oklahoma City, Okla.—Application for consent to voluntary assignment of license to Hearst Radio, Inc.

WACO—Central Texas Broadcasting Co., Inc., Waco, Tex.—Application for consent to voluntary assignment of license to KTSA Broadcasting Co.

KTAT—KTAT Broadcast Co., Inc., Fort Worth, Tex.—Application for consent to voluntary assignment of license from KTAT Broadcast Co., Inc., to Raymond E. Buck.

ORAL ARGUMENTS GRANTED

NEW—Ex. Rep. 1-214: Winona Broadcasting Co., Emmons L. Abeles, Secy., Winona, Minn.—Oral argument to be held September 10, 1936, involving applications for stations at Mankato, Ft. Dodge, Iowa; Clinton, Iowa; Hastings, Nebr.; Grand Island, Nebr.; Appleton, Wis.; and Wausau, Wis.

WPAR—Ex. Rep. 1-215: Ohio Valley Broadcasting Corp., Parkersburg, W. Va.—Oral argument to be held September 10, 1936.

NEW—Ex. Rep. 1-216: Mason City Broadcast Co., Mason City, Iowa.—Oral argument to be held June 11, 1936, involving applications of Northern Iowa Broadcasting Co., Mason City Globe-Gazette Co. and Mason City Broadcast Co.

ACTION ON EXAMINERS' REPORTS

WNEW—Ex. Rep. 1-79: Wodaam Corp., Newark, N. J.—Denied modification of license to increase daytime power from 2½ KW to 5 KW; 1250 kc., 1 KW night. Share with WNBI. Examiner R. L. Walker reversed. Order effective August 25, 1936.

WNBF—Ex. Rep. 1-88: Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—Denied special experimental authority to operate on 1240 kc.; 500 watts, 1 KW-LS, unlimited time, make changes in equipment and move transmitter. Examiner Bramhall sustained. Order effective Sept. 1, 1936.

NEW—Ex. Rep. 1-116: Knox Broadcasting Co., Inc., Schenectady, N. Y.—Denied (Commissioner Prall dissenting) C. P. for new station to operate on 1240 kc., 1 KW; unlimited time. Examiner P. W. Seward reversed. Order effective Sept. 1, 1936.

NEW—Ex. Rep. 1-117: Wayne Broadcasting Co., Hamtramck, Mich.—Denied (Commissioner Prall dissenting), C. P. for new broadcast station to operate on 1370 kc., 100 watts; daytime. Examiner P. W. Seward reversed. Order effective Sept. 1, 1936.

NEW—Ex. Rep. 1-126: Utah Radio Educational Society, Walter P. Monson, Jr., Pres., Salt Lake City, Utah—Denied C. P.

for new station to operate on 1450 kc., 1 KW, unlimited time. Examiner Geo. H. Hill sustained.

NEW—Louis H. Callister, Provo, Utah—Dismissed with prejudice, application for C. P. for new station to operate on 1200 kc., 100 watts; unlimited time. Examiner sustained.

NEW—Paul Q. Callister, Salt Lake City, Utah—Denied C. P. for new station to operate on 1370 kc., 100 watts, unlimited time. Examiner sustained.

NEW—Great Western Broadcasting Assn., Inc., Logan, Utah—Denied C. P. for new station to operate on 1500 kc., 100 watts, unlimited time. Examiner sustained.

NEW—Great Western Broadcasting Assn., Inc., Provo, Utah—Denied C. P. for new station to operate on 1210 kc., 100 watts, unlimited time. Examiner reversed.

NEW—Munn Q. Cannon, Logan, Utah—Dismissed with prejudice C. P. for new station to operate on 1210 kc., 100 watts, unlimited time. Examiner sustained.

NEW—Ex. Rep. 1-126: Jack Powers, Frank C. Carman, David G. Smith & Grant Wrathall, d/b as Utah Broadcasting Co., Salt Lake City, Utah—Granted C. P. for new station to operate on 1500 kc., 100 watts, unlimited time. Examiner sustained.

NEW—Cache Valley Broadcasting Service Co., J. A. & J. M. Reeder & L. R. Jensen, Logan, Utah—Denied C. P. for new station to operate on 1370 kc., 100 watts, unlimited time. Examiner sustained. Order in above cases effective Sept. 8, 1936.

NEW—Ex. Rep. 1-130—Dudley J. Connolly, Elliot Knight, Roy W. Knight & Fred Sullivan, d/b as Dudley J. Connolly & Co., Chattanooga, Tenn.—Denied C. P. for new station to operate on 1200 kc., 100 watts, daytime. Examiner P. W. Seward reversed. Order effective Sept. 8, 1936.

NEW—Ex. Rep. 1-163: Paul R. Heitmeyer, Salt Lake City, Utah—Denied C. P. for new broadcast station to operate on 1210 kc., 100 watts, unlimited time. Examiner Seward reversed. Order effective Sept. 15, 1936.

NEW—Ex. Rep. 1-165: Fla. West Coast Broadcasting Co., Inc., Tampa, Fla.—Denied C. P. for new broadcast station to operate on 1370 kc., 100 watts, unlimited time. Examiner Bramhall sustained. Order effective Sept. 22, 1936.

NEW—Ex. Rep. 1-168: W. A. Patterson, Chattanooga, Tenn.—Granted C. P. for new station to operate on 1420 kc., 100 watts, daytime. Examiner Geo. H. Hill sustained. Order effective Sept. 8, 1936.

NEW—Ex. Rep. 1-171: Herbert Lee Blye, Lima, Ohio—Granted C. P. for new broadcast station to operate on 1210 kc., 100 watts, daytime. (Transmitter site to be determined). Examiner Dalberg sustained. Order effective Sept. 29, 1936.

NEW—Ex. Rep. 1-173: Wyo. Radio Educational Assn. (Lester G. Baker, Pres.) Cheyenne, Wyo.—Denied C. P. for new station to operate on 630 kc., 500 watts night, 1 KW day, unlimited time. Examiner Seward sustained.

NEW—Paul R. Heitmeyer, Cheyenne, Wyo.—Denied C. P. for new station to operate on 1210 kc., 100 watts night, 250 watts day; unlimited time. Examiner Seward reversed. Order effective Sept. 29, 1936.

NEW—Ex. Rep. 1-207: Champaign News-Gazette, Inc., Champaign, Ill.—Granted C. P. for new station to operate on 1370 kc., 100 watts, daytime. Examiner Geo. H. Hill sustained. Order effective August 18, 1936.

NEW—Ex. Rep. 1-211: Alfred C. Matthews, Cape May, N. J.—Denied C. P. for new broadcast station to operate on 1420 kc., 100 watts, specified hours. Examiner Bramhall sustained. Order effective August 25, 1936.

ACTION ON APPLICATIONS HEARD BY BROADCAST DIVISION

NEW—Portland Broadcasting System, Inc., Portland, Maine—Granted C. P. for new station to operate on 640 kc., 500 watts, limited time, using directional antenna. Order effective June 16, 1936.

WOI—Iowa State College of Agriculture & Mechanic Arts College Campus, Iowa—Granted renewal of license; 640 kc., 5 KW; daytime hours.

NEW—Kunsky-Trendle Broadcasting Corp., Detroit, Mich.—Denied C. P. for new station to operate on 640 kc., 10 KW, unlimited time. Directional antenna after sunset at Los Angeles, non-directional antenna during daytime.

NEW—Irving D. Sisson, Pittsfield, Mass.—Denied C. P. for new station to operate on 640 kc., 1 KW. Daytime hours.

NEW—Eastland Company, Portland, Me.—Denied C. P. for new station to operate on 640 kc., 100 watts; daytime to sunset at Cleveland, but if application of WJAY for 640 kc. denied, daytime to sunset at Los Angeles (Fac. WRDO).

WAIU—Associated Radiocasting Corp., Columbus, Ohio—Denied modification of license to change frequency from 640 to 570 kc.; change power from 500 watts to 750 watts night, 1 KW day; change time from Ltd. to specified hours now assigned to WKBN.

KFUO—Evangelical Lutheran Synod, etc., Clayton, Mo.—Denied modification of license to change frequency from 550 to 640 kc.; increase power from 500 watts night, 1 KW day, to 1 KW; change hours of operation from sharing with KSD to specified. (Hours not used by WOI during daytime, and to operate from LS to sunset at Los Angeles; part facilities of WOI.)

WORC—Alfred Frank Kleindienst, Worcester, Mass.—Denied modification of license to change frequency from 1200 kc. to 640 kc.; increase power from 100 watts to 500 watts. Unlimited time.

WAAB—Bay State Broadcasting Corp., Boston, Mass.—Denied C. P. to move transmitter; increase power from 500 watts to 5 KW; change frequency from 1410 to 640 kc.; install new equipment; unlimited time. Directional antenna.

WFLA-WSUN—Clearwater Chamber of Commerce, St. Petersburg Chamber of Commerce, Clearwater, Fla.—Denied special experimental authority to install new equipment; change frequency from 620 to 640 kc.; increase power from 250 watts night, 500 watts day, to 5 KW; unlimited time. Directional antenna.

WJAY—Cleveland Radio Broadcasting Corp., Cleveland, Ohio—Denied modification of license to change frequency from 610 to 640 kc.; change power from 500 watts day to 500 watts; change time of operation from daytime to limited.

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio—Denied C. P. to move transmitter locally; change frequency from 570 to 610 kc.; change equipment and power from 500 watts to 500 watts night, 1 KW day; change time from specified hours to unlimited. Directional antenna after sunset Youngstown.

WRDO—WRDO, Inc., Augusta, Maine—Granted renewal of license; 1370 kc., 100 watts; unlimited time. Order in all above cases effective June 16, 1936.

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Granted renewal of license; 830 kc., 1 KW daytime. Dismissed application for modification of license to operate with power of 1 KW until sunset at Denver, and 500 watts thereafter, unlimited time. Order effective Oct. 6, 1936.

WNAC—Shepard Broadcasting Service, Inc., Boston, Mass.—Denied C. P. to make changes in equipment; change location of transmitter; change frequency from 1230 to 830 kc., increase power from 1 KW night, 2½ KW day, to 5 KW unlimited time. (Facilities of WHDH.)

WEEU—Berks Broadcasting Co., Reading, Pa.—Denied modification of license to change power from 1 KW day to 500 watts night, 1 KW day, and change hours of operation from daytime to unlimited, 830 kc. Order effective Oct. 6, 1936.

WINS—American Radio News Corp., New York City, N. Y.—Denied special experimental authority to use power of 5 KW instead of 500 watts; unlimited time instead of limited; install new equipment. Order effective Oct. 13, 1936.

WDGY—Dr. Geo. W. Young, Minneapolis, Minn.—Denied C. P. to make changes in equipment, move transmitter, install directional antenna, and change hours of operation from limited to unlimited; 1180 kc., 1 KW night, 5 KW-LS. Order effective Oct. 13, 1936.

MISCELLANEOUS

WBAA—Purdue University, W. Lafayette, Ind.—Reconsidered and granted application for modification of license authorizing specified hours of operation on its present frequency of 890 kc., given some additional daytime heretofore used by WILL which has been authorized by the Commission to move from 890 to 580 kc., effective May 5, 1936.

WOW—Woodmen of the World Life Ins. Co., Omaha, Nebr.—Granted motion to reconsider and reopen application of WKZO, Inc., to move station locally, change power from 1 KW day, to 250 watts night, 1 KW day, and from daytime to unlimited operation. Grant made on Feb. 8, 1936.

but effective date was heretofore postponed until May 29, 1936.

KWKC—Charlotte Duncan, Kansas City, Mo.—Granted motion asking that Charlotte Duncan be substituted as party applicant in application of Wilson Duncan, d/b as Wilson Duncan Broadcasting Co., for renewal of license of KWKC.

Kunsky Trendle Broadcasting Corp., Detroit, Mich.—Denied special petition asking Commission to have application considered for use of frequency of 990 kc., in lieu of 640 kc., and for authority to use a 3 unit directional antenna.

Continental Radio Co., Toledo, Ohio—Denied motion for enlargement of issues on hearing and for reconsideration in part, concerning application of WALR to move from Zanesville to Toledo, Ohio, WALR application to proceed to hearing as at present scheduled upon protest of WJIM.

Jesse H. Jay, Miami Beach, Fla.—Denied petition for reconsideration and grant of application for C. P. for new station to operate on 1500 kc., 100 watts, unlimited.

Edward Hoffman, St. Paul, Minn.—Granted petition to intervene and be made a party to proceedings on application of WISE Broadcasting Co., an application for new broadcast station at St. Paul, Minn., to operate on 630 kc., 250 watts, unlimited time.

Virgil V. Evans, Spartanburg, S. C.—Accepted answer of this respondent to appearance and statement of facts of Sun Publishing Co., Inc. (WTJS).

Fred A. Baxter, Superior, Wisc.—Granted order to take depositions in support of application for new station at Superior, Wisc.

Memphis Commercial Appeal, Inc., Memphis, Tenn.—Granted motion for postponement of hearing on application for C. P. now scheduled for May 30, 1936, for new station at Mobile, Ala.

KGBZ—KGBZ Broadcasting Co., York, Nebr.—Granted motion asking Commission to postpone effective date of its order denying KGBZ renewal of license; effective date changed from May 8 to May 22, 1936.

KWKC (Now KCMO)—Charlotte Duncan, Administratrix, Kansas City, Mo.—Redesignated for hearing application for consent to assign license from Wilson Duncan, deceased, to Lester E. Cox and Thos. L. Evans, since application was amended recently to add a new partner. Also redesignated for hearing application of Charlotte Duncan, administratrix, Lester E. Cox and Thos. L. Evans for authority to install new equipment, move transmitter and studio and change hours of operation to unlimited.

KHSL—Golden Empire Broadcasting Co., Chico, Calif.—Granted petition asking leave to amend its application so as to ask for new frequency originally asked for 630 kc., amended to 1260 kc.

Thomas L. Evans & J. L. Milligan, Jackson, Tenn.—Granted petition to intervene as respondents in re application of WTJS, Sun Publishing Co., Inc., for increase of power from 100 watts to 250 watts night, and from 250 watts day to 500 watts day.

Southwest Broadcasting Co., Prescott, Ariz.—Granted order to take depositions in support of application for C. P. for establishment of a broadcast station at Prescott, to operate on 1500 kc., 100 watts night, 250 watts LS, unlimited time.

Nathan N. Bauer, Miami, Fla.—Granted order to take depositions in support of his application for C. P. for new station to operate on 1420 kc., 100 watts, unlimited.

Earl Weir, St. Petersburg, Fla.—Granted order to take depositions in support of application for C. P. for new station at St. Petersburg, Fla., to operate on 1370 kc., 100 watts, unlimited time.

Herbert Lee Blye, Lima, Ohio—Granted amended position to intervene in proceedings of application of WALR to move from Zanesville to Toledo, Ohio.

Mason City Globe Gazette Co., Mason City, Iowa—Questions raised by motion as to the sufficiency of exceptions to Examiner's Report 1-216, to be considered in connection with other questions involved in the oral argument fixed for June 11, after which all the matters will be disposed of together.

APPLICATION DENIED

Uvalde Chamber of Commerce, Uvalde, Tex.—Denied authority to transmit special Uvalde programs by remote control over station XEPN, Piedras Negras, Mexico, from 12:15 to 12:45 p. m. and from 8:45 to 9 p. m., CST, May 7 and 8, 1936.

APPLICATIONS DISMISSED

The following application, heretofore set for hearing, was dismissed for failure of applicant to answer form letter adopted by Broadcast Division requiring applicants to signify their desire to be heard within 10 days after receipt of said form letter:

KFKA—Mid-Western Radio Corp.—Applied for modification of license, 880 kc., 1 KW, shares time with KPOF.

The following applications, heretofore set for hearing, were dismissed at request of applicants:

KJR—Fisher's Blend Station, Inc. (Lessee), Seattle, Wash.—Applied for C. P., 970 kc., 10 KW, unlimited time.

NEW—Foreign Lands Corp., Honolulu, T. H.—Applied for C. P., 600 kc., 1 KW, unlimited time.

NEW—Isadore Goldwasser, Tuscaloosa, Ala.—Applied for C. P., 1370 kc., 100 watts, unlimited time.

NEW—Ellwood W. Lippincott, Bend, Ore.—Applied for C. P., 1500 kc., 100 watts, unlimited time.

NEW—H. L. Corley, Trinidad, Colo.—Applied for C. P., 1370 kc., 100 watts, unlimited time.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KADA, Ada, Okla.; **KASA**, Elk City, Okla.; **KCRJ**, Jerome, Ariz.; **KDLR**, Devils Lake, N. Dak.; **KFJI**, Klamath Falls, Ore.; **KFOR**, Lincoln, Nebr.; **KFPW**, Fort Smith, Ark.; **KFVS**, Cape Girardeau, Mo.; **KFXJ**, Grand Junction, Colo.; **KFXM**, San Bernardino, Calif.; **KFXX**, Oklahoma City, Okla.; **KGBX**, Springfield, Mo.; **KGCX**, Wolf Point, Mont.; **KGEK**, Sterling, Colo.; **KGEZ**, Kalispell, Mont.; **KGFJ**, Los Angeles, Calif.; **KGFW**, Kearney, Nebr.; **KGHI**, Little Rock, Ark.; **KINY**, Juneau, Alaska; **KIT**, Yakima, Wash.; **KIUL**, Garden City, Kans.; **KMED**, Medford, Ore.; **KPPC**, Pasadena, Calif.; **KRMD**, Shreveport, La.; **KSUN**, Lowell, Ariz.; **KTSH**, El Paso, Tex.; **KVOL**, Lafayette, La.; **KVOS**, Ardmore, Okla.; **KWG**, Stockton, Calif.; **KXRO**, Aberdeen, Wash.; **WABI**, Bangor, Maine; **WALR**, Zanesville, Ohio; **WBAX**, Wilkes-Barre, Pa.; **WBBL**, Richmond, Va.; **WBOW**, Terre Haute, Ind.; **WBRB**, Red Bank, N. J.; **WBRE**, Wilkes-Barre, Pa.; **WCAT**, Rapid City, S. Dak.; **WCLO**, Janesville, Wis.; **WCLS**, Joliet, Ill.; **WCPO**, Cincinnati, Ohio; **WEBQ**, Harrisburg, Ill.; **WEMP**, Milwaukee, Wis.; **WEST**, Easton, Pa.; **WEXL**, Royal Oak, Mich.; **WFAS**, White Plains, N. Y.; **WFDF**, Flint, Mich.; **WGBB**, Freeport, N. Y.; **WGH**, Newport News, Va.; **WGNV**, Chester Township, N. Y.; **WHAT**, Philadelphia; **WHBU**, Anderson, Ind.; **WJAC**, Johnstown, Pa.; **WJBY**, Gadsden, Ala.; **WJIM**, Lansing, Mich.; **WJW**, Akron, Ohio; **WKBO**, Harrisburg, Pa.; **WLBC**, Muncie, Ind.; **WLNH**, Laconia, N. H.; **WLVA**, Lynchburg, Va.; **WMFR**, High Point, N. C.; **WMPC**, Lapeer, Mich.; **WOL**, Washington, D. C.; **WOMT**, Manitowoc, Wis.; **WPAX**, Thomasville, Ga.; **WSBC**, Chicago; **WSIX**, Springfield, Tenn.; **WSOC**, Charlotte, N. C.; **WTJS**, Jackson, Tenn.; **WTAX**, Springfield, Ill.; **WBEO**, Marquette, Mich.

APPLICATIONS RECEIVED

First Zone

NEW—Fred J. Hart, Honolulu, T. H.—Construction permit for a 600 new station to be operated on 600 kc., 250 watts, unlimited time.

WREC—WREC, Inc., Memphis, Tenn.—License to cover construction permit (B1-P-161) as modified for new equipment, move of transmitter, increase in power, and to use directional antenna night.

WREC—WREC, Inc., Memphis, Tenn.—Authority to determine 600 operating power by direct measurement of antenna.

WICC—The Southern Connecticut Broadcasting Corp., Bridgeport, 600 Conn.—Modification of license to change hours of operation from specified hours to unlimited time. Requests facilities of WCAC.

WTHT—The Hartford Times, Inc., Hartford, Conn.—Modification 1200 of construction permit (B1-P-360) for a new station, requesting change of hours of operation from daytime to unlimited, using 100 watts power. Requests facilities of WNRI.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—1280 Construction permit to make changes in equipment (antenna).

Second Zone

NEW—Voice of Detroit, Inc., Detroit, Mich.—Construction permit for a new station to be operated on 1140 kc., 500 watts,

1 KW day, unlimited time. Amended to change frequency from 1140 kc. to 1120 kc. and transmitter and studio sites from Detroit, Mich., to site to be determined, Detroit, Mich.

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Modification of construction permit (B2-P-838) for changes in equipment and increase in power, requesting further changes in equipment and extend commencement date from 5-17-36 to 2 months after grant and completion date to 6 months thereafter.

WGH—Hampton Roads Broadcasting Corp., Newport News, Va.—Construction permit to install a vertical antenna and move transmitter from 4th Floor, Warwick Hotel, 2400 West Avenue (Waterfront), Newport News, Va., to Jefferson Avenue, end, Newport News, Va.

NEW—The Exponent Co., Clarksburg, W. Va.—Construction permit for a new station to be operated on 1370 kc., 100 watts, daytime.

WHK—Radio Air Service Corp., Cleveland, Ohio.—License to use 1390 old W.E. D-87737 as an auxiliary transmitter.

Third Zone

WPTF—WPTF Radio Co., Raleigh, N. C.—Authority to determine operating power by direct measurement of antenna (1-KW auxiliary equipment).

WSPA—Virgil V. Evans, d/b as The Voice of South Carolina, Spartanburg, S. C.—Construction permit to install a new transmitter, erect a vertical antenna and increase power from 1 KW to 5 KW.

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—License to cover construction permit (B3-P-872) for move of transmitter and install new antenna.

WRR—City of Dallas Texas, Dallas, Tex.—License to cover construction permit (B3-P-889) as modified for new equipment and move of transmitter.

NEW—The Sherman Broadcasting Assn. (J. B. Knight, Pres.), Sherman, Tex.—Construction permit for a new station to be operated on 1310 kc., 100 watts, daytime (request of attorney).

NEW—Asheville Daily News (Harold H. Thoms, owner), Asheville, N. C.—Construction permit for a new station to be operated on 1400 kc., 100 watts, unlimited time. Amended to change frequency from 1400 kc. to 1370 kc.

Fourth Zone

WGN—WGN, Inc., Chicago, Ill.—Construction permit to install new equipment; increase power from 50 KW to 500 KW; move transmitter from Villa Road, about 4 miles east of Elgin, Ill., to site to be determined; equipment also to be determined.

WCLO—Gazette Printing Co., Janesville, Wis.—Modification of construction permit (B4-P-1038) for changes in equipment and increase in power, requesting approval of antenna and exact transmitter site at 1436 S. Oakhill Avenue, Janesville, Wis.

WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Modification of construction permit (B4-P-438) for changes in equipment and increase of power, requesting further changes in equipment.

NEW—Hannibal Broadcasting Co., Hannibal, Mo.—Construction permit for a new station to be operated on 1310 kc., 100 watts, unlimited time. Amended giving exact transmitter site as 120 E. Broadway, Hannibal, Mo.

WMBH—Joplin Broadcasting Co., Joplin, Mo.—Construction permit to make changes in equipment; install directional antenna for night use; change frequency from 1420 kc. to 1380 kc.; increase power from 100 watts, 250 watts day, to 500 watts; move transmitter from 1334 Roosevelt Ave., Joplin, Mo., to 1 mile east of city limits of Joplin, Mo., and studio from 1334 Roosevelt Ave., Joplin, Mo., to 401 Main Street, Keystone Hotel, Joplin, Mo.

KGNF—Great Plains Broadcasting Co. (a corporation), North Platte, Nebr.—Construction permit to make changes in equipment.

Fifth Zone

KLZ—KLZ Broadcasting Co., Denver, Colo.—Modification of construction permit (5-P-B-3274) for new equipment, increase in power, and move of transmitter, requesting changes in equipment and extension of commencement and completion dates. (Application resubmitted in new name.)

KFPY—Symons Broadcasting Co., Spokane, Wash.—Authority to transfer control of corporation from Symons Investment Co. to T. W. Symons, Jr., 164-2/3 shares common stock.

KIT—Carl E. Haymond, Yakima, Wash.—Construction permit to install a new transmitter; erect a vertical antenna; change frequency from 1310 kc. to 1250 kc.; increase power from 100 watts, 250 watts day, to 250 watts, 500 watts day; and move transmitter from 109½ East Yakima Ave., Yakima, Wash., to site to be determined, Yakima, Wash.

KERN—The Bee Bakersfield Broadcasting Co., Bakersfield, Calif.—Construction permit to install a new transmitter and erect a new antenna.

NEW—The Southwest Broadcasting Co., La Junta, Colo.—Construction permit for a new station to be operated on 1370 kc., 100 watts, unlimited time.

KICA—Western Broadcasters, Inc., Clovis, N. Mex.—Modification of license to change hours of operation from specified hours to unlimited time.

KWYO—Big Horn Broadcasting Co., Inc., Sheridan, Wyo.—Construction permit to make changes in equipment; erect a vertical antenna; increase power from 100 watts, 250 watts day; and move transmitter from corner Adair and West Fourth Streets, Sheridan, Wyo., to 1.2 miles north of Sheridan, Wyo.

NEW—Geo. P. Allison and Thos. R. Waters, Jr., d/b as Skagit Broadcasting Assn., Whitney, Wash.—Construction permit for a new station on 1420 kc., 100 watts, unlimited time.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

NAB REPORTS

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BROADCAST ADVERTISING: FIRST QUARTER 1936

Developments of the Month

Broadcast advertising during the first quarter of the current year totaled \$25,509,364, a gain of 11.4% over the corresponding period of 1935. Indications point to the beginning of the stabilization of radio advertising at a post-depression level, in that the aforementioned growth in volume is comparable to one of 19.6% for the first quarter of the preceding year as against the corresponding three months of 1934.

Principal gains during the period under consideration occurred in the regional network and national non-network fields, in keeping with the trends in evidence during the major portion of the past year. National network and local broadcast advertising gained but slightly over the corresponding months of 1935.

Radio continued to show the greatest rate of increase among major media, though it was surpassed with national farm papers, whose volume rose 37.0% as compared to the corresponding period of 1935.

Regional stations showed the greatest gains in non-network volume, reflecting the rise in national non-network business. The South and Middle West continued to experience the most pronounced rise in non-network advertising.

Electrical transcriptions led the field as far as type of rendition was concerned. This was true in both national non-network and local broadcast advertising. Live talent volume gained, while record and announcement business declined as compared to the corresponding quarter of the previous year.

Accessory and gasoline, beverage and tobacco advertising experienced important increases in the national network field. A rise of 117.9% in the miscellaneous classification indicated a continued trend toward more diversified use of network advertising. Drug advertising declined 31.7% as a result of network policies in this field, while confectionery and household equipment advertising also declined materially.

Gains were general in the regional network field, with drug, food, beverage, tobacco and soap and kitchen supply advertising showing the most important increases. Gains likewise were general in the national non-network field, with automotive, food, beverage and tobacco volume experiencing the most significant rise. Local broadcast advertising showed confused tendencies, with automotive volume leading the increases and drug advertising showing the most important decline.

Total Broadcast Advertising

Total broadcast advertising during the first quarter of the current year is set forth in Table I.

TABLE I

TOTAL BROADCAST ADVERTISING VOLUME

Class of Business	Gross Time Sales First Quarter	
	1935	1936
National networks	\$14,107,206	\$14,926,616
Regional networks	193,299	300,318
National non-network	4,035,182	5,670,550
Local	4,545,023	4,611,880
Total	\$22,880,710	\$25,509,364

Compared to a gain of 11.4% on the part of the medium as a whole, national network advertising increased 5.8% as compared to the corresponding three months of the preceding year. National network volume seems particularly to be approaching a point of stabilization, since this gain is comparable to a rise of 23.9% during the first three months of last year as against the same period of 1934.

National non-network volume rose 40.5% as against the same quarter of 1935, while regional network advertising increased 55.9%. Gains in 1935 over the corresponding period of the preceding year averaged in the neighborhood of 10.0%. Local broadcast advertising rose but 1.5% as compared to a 1935 increase of 13.3%.

Composition of Broadcast Advertising

The marked rise of regional network and national non-network advertising has changed the composition of the medium's business to an interesting degree. Whereas national network volume during the first quarter of 1935 comprised 61.3% of the gross billings of the medium, it comprised but 58.5% during the corresponding months of the current year. Regional network volume increased from 0.8% of the medium's total, while national non-network advertising rose from 17.3% to 22.2%. Local broadcast advertising, on the other hand, declined in importance from 20.6% to 18.1%. This constituted a further decline in relative importance from 22.0% during the first quarter of 1934.

Comparison with Other Media

Advertising volume in major media during the period under consideration is found in Table II.

TABLE II

ADVERTISING VOLUME BY MAJOR MEDIA

Advertising Medium	Gross Time and Space Sales First Quarter	
	1935	1936
Radio broadcasting	\$22,880,710	\$25,509,364
National magazines ¹	30,968,794	32,977,625
National farm papers ¹	1,333,264	1,826,218
Newspapers ²	117,474,000	124,033,000
Total	\$172,656,768	\$184,346,207

¹ Publishers' Information Bureau.

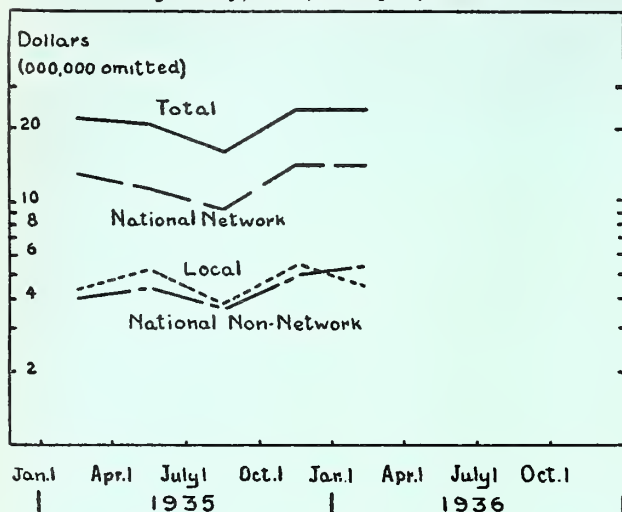
² Estimated.

Compared to a rise of 11.4% in broadcast advertising during the period under consideration, national magazine volume increased 6.5%, while newspaper lineage rose 5.6%. National farm paper volume showed the greatest relative increase, rising 37.0% above the level of the first quarter of 1935.

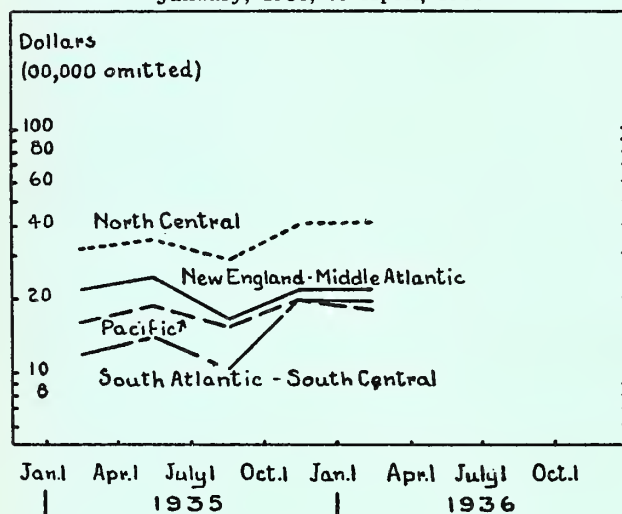
Non-network Advertising

General non-network advertising rose 19.7% during the period under consideration. As noted previously, national non-network advertising was responsible for practically all of this gain. Regional stations experienced the most marked increase in non-network advertising, and in doing so reflected the rising national non-network volume. Non-network revenues for this class of transmitter rose 20.2% as compared to the corresponding period

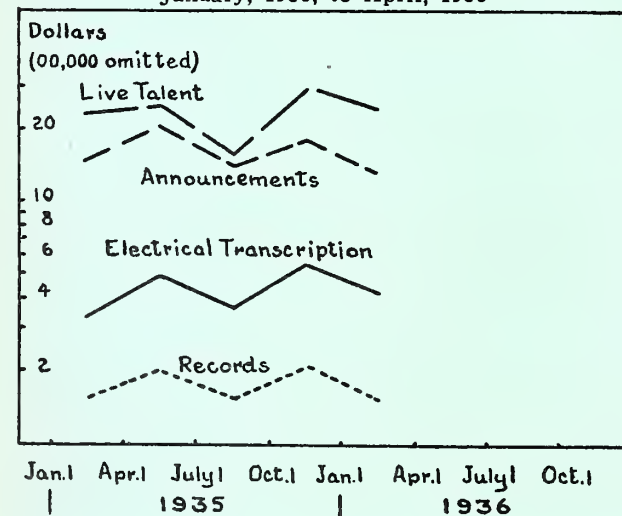
**RADIO BROADCAST ADVERTISING VOLUME
BY QUARTERS**
January, 1935, to April, 1936



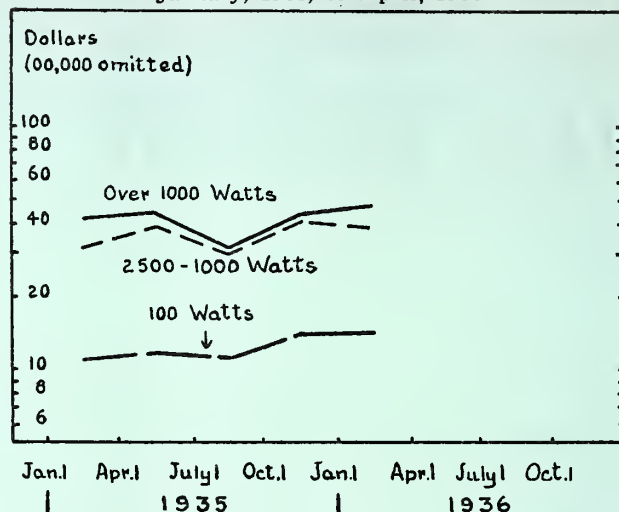
NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS (QUARTERLY)
January, 1935, to April, 1936



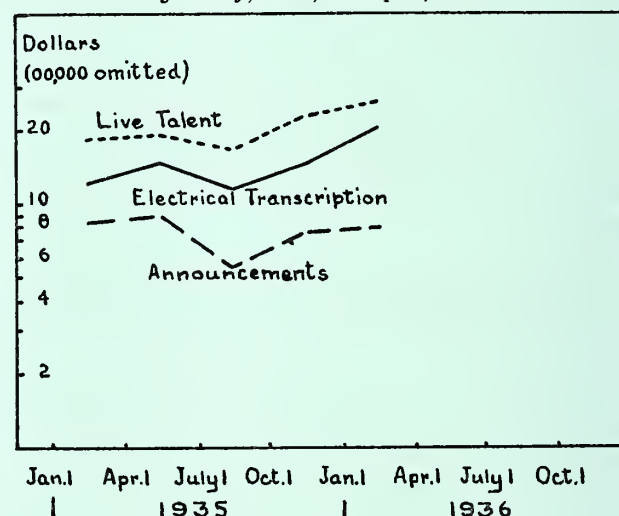
LOCAL ADVERTISING BY TYPE OF RENDITION (QUARTERLY)
January, 1935, to April, 1936



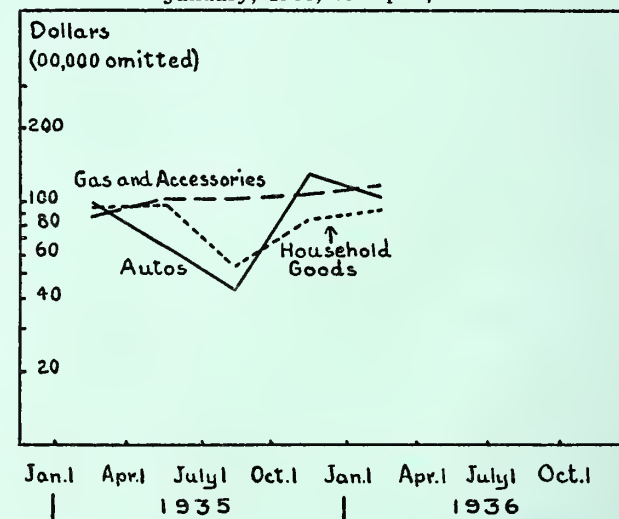
NON-NETWORK ADVERTISING BY STATION POWER (QUARTERLY)
January, 1935, to April, 1936



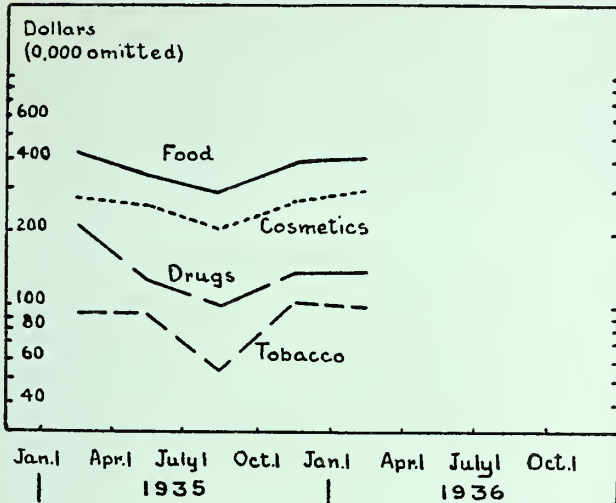
NATIONAL NON-NETWORK ADVERTISING BY TYPE OF RENDITION (QUARTERLY)
January, 1935, to April, 1936



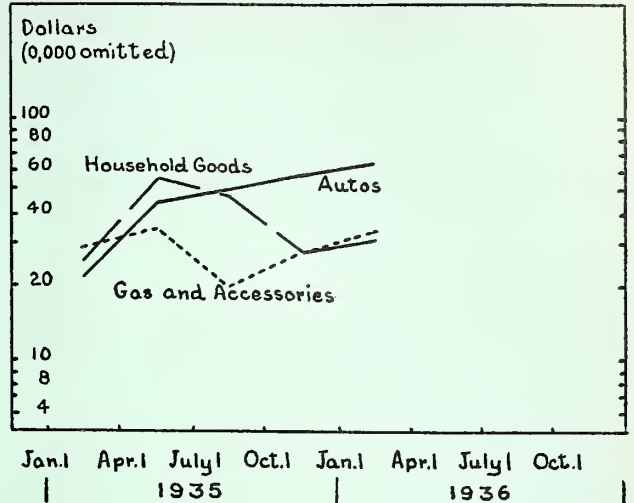
NATIONAL NETWORK ADVERTISING BY PRODUCT CLASSES (QUARTERLY)
January, 1935, to April, 1936



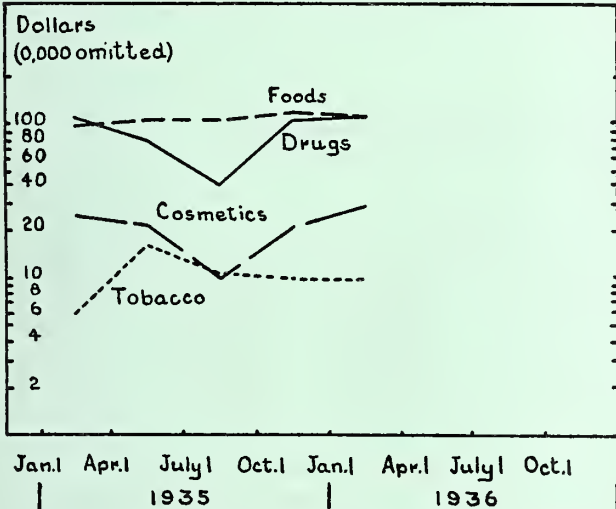
NATIONAL NETWORK ADVERTISING BY
PRODUCT CLASSES (QUARTERLY)
January, 1935, to April, 1936



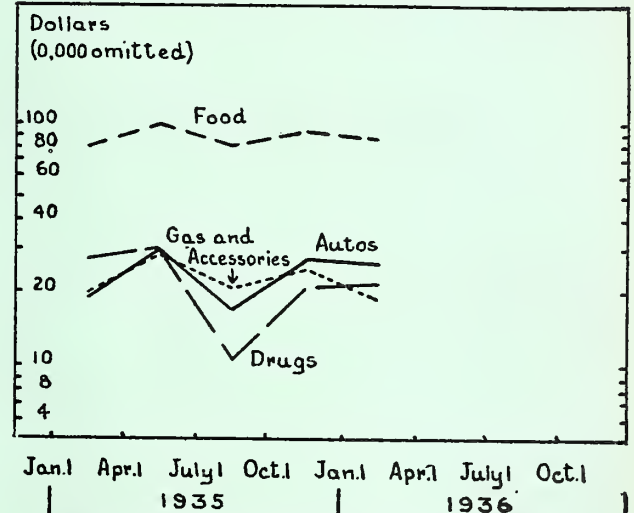
NATIONAL NON-NETWORK ADVERTISING
BY PRODUCT CLASSES (QUARTERLY)
January, 1935, to April, 1936



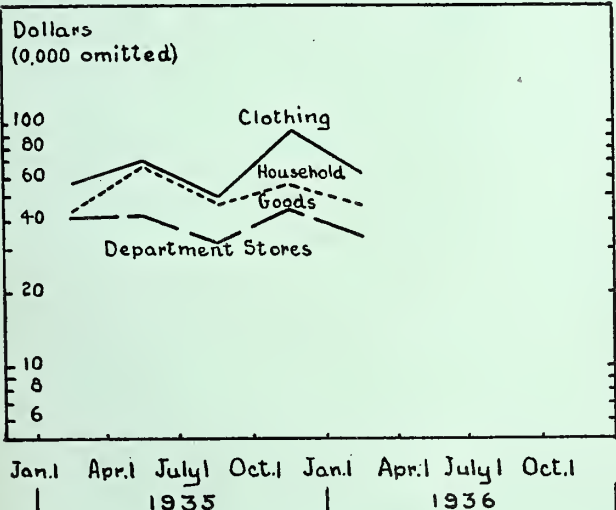
NATIONAL NON-NETWORK ADVERTISING
BY PRODUCT CLASSES (QUARTERLY)
January, 1935, to April, 1936



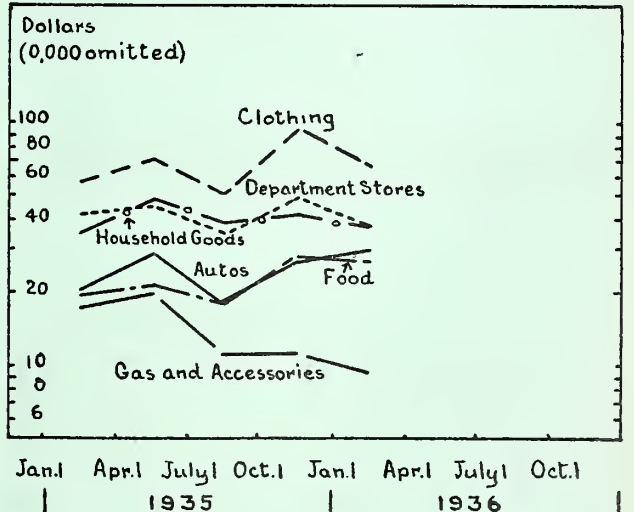
LOCAL ADVERTISING BY PRODUCT CLASSES
(QUARTERLY)
January, 1935, to April, 1936



LOCAL ADVERTISING BY PRODUCT CLASSES
(QUARTERLY)
January, 1935, to April, 1936



BROADCAST ADVERTISING BY RETAIL
ESTABLISHMENTS (QUARTERLY)
January, 1935, to April, 1936



of last year. Clear channel and high-powered regional station non-network business increased 16.0%, while local station volume gained 2.4%. The relatively slight gain with regard to the last-mentioned class of transmitter was due to the confused tendencies in the local broadcast advertising field. Broadcast advertising by power of transmitter is found in Table III.

TABLE III
NON-NETWORK BROADCAST ADVERTISING BY
POWER OF STATION

<i>Power of Station</i>	<i>Gross Time Sales</i> <i>First Quarter</i>	
	1935	1936
Over 1,000 watts	\$4,186,955	\$4,858,520
250-1,000 watts	3,244,755	3,903,180
100 watts	1,148,495	1,520,730
Total	\$8,580,205	\$10,282,430

The most pronounced gains in non-network advertising continued to occur in the South and the Middle West. Non-network advertising in the South Atlantic-South Central States rose 54.5% as compared to the first quarter of 1935, while revenues in the North Central States increased 27.2%. Mountain and Pacific State non-network volume gained 5.9%, while non-network advertising in the New England-Middle Atlantic States dropped 0.4%. Broadcast advertising, other than network, for major geographical districts is presented in Table IV.

TABLE IV
NON-NETWORK BROADCAST ADVERTISING BY
GEOGRAPHICAL DISTRICTS

<i>Geographical District</i>	<i>Gross Time Sales</i> <i>First Quarter</i>	
	1935	1936
New England-Middle Atlantic Area....	\$2,245,050	\$2,235,450
South Atlantic-South Central Area....	1,335,080	2,065,670
North Central Area.....	3,209,960	4,084,730
Pacific and Mountain Area.....	1,790,115	1,896,580
Total	\$8,580,205	\$10,282,430

Advertising by Type of Rendition

Electrical transcriptions and live talent programs were the only forms of rendition to gain as compared to the first quarter of the preceding year. Of the two, transcriptions showed the greater gain, increasing 55.3% in volume. Increases occurred in both the national and local fields, rising 64.0% in the former and 21.8% in the latter. National live talent volume continued its marked rise of more than a year's duration, increasing 44.5% as against the corresponding three months of 1935. Local live talent volume rose 6.7%. Total live talent business increased 23.1% during the period under consideration.

Records declined 6.2%, while announcements dropped 7.5%. National announcement business decreased 3.1%, while local volume dropped 9.8%.

Broadcast advertising volume by type of rendition is set forth in Table V.

TABLE V
NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION
(First Quarter)

<i>Type of Rendition</i>	<i>National Non-network</i>		<i>Gross Time Sales</i> <i>Local</i>		<i>Total</i>	
	1935	1936	1935	1936	1935	1936
Electrical transcriptions	\$1,300,745	\$2,133,735	\$341,391	\$415,835	\$1,642,136	\$2,549,570
Live talent programs.....	1,886,008	2,716,880	2,402,467	2,563,260	4,288,475	5,280,140
Records	17,666	15,370	178,477	168,600	196,143	183,970
Announcements	830,763	804,565	1,622,688	1,464,185	2,453,451	2,268,750
Total	\$4,035,282	\$5,670,550	\$4,545,023	\$4,611,880	\$8,580,205	\$10,282,430

The continued rise of electrical transcription and live talent volume and the decline, especially in the announcement field, have resulted in marked changes in the composition of non-network advertising with regard to type of rendition. These changes are presented in Table VI. The rise in local transcription business is the direct result of the development of transcription libraries, so prominent during the fall and winter of the current season.

TABLE VI
RELATIVE PROPORTION OF VARIOUS TYPES
OF RENDITION USED IN NON-NETWORK
BROADCAST ADVERTISING

(First Quarter)

<i>Type of Rendition</i>	<i>Percentage Represented by</i> <i>Rendition Type</i>		<i>National Non-network</i>		<i>Local</i>	
	1935	1936	1935	1936	1935	1936
Electrical transcriptions ..	32.1%	37.6%	7.5%	9.0%		
Live talent programs.....	44.2%	47.9%	52.8%	55.6%		
Records	.4%	.3%	3.9%	3.7%		
Announcements	23.3%	14.2%	35.8%	31.7%		
Total	100.0%	100.0%	100.0%	100.0%		

Broadcast Advertising Sponsorship

Trends in broadcast advertising sponsorship during the period under consideration were largely the continuation of tendencies previously noted in the current season. Automotive advertising continued to experience marked gains, especially in the national non-network and local fields. Food advertising rose materially, as did beverage volume. Drug and pharmaceutical advertising declined in the national network and local fields, though rising materially with regard to regional networks and national non-network volume. Tobacco advertising increased generally.

Principal gains in the national network field, as compared to the first quarter of last year, were as follows: automotive, 12.1%; accessories and gasoline, 43.4%; beverages, 27.2%; tobacco 14.8% and miscellaneous, 117.9%. The latter is a significant indication of a widening variety of sponsorship of national network advertising. Drug and pharmaceutical volume declined 31.7%, while confectionery advertising dropped 37.4%.

Regional network volume rose quite generally, principal increases being the following: drugs and pharmaceuticals, 179.5%; foodstuffs, 50.3%; beverages, 178.4%; soaps and kitchen supplies, 229.8%; tobacco, 132.1%. Gains likewise were general in the national non-network field. Automotive advertising rose 185.6%, while other increases were as follows: foodstuffs, 51.3%; beverages, 77.8%; and tobacco, 67.9%.

Local broadcast advertising registered considerably smaller gains. Automotive advertising rose 41.3%, food volume 11.5% and clothing business 6.6%. Drug volume decreased 23.2%, and gasoline and accessory advertising 8.4%.

Broadcast advertising by various sponsoring product and service groups is found in Table VII.

TABLE VII
RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS
(First Quarter)
1936

Type of Sponsoring Business	National Networks	Regional Networks	Gross Time Sales		Total
			National Non-network	Local	
1a. Amusements	—	—	\$28,580	\$95,980	\$124,560
1-2. Automobiles and accessories:					
1. Automobiles	\$1,136,853	—	682,310	273,725	2,092,888
2. Accessories, gas and oils	1,274,598	\$32,785	376,100	189,825	1,873,308
3. Clothing and apparel	105,741	1,848	118,320	626,080	851,989
4-5. Drugs and toilet goods:					
4. Drugs and pharmaceuticals	1,454,898	41,622	1,396,000	219,870	3,112,390
5. Toilet goods	3,076,412	9,680	310,010	63,550	3,459,652
6-8. Food products:					
6. Foodstuffs	2,799,343	89,654	1,131,790	634,150	4,654,937
7. Beverages	1,063,495	15,085	162,920	233,810	1,475,310
8. Confections	353,217	17,231	137,750	25,800	533,998
9-10. Household goods:					
9. Household equipment and furnishings	127,031	16,727	192,335	440,905	776,998
10. Soaps and kitchen supplies	831,904	16,090	140,230	21,690	1,009,914
11. Insurance and financial	136,791	2,524	68,040	219,210	436,565
12. Radios	310,971	—	42,140	37,890	391,001
13. Retail establishments	—	728	43,175	351,240	395,143
14. Tobacco products	1,078,213	21,840	101,970	15,475	1,217,498
15. Miscellaneous	1,177,149	34,504	738,880	1,162,680	3,113,213
Total	\$14,926,616	\$300,318	\$5,670,550	\$4,611,880	\$25,519,364

Details as to trends in the various sponsoring product and service groups are as follows:

1a. **Amusements.** National non-network business increased 105.1% as compared to the first quarter of last year. Local volume decreased 19.9%.

1. **Automotive.** National network advertising rose 12.0%. National non-network advertising increased 185.6%, while local volume gained 41.3%.

2. **Accessories and gasoline.** National network volume rose 43.1% over the level of the first quarter of the preceding year. Regional network advertising increased 29.6%, national non-network business 29.1%, while local advertising decreased 8.4%.

3. **Clothing.** National network advertising dropped off 26.6% from the level of the first three months of 1935, while regional network advertising decreased 80.8%. National non-network business rose 59.4% and local advertising 6.6%.

4. **Drugs and pharmaceuticals.** National network volume decreased 31.7% and local volume 23.2%. Regional network advertising increased 179.5%, while national non-network volume rose 24.3%.

5. **Toilet goods.** National network advertising rose 12.3% and national non-network business 18.8%. Regional network volume decreased 3.9% and local volume 13.6%.

6. **Foodstuffs.** Increases were as follows: Regional networks 50.3%, national non-network 51.3%, and local 11.5%. National network volume decreased 3.9%.

7. **Beverages.** General increases occurred in the field and were as follows: National networks 27.2%, regional networks 178.4%, national non-network 77.8%, local 12.9%.

8. **Confectionery.** Regional network advertising increased 211.0% as against the corresponding period of last year. Other portions of the medium decreased as follows: National networks 37.4%, national non-network 13.0%, and local 3.6%.

9. **Household equipment.** National network advertising decreased 35.9%. Regional network volume rose 53.2%, while national non-network business gained 24.4%. Local advertising increased 1.3%.

10. **Soaps and kitchen supplies.** Increases were as follows: National networks 6.7%, regional networks 229.8%, national non-network 22.6%, local 120.0%.

11. **Insurance and financial.** National network advertising increased 1.5% and regional network volume rose more than fivefold. National non-network advertising gained 21.2% and local advertising 25.0%.

12. **Radios.** National network advertising gained 9.9%. National non-network volume increased practically tenfold. Local advertising declined 1.6%.

13. **Department and general stores.** National non-network advertising rose 162.1%, while local volume declined 16.5%. Total department store advertising decreased 9.6%.

14. **Tobacco products.** General increases occurred in this field

and were as follows: National networks 14.8%, regional networks 132.1%, national non-network 67.9%, local 46.2%.

15. **Miscellaneous.** National network advertising rose 117.9% and regional network volume 12.2%. National non-network advertising gained 19.2%, while local volume dropped 1.8%.

Retail Broadcast Advertising

Broadcast advertising by retail establishments during the first quarter of the current year is presented in Table VIII.

TABLE VIII
RETAIL RADIO ADVERTISING OVER
INDIVIDUAL STATIONS
(First Quarter)

Type of Sponsoring Business	Gross Time Sales	
	1935	1936
Automobiles and accessories:		
Automobile agencies and used car dealers	\$215,620	\$304,210
Gasoline stations, garages, etc.	184,285	95,880
Clothing and apparel shops	589,320	668,450
Drugs and toilet goods:		
Drug stores	50,430	56,415
Beauty parlors	29,983	21,370
Food products:		
Grocery stores, meat markets, etc.	128,011	204,880
Restaurants and eating places	47,630	62,040
Beverage retailers	17,129	19,220
Confectionery stores, etc.	6,465	11,950
Household goods:		
Household equipment retailers	112,977	108,670
Furniture stores	254,954	250,950
Hardware stores	36,618	26,940
Radio retailers	38,506	34,860
Department and general stores	437,202	395,143
Tobacco shops	4,814	3,090
Miscellaneous	239,145	241,110
Total	\$2,393,089	\$2,505,178

General retail broadcast advertising rose 4.7% as compared to the corresponding quarter of the preceding year. Gains were as follows: automotive, 41.1%; clothing, 13.4%; drugs and pharmaceuticals, 11.9%; grocery and delicatessen stores, 60.0%; restaurants, 30.3%; beverage retailers, 12.2%; confectionery stores, 84.8%; and miscellaneous retailers, 0.8%.

Decreases in the retail field were as follows: filling stations and accessory stores, 48.0%; beauty parlors, 28.7%; household equipment dealers, 3.8%; furniture stores, 1.6%; hardware dealers, 26.4%; radio retailers, 9.5%; department and general stores, 9.6%.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

NAB REPORTS

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HOUSE COMMITTEE REPORTS RADIO BILL

The House Committee on Interstate and Foreign Commerce has made a favorable report on S. 2243, which has already passed the Senate, relating to the allocation of radio facilities. This bill was introduced in the Upper House by Senator Wheeler. The House Committee reported the bill without any changes as follows:

"That section 302 of the Communications Act of 1934 is hereby repealed.

"SEC. 2. Subsection (b) of section 307 of such Act is amended to read as follows:

"(b) In considering applications for licenses, and modifications and renewals thereof, when and insofar as there is demand for the same, the Commission shall make such distribution of licenses, frequencies, hours of operation, and of power among the several States and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same."

DAILY NEWS WITHDRAWS APPEAL

The Daily News Corporation, of St. Paul, Minn., has withdrawn its appeal in the United States District Court for the District of Columbia in connection with a decision of the Federal Communications Commission.

The Commission granted a construction permit to Edward Hoffman for the erection of a new broadcast station at St. Paul, Minn., to use 1370 kilocycles. The Daily News appealed to the court on the ground that they also had an application for the same frequency. They have now withdrawn their appeal.

RAYBURN RADIO AMENDMENT

Representative Rayburn of Texas has introduced a bill (H. R. 12646) in the House to amend section 318 of the Communications Act of 1934. The bill, which has been referred to the House Committee on Interstate and Foreign Commerce, is as follows:

"That section 318 of the Communications Act of 1934 is hereby amended to read as follows:

"SEC. 318. The actual operation of all transmitting apparatus in any radio station for which a station license is required by this

PLEASE RETURN CARDS

Members are requested to expedite the return of cards mailed them on which provision is made for naming delegates and alternates to the NAB Convention at Chicago, Illinois, July 5-8, 1936.

Act shall be carried on only by a person holding an operator's license issued hereunder, and no person shall operate any such apparatus in such station except under and in accordance with an operator's license issued to him by the Commission: *Provided, however*, That the Commission may waive or modify the foregoing provisions of this section for the operation of any station except (1) stations for which licensed operators are required by international agreement, (2) stations for which licensed operators are required for safety purposes, (3) stations engaged in broadcasting, and (4) stations operated as common carriers on frequencies below thirty thousand kilocycles."

FCC MODIFIES RULE 229

Assigns Additional Frequencies to Broadcasting

The Federal Communications Commission on May 13 adopted the recommendation of its Engineering Department to modify its existing Rule 229, in which is assigned frequencies to various classes of stations and services.

The band 1500 to 1600 kc. was assigned to broadcasting. This does not mean, however, that there will be any immediate change in the existing policy of maintaining stations on the 1530, 1550 and 1570 kc. frequencies in the experimental status, nor is it contemplated that other frequencies will be assigned to stations at this time.

Another change was the elimination of experimental visual broadcasting in the 2000 to 3000 kc. band, on the basis that the consensus of engineering opinion and the inspection of reports submitted by visual broadcast stations reveal that these frequencies are not particularly suited for television and that at present there is no indication that these frequencies will ever be adequate for the transmission of visual broadcast programs which will be of sufficient quality to command public interest.

The frequencies thus released were made available to government departments, intercity police communication services and to point-to-point telegraph stations in the fixed public service.

25600 to 26600 kc. was assigned to broadcasting in accordance with the provisions of Article 7 of the International Regulations to which the United States is a party. No specific change in existing policy is involved in this assignment.

Four frequencies in the band 40000 to 42000 kc. were assigned to experimental broadcasting, for the special purpose of ascertaining

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JULY 5, 6, 7, and 8, 1936

facts with respect to frequency modulation, a hitherto unused system of modulation as applied to broadcasting.

The text of the Orders follows:

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D. C.

Commission Order No. 14

At a general session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of May, 1936:

The Commission, having under consideration Rule 229 of its Rules and Regulations, has determined that in order to prevent interference between stations and to carry out the provisions of the Communications Act, the public convenience, interest and necessity requires that said Rule 229 be revised in part for the following reasons:

1. There is a need for the allocation of additional frequencies for police, broadcast and fixed services.
2. The frequency bands, 2000 to 2100 kilocycles and 2750 to 2850 kilocycles, are no longer suitable for visual broadcasting because a satisfactory picture or image in keeping with the present state of the art cannot be transmitted on frequencies within said bands.
3. There is a need for a greater frequency separation from other services in the operation of relay broadcast (formerly broadcast pickup) stations.

IT IS ORDERED That, Rule 229 be, and it is hereby, amended by striking out so much of said Rule as relates to the frequencies listed below and substituting in lieu thereof the following:

"Frequencies (kc.)		Allocation
1510		Broadcast
1520		"
1530		"
1540		"
1550		"
1560		"
1570		"
1580		Government
1584		"
1586		"
1590		Broadcast
1596		State Police (temporary)
1600		Broadcast
2000		Amateur
a 2004		Government
2008		General Communication
2012		" "
2016		" "
2020 }	2022	Relay Broadcast
2024 }		
2028		
i 2032		General Communication
2036		Government
2040		Police (Intercity Telegraph)
2044		" " "
2048		General Communication
a 2032		Government
2036 }	2058	Relay Broadcast
2060 }		
2064		
2068		General Communication
2072		" "
i 2076		Government
2080		General Communication
2084		" "
2088 }	2090	Relay Broadcast
2092 }		
a 2096		
2752		General Communication
2756 }	2758	Relay Broadcast
2760 }		
2764		
i 2768 }	i 2770	Government
a h i 2772 }		

"Frequencies (kc.)		Allocation
2776		Fixed
2780		"
2784		"
2788 }	2790	Relay Broadcast
a h 2792 }		
2796		
2800		Government
2804		General Communication
2808		" "
2812		" " "
2816		General Communication
h i 2820 }	i 2822	Government
2824 }		
2828 }		
2832 }	2830	Relay Broadcast
2836		
2840		
i a 2844		Fixed
2848		Police (Intercity Telegraph)
5135		" " "
5140		" " "
5195		" " "
25600		Guard band for government assignment
		25900 kc.
25625		Broadcast
25650		"
25675		"
25700		General Experimental
25725		Broadcast
25750		"
	25770	Government
25775		
25800		Guard band for government assignment
25825		25770 kc.
25850		Broadcast
25875		"
25900		"
25925		"
25950		"
25975		"
26000		General Experimental
26025		Broadcast
26050		"
26075		"
26100		"
26125		"
26150		"
26175		"
	26190	Government
26200		
	26220	Guard band for government assignment
26225		
26250		Government
26275		Guard band for government assignment
		26220 kc.
	26280	Government
26300		
26325		
26350		Broadcast
26375		"
26400		"
26425		"
26450		"
26475		"
26500		"
26525		"
26550		"
26575		"
26600		"
40300		Broadcast Experimental
41200		" " "
41600		" "
41800		" "

"All frequencies allocated as General Experimental frequencies are also available for assignment to broadcast service on an experimental basis.

"Hereafter in Rule 229 whenever the words 'relay broadcast' appear, there will be substituted the words 'international broadcast.' Whenever the words 'broadcast pickup' appear, there will be substituted the words 'relay broadcast.'"

IT IS FURTHER ORDERED That said amendment to Rule 229 shall be effective at 3:00 A. M., E.S.T., July 1, 1936.

By the Commission,
JOHN B. REYNOLDS,
Acting Secretary.

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D. C.

Commission Order No. 15

At a general session of the Federal Communications Commission held at its office in Washington, D. C., on the 13th day of May, 1936:

The Commission, having under consideration the requirements of Section 303(f) of the Communications Act of 1934 and having adopted by its Order No. 14 an amendment to its Rule 229 which contemplates a change in the frequency of certain existing stations:

IT IS ORDERED That, public notice of said order is hereby given to all existing licensees, or pending applicants for instruments of authorization, whose frequency or frequencies heretofore assigned or applied for may be changed by the provisions of said Order, and that opportunity is afforded, prior to July 1, 1936, to indicate in writing to the Commission whether or not such change is consented to by such licensee.

IT IS FURTHER ORDERED That any licensee or pending applicant not consenting to said change in frequency assignment shall upon application by it be accorded a public hearing to determine whether such change will promote public convenience and interest or will serve public necessity or whether the provisions of the Communications Act of 1934 will be more fully complied with by such changes.

IT IS FURTHER ORDERED That as to any non-consenting licensee or pending applicant, the effective date of said Order No. 14 shall be postponed until after a determination upon such public hearing.

IT IS FURTHER ORDERED That as to all licensees or pending applicants who consent prior to July 1, 1936, to the change in frequency resulting from the reallocation made by said Order No. 14, all outstanding licenses or applications for instruments of authorization be and the same are hereby modified in accordance with said allocation effective at 3:00 A. M., E.S.T., July 1, 1936.

By the Commission,
JOHN B. REYNOLDS,
Acting Secretary.

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

International Television Radio Corp., Jersey City, N. J. (2-2133, Form A-1)
Naragansett Racing Association, Inc., Pawtucket, R. I. (2-2136, Form A-1)
Standard Tractor Corporation, Jefferson, Ohio. (2-2137, Form A-1)
Shamrock Oil & Gas Corp., Amarillo, Texas. (2-2138, Form A-1)
Colonial Mortgage Company, Baltimore, Md. (2-2139, Form A-1)
Union Compress & Warehouse Co., Memphis, Tenn. (2-2140, Form A-2)
Lisarbo Andreas, S. A., Rio de Janeiro, Brazil. (2-2141, Form A-1)
James C. Auchincloss et al., New York City. (2-2142, Form F-1)
Casco Products Corporation, Bridgeport, Conn. (2-2143, Form A-2)
McDowell Mines, Inc., Denver, Colo. (2-2144, Form A-1)
Gregory-Bates Mining Co., Black Hawk, Colo. (2-2146, Form A-1)
Jeannette Glass Company, Jeannette, Pa. (2-2147, Form A-2)
Metropolitan Personal Loan Co., Allentown, Pa. (2-2149, Form A-1)
Curtiss-Wright Corporation, Wilmington, Del. (2-2150, Form A-1)

STATION CHANGES

The Federal Communications Commission has issued the following statement containing alterations and corrections (italicised) for the month of April:

Call Letter	Main Studio Location	Name of Licensee	Power	Frequency (kc)	Time Designation	Quota Night	Units Day
KANS	Wichita, Kans.	Charles C. Theis	100w	1210	U (C. P. only)	...	...
<i>Effective 7-21-36</i>							
KBST	Big Spring, Tex.	Big Spring Herald Broadcasting Co.	100w	1500	U (C. P. only)	...	...
<i>Effective 7-28-36</i>							
KDNC	Lewistown, Mont.	Democrat News Co., Inc.	100w	1200	U (C. P. only)	...	...
KEHE	Los Angeles, Calif. T-Santa Monica	Evening Herald Publishing Co.	500w 1kw-LS	780	S-KELW	0.5	0.85
KFH	Wichita, Kans.	Radio Station KFH Co.	C. P. 1kw-5kw-LS 1kw	1300	U	0.5	0.85
KFIZ	Fond du Lac, Wis.	The Reporter Printing Co.	100w	1420	U	0.1	0.1
KFJZ	Fort Worth, Tex.	Fort Worth Broadcasters, Inc.	100w	1370	U	0.1	0.2
KFYO	Lubbock, Tex.	Plains Radio Broadcasting Co.	C. P. 250w-LS 100w 250w-LS	1310	U	0.1	0.2
KGBZ	<i>Strike out all particulars</i>	<i>Effective 5-8-36</i>					
KGHL	Billings, Mont.	Northwestern Auto Supply Co., Inc.	1kw 2½kw-LS	950	U	0.5	0.75
<i>Effective 7-28-36—780kc. S.A. 780—Exp.</i>							
KICA	Clovis, N. Mex.	Western Broadcasters, Inc.	100w	1370	S. H.	0.07	0.08
KIDW	Lamar, Colo.	The Southwest Broadcasting Co.	100w	1420	S. H.	0.04	0.09
KIEM	Eureka, Calif.	Redwood Broadcasting Co., Inc.	500w	1450	U	0.3	0.3
KIRO	Seattle, Wash.	Queen City Broadcasting Co.	250w	650	L-WSM	0.5	0.5
			S.A. 1kw.....	710	U—Exp.		

<i>Call Letter</i>	<i>Main Studio Location</i>	<i>Name of Licensee</i>	<i>Power</i>	<i>Frequency (kc)</i>	<i>Time Designation</i>	<i>Quota Night</i>	<i>Units Day</i>
KLZ	Denver, Colo. C. P. T-nr.	KLZ Broadcasting Co. Denver	1kw 5kw-LS	560	U	0.5	0.85
KMA	Shenandoah, Iowa	May Seed and Nursery Co.	1kw 2½kw-LS	930	S-KGBZ	0.5	0.75
<i>Effective 5-8-36...U</i>							
KMED	Medford, Ore.	Mrs. W. J. Virgin	100w 250w-LS	1310	U	0.1	0.2
KOMO	Seattle, Wash.	Fisher's Blend Station, Inc.	**250w 1kw 5kw-LS	1410	S. H. U	0.5	0.85
KPDN	Pampa, Tex.	Pampa Daily News, Inc.	100w	1310	D	...	...
<i>C. P. covered by license</i>							
KPLT	Paris, Tex.	The North Texas Broadcasting Co.	100w	1500	D (C. P. only)	...	...
<i>Effective 7-28-36</i>							
KRBC	Abilene, Tex.	Reporter Broadcasting Co.	100w	1420	U (C. P. only)	...	...
<i>Effective 8-4-36</i>							
KWSC	Pullman, Wash.	State College of Washington	1kw 2kw-LS C. P. 5kw-LS	1220	S-KTW	0.39	0.73
WADC	Tallmadge, Ohio	Allen T. Simmons	1kw 2½kw-LS C. P. 5kw-LS	1320	U	0.5	0.85
WAIM	Anderson, S. C.	Wilton E. Hall	100w	1200	U	...	0.5
WAYX	Waycross, Ga.	E. F. Sapp & S. F. Sapp, trading as Waycross Broadcasting Co.	C. P. 1kw 100w	630 1200	D U (C. P. only)	...	...
<i>Effective 7-7-36</i>							
WBNY	Buffalo, N. Y.	Roy L. Albertson	100w 250w-LS	1370	All hours except those WSVS operates	0.1	0.16
<i>C. P. covered by license</i>							
WCAC	<i>Strike out all particulars</i>						
WCLO	Janesville, Wis.	Gazette Printing Co., Inc.	100w C. P. 250w-LS	1200	U	0.1	0.2
WDAE	Tampa, Fla.	Tampa Times Co.	1kw S. A. 2½kw-LS—Exp. C. P. 1kw-5 kw-LS	1220	U	0.5	0.85
WEED	Nr. Rocky Mount, N. C.	Wm. Avera Wynne	100w C. P. 250w-LS	1420	U-D S-WCHV night	0.05	0.2
WFOY	St. Augustine, Fla.	Fountain of Youth Properties, Inc.	100w	1210	U (C. P. only)	...	...
<i>Effective 7-14-36</i>							
WIBA	Madison, Wis.	Badger Broadcasting Co., Inc.	1kw 5kw-LS	1280	U	0.5	0.85
WJAS	Pittsburgh, Pa.	Pittsburgh Radio Supply House	1kw 5kw-LS	1290	U	0.5	0.85
<i>Strike out effective 5-19-36 5kw-LS</i>							
WJRD	Tuscaloosa, Ala.	James R. Doss, Jr.	100w	1200	D (C. P. only)	...	...
<i>Effective 8-11-36</i>							
WKAQ	San Juan, Puerto Rico	Radio Corporation of Porto Rico	1kw	1240	U	...	...
WNAC	Boston, Mass. T-Quincy	Shepard Broadcasting Service, Inc.	1kw 2½kw-LS C. P. 5kw-LS	1230	U	0.5	0.85
WNLC	New London, Conn.	Thames Broadcasting Corp.	100w	1500	D (C. P. only)	...	...
<i>Effective 7-21-36</i>							
WORL	Boston, Mass. T-Needham	Broadcasting Service Organiza- tion, Inc.	500w	920	D	...	0.3
WSAI	Cincinnati, Ohio <i>Strike out T-Mason</i>	Crosley Radio Corp.	1kw 2½kw-LS	1330	U	0.5	0.75
WSYR- WSYU	Syracuse, N. Y. C. P. T-Syracuse	Central New York Broadcasting Corp.	250w 1kw	570	U	0.5	0.5

** See Abbreviations—Lists of January 1, 1936.

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following companies. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

No. 2795. A complaint has been issued against **Federal Civil Service Training Bureau**, 508 South Dearborn St., Chicago, alleging unfair methods of competition in the sale of correspondence courses of instruction designed to prepare students for examinations for various Federal Civil Service positions. John Hartford, owner of the correspondence school, and Harvey E. Wagley, a creditor in active charge of the business, also are named as respondents in the complaint, which charges violation of Section 5 of the Federal Trade Commission Act.

Use of the name "Federal Civil Service Training Bureau" is alleged to imply that such bureau is connected with or is an agency of the United States Government or of the Civil Service Commission, when, according to the complaint, neither the respondents nor their school has any such connection.

No. 2797. **Anthony J. Hildreth** and **Joseph Fischler**, trading as **Sanitas Fundoshi Co.**, 7508 Linwood Ave., Cleveland, are named respondents in a complaint alleging unfair competition in the sale of a suspensory which they manufacture from cloth imported from Japan.

The complaint charges the respondents advertise in magazines and folders that their product restores health, is scientifically designed to preserve strength, and has certain other properties not found in similar articles made of cloth.

No. 2798. Imitation of the product of a competitor in violation of the Federal Trade Commission Act is alleged in a complaint issued against **John H. Meyer**, trading as **Med-Dental Systems Co.**, 1015 Schmidt Building, Cincinnati, and engaged in the sale of accounting systems designed for doctors and dentists. The respondent's practices are said to constitute unfair competition.

The complaint charges that the respondent's accounting systems are exact copies of the well-known "McCaskey System" of accounting sold by the McCaskey Register Company, Alliance, O., which has been in business since 1909.

In 1934, the Med-Dental Systems Co. was organized as a copartnership by the respondent Meyer and Victor T. Griswold, the latter previously having been in the employ of the McCaskey Company, according to the complaint, and in the course of such employment is said to have become familiar with the details of the "McCaskey System."

The copartnership was dissolved in 1935, Meyer remaining in charge of Med-Dental Systems Co., which, the complaint alleges, continued to sell accounting systems patterned from samples and forms Griswold obtained from the McCaskey Company. The respondent also is alleged to have copied the McCaskey Company's sales promotional literature, as well as the size, shape and general appearance of that company's cabinets and desks which house the accounting systems.

No. 299. **The Rieser Co., Inc.**, 119 West 40th St., New York City, manufacturer of tissues, has been charged with unfair competition in violation of the Federal Trade Commission Act, in a complaint. The company maintains a factory at Shamokin, Pa.

Tissue products sold by this respondent company, according to the complaint, were labeled "Mentho-Kerchief, the Mentholated Tissue Hankerchief." These articles were also alleged to have been described on the label as being capable of relieving head colds, sinus and hay fever, and of clearing the nasal passages. The respondent is also charged with representing that doctors recommend Mentho-Kerchief.

These representations are alleged to have had a tendency to deceive buyers into believing that the respondent's product has been recommended by doctors as a cure, remedy or relief for sinus trouble, hay fever and head colds, when, according to the complaint, these are not the facts, and such relief obtained by sufferers from head colds, if any, would be limited to a possible momentary clearing of the nasal passages, causing a relief so slight and temporary as to be negligible.

The complaint points out that the tissue products of the respondent are not handkerchiefs as the term is understood.

Stipulations

The Commission has issued the following cease and desist orders and stipulations:

No. 1664. **Harry Gritz**, 1335 Seventh St., N. W., Washington, D. C., trading as "Army & Navy Store," agrees to stop ad-

vertising his business by use of the words "Army & Navy," in violation of the Federal Trade Commission Act prohibiting unfair methods of competition.

Gritz' merchandise is described in the stipulation of facts as consisting only to a limited extent of goods formerly owned by the Army and Navy, but mainly of articles purchased through regular commercial channels and not made for or formerly owned by the Federal Government. Gritz is said to deal mostly in workmen's clothing and camping outfits and supplies.

The stipulation points out that Army and Navy surplus stocks have for some time been practically exhausted, and the only classes of such goods now procurable by dealers are articles which have become obsolete, worn out, or damaged in storage, and a few salvaged surplus items such as canteens, mess kits, pup tents, and the like.

According to the stipulation, Gritz displayed the caption "Army & Navy Store" on a sign in front of his store, and advertised through use of the phrase "Army & Navy." He agrees to stop advertising in any way which would deceive buyers into believing that the merchandise he sells consists of Army and Navy surplus products, when such is not the fact.

No. 1665. **William P. Jacobs**, trading as **Easpirin Co.**, Clinton, S. C., and selling "Easpirin," the principal active element of which is said to be aspirin, agrees to cease advertising, without proper qualification, to the effect that there is not the slightest risk of weakening the heart or causing depression of the heart by use of his product. The stipulation provides that nothing therein shall be construed as preventing the respondent from making proper therapeutic claims and recommendations for his article, which are based on reputable medical opinion or recognized medical or pharmaceutical literature.

No. 1666. **Keep Klean Cover Co., Inc.**, 2828 Pine St., St. Louis, manufactures automobile accessories, including a reflector type advertising device for automobile tire covers. The respondent company agrees to cease branding its product with "Pat. No. 1,947,549" or with other words and figures which may tend to deceive buyers into believing that the corporation is owner of or controls a subsisting patent on its article, when this is not true.

FEDERAL COMMUNICATIONS COMMISSION ACTION

There was no meeting of the Broadcast Division of the Commission on the usual meeting day, Tuesday. A meeting will be held later this week.

HEARING CALENDAR

Monday, May 18

HEARING BEFORE THE COMMISSION EN BANC

WARD—United States Broadcasting Corp., Brooklyn, N. Y.—C. P. to move transmitter; 1400 kc., 500 watts, share WVFW, WLTH & WBBC.

WARD—United States Broadcasting Corp., Brooklyn, N. Y.—Renewal of license; 1400 kc., 500 watts, share WVFW, WLTH & WBBC.

WARD—United States Broadcasting Corp., Brooklyn, N. Y.—Voluntary assignment of license to Kings Broadcasting Corp.; 1400 kc., 500 watts, share WVFW, WLTH & WBBC.

WBBC—Brooklyn Broadcasting Corp., Brooklyn, N. Y.—Modification of license; 1400 kc., 500 watts, unlimited time (requests facilities of WARD, WVFW & WLTH). Present assignment: 1400 kc., 500 watts, share WLTH, WARD & WVFW.

WBBC—Brooklyn Broadcasting Corp., Brooklyn, N. Y.—Renewal of license; 1400 kc., 500 watts, share WARD, WLTH & WVFW.

WBBC—Brooklyn Broadcasting Corp., Brooklyn, N. Y.—Renewal of license (aux. transm.); 1400 kc., 500 watts, share WARD, WLTH & WVFW.

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Modification of license; 1400 kc., 500 watts, unlimited time (requests facilities of WARD, WLTH & WBBC). Present assignment: 1400 kc., 500 watts, share WARD, WLTH & WBBC.

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Renewal of license; 1400 kc., 500 watts, share WARD, WLTH & WBBC.

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—C. P. to make changes in equipment; 1400 kc., 500 watts, share WARD, WLTH & WBBC.

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Transfer of control of Corp.; 1400 kc., 500 watts, share WARD, WLTH & WBBC.

WLTH—Voice of Brooklyn, Inc., Brooklyn, N. Y.—Renewal of license; 1400 kc., 500 watts, share WARD, WVFW & WBBC.

WLTH—Voice of Brooklyn, Inc., Brooklyn, N. Y.—Voluntary assignment of license to Kings Broadcasting Corp.; 1400 kc., 500 watts, share WARD, WVFW & WBBC.

NEW—Brooklyn Daily Eagle Broadcasting Co., Inc., Brooklyn, N. Y.—C. P.; 1400 kc., 500 watts, unlimited time (requests facilities for WBBC, WLTH, WARD & WVFW).

WEVD—Debs Memorial Radio Fund, Inc., New York, N. Y.—Modification of license; 1400 kc., 1 KW, unlimited time (requests facilities for WBBC, WLTH, WARD & WVFW). Present assignment: 1300 kc., 1 KW, share WBBH, WFAB & WHAZ.

Tuesday, May 19

HEARING BEFORE AN EXAMINER

(Broadcast)

KVOS—KVOS, Incorporated, Bellingham, Wash.—Renewal of license; 1200 kc., 100 watts, unlimited time.

KVOS—KVOS, Incorporated, Bellingham, Wash.—Transfer of control of corporation; 1200 kc., 100 watts, unlimited time.

Wednesday, May 20

HEARING BEFORE AN EXAMINER

(Broadcast)

WOL—American Broadcasting Co., Washington, D. C.—C. P.; 1230 kc., 1 KW, unlimited time. Present assignment: 1310 kc., 100 watts, unlimited time.

Thursday, May 21

HEARING BEFORE AN EXAMINER

(Broadcast)

KXL—KXL Broadcasters, Portland, Ore.—Renewal of license; 1420 kc., 100 watts, 280 watts, LS, shares with KBPS.

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah—C. P.; 1290 kc., 1 KW, 5 KW-LS, unlimited time. Present assignment: 1290 kc., 1 KW, 1 KW-LS, unlimited time.

Friday, May 22

HEARING BEFORE AN EXAMINER

(Broadcast)

KUMA—Albert H. Schermann, Yuma, Ariz.—Renewal of license; 1420 kc., 100 watts, specified hours.

APPLICATIONS RECEIVED

First Zone

WB2A—Westinghouse Electric & Mfg. Co., Springfield, Mass.—550 Construction permit to install a new transmitter and directional antenna, change frequency from 990 to 550 kc., move transmitter from 625 Page Blvd., East Springfield, Mass. to Agawam, Mass., and studio from Hotel Bradford, 275 Tremont St., Boston, Mass., to 140 Chestnut St., Springfield, Mass. Also change hours of operation from unlimited when synchronized with WBZ to unlimited time.

WNYC—City of New York, Dept. of Plant and Structures, New York, N. Y.—Modification of construction permit (B1-P-678) for new equipment and move of transmitter, requesting to make changes in directional antenna. Amended: To request extension of completion date from 6-1-36 for 180 days.

WABI—Community Broadcasting Service, Bangor, Me.—Construction permit to install a new transmitter, erect a vertical antenna, increase power from 100 watts to 100 watts night, 250 watts day, change hours of operation from specified

hours to unlimited time and move transmitter from Park Street, Bangor, Maine, to Brewer, Maine.

WOL—American Broadcasting Company, Washington, D. C.—1310 Construction permit to erect a vertical antenna and move transmitter and studio from 1111 H St., N. W., Washington, D. C., to 1627 K St., N. W., Washington, D. C.

NEW—Edwin H. Armstrong, New York City—Construction permit for a general experimental station on 41600, 86500, 111000 kc., 40 KW.

W2XE—Atlantic Broadcasting Corp., Wayne, N. J.—Construction permit to increase power to 10 KW and replace transmitter.

Second Zone

WKBN—WKBN Broadcasting Corp., Youngstown, O.—Authority 570 to install automatic frequency control.

NEW—Lincoln Memorial University, Middlesboro, Ky.—Construction permit to erect a new broadcast station to be operated on 1210 kc., 100 watts power, unlimited time.

WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—1230 Construction permit to install new equipment, directional antenna, change frequency from 1310 kc. to 1230 kc., increase power from 100 watts to 250 watts, 500 watts day, hours of operation from share WHAT to unlimited time and move transmitter. Amended: To omit request for move of transmitter.

WSPD—The Toledo Broadcasting Co., Toledo, O.—License to 1340 cover construction permit (B2-P-715) for equipment changes, and increase in power from 1 KW night, 2½ KW day to 1 KW night, 5 KW day.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—1370 License to cover construction permit (B2-P-934) to install auxiliary transmitter.

WHIS—Daily Telegraph Printing Co., Bluefield, W. Va.—License 1410 to cover construction permit (B2-P-861) for new equipment and move of transmitter.

NEW—National Broadcasting Co., Inc., Cleveland, O.—Construction permit for general experimental station for 25700, 26000, 27100, 31100, 31600, 34600, 35600, 37600, 38600, 40600, 41000, 86000-400000, 401000 kc., and above 25 watts.

NEW—National Broadcasting Co., Inc., Cleveland, O.—License to cover 31100, 34600, 37600, 40600 kc., 25 watts.

NEW—National Broadcasting Co., Inc., Cleveland, O.—License to cover 25700, 26000, 27100, 31600, 35600, 38600, 41000, 86000-400000, 401000 kc., 25 watts.

W10XGA—Miami Valley Broadcasting Corp., Portable-Mobile—License to cover construction permit for 31100, 34600, 37600, 40600 kc., 2.5 watts.

Third Zone

WGCM—WGCM, Incorporated, Mississippi City, Miss.—Modification of construction permit (B3-P-421) to change frequency, power, equipment and time, requesting extension of commencement and completion dates from 1-28-36 and 7-28-36 respectively to 30 days after grant and 180 days thereafter.

WAYX—E. F. Sapp & S. F. Sapp, d/b as Waycross Broadcasting Co., Waycross, Ga.—Modification of construction permit (B3-P-574) to make changes in equipment and for approval of antenna, studio and transmitter site at 620 Plant Ave., Waycross, Georgia.

NEW—H. A. Hamilton, Ashville, N. C.—Construction permit for 1200 a new station to be operated on 1370 kc., 100 watts, daytime. Amended: To change frequency from 1370 to 1200 kc., and change time from daytime to unlimited time, using 100 watts power.

NEW—Associated Arkansas Newspapers, Inc., Hot Springs, Ark.—1310 Construction permit for a new station to be operated on 1310 kc., 100 watts power, unlimited time.

KGFI—Eagle Broadcasting Co., Inc., Corpus Christi, Texas—1500 Authority to install automatic frequency control.

Fourth Zone

KMA—May Seed & Nursery Co., Shenandoah, Iowa—Construction permit to move transmitter from Elm & Lowell Sts., Shenandoah, Iowa, to 1¼ mile from Shenandoah, Iowa, and make changes in equipment (antenna). Amended: To change time from shares with KGBZ to unlimited time.

WJJD—WJJD, Incorporated, Chicago, Ill.—Modification of license
1130 to change hours of operation from 6 a. m. CST, to local sunset at Salt Lake City, Utah, to 6 a. m. EST, to local sunset at Salt Lake City, Utah.

WJBC—Wayne Hummer & H. J. Dee, d/b as Kaskaskia Broadcasting Co., Bloomington, Ill.—Voluntary assignment of construction permit (B4-P-571) from Wayne Hummer & H. J. Dee, d/b as Kaskaskia Broadcasting Co. to Arthur Malcolm McGregor & Dorothy Charlotte McGregor.

WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—
1230 License to cover construction permit (B4-P-144) for equipment changes and increase in power from 1 KW to 1 KW night, and 5 KW day.

WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—
1230 Authority to determine operating power by direct measurement of antenna power.

KGBX—Springfield Broadcasting Co., Springfield, Mo.—Extension of special authorization to operate on **1230 ke.**, 500 watts power, unlimited time, using directional antenna at night, for period from 6-1-36 to 12-1-36.

WMBD—Peoria Broadcasting Co., Peoria, Ill.—Modification of construction permit (B4-P-590) as modified for equipment changes, and move of transmitter, to further request change in equipment, and to extend commencement and completion dates from 2-8-36 and 8-6-36 to immediately and 3 months after grant, respectively.

Fifth Zone

KGW—Oregonian Publishing Co., Portland, Ore.—Modification of
620 license to change power from 1 KW, 5 KW day to 5 KW day and night.

KFPY—Symons Broadcasting Co., Spokane, Wash.—Modification
890 of construction permit (B5-P-332) for approval of antenna and transmitter site at E½ of E½ of N½ of Lot 10, Section 4, Township 24 N. Range 43 E. W. M. Spokane, Wash.

KOMO—Fisher's Blend Station, Incorporated, Seattle, Wash.—
920 Modification of license to change power from 1 KW night; 5 KW day to 5 KW day and night.

KWYO—Big Horn Broadcasting Co., Inc., Sheridan, Wyo.—Construction permit to make changes in equipment, erect a vertical antenna, increase power from 100 watts to 100 watts, 250 watts day and move transmitter from corner Adair and West Fourth Streets, Sheridan, Wyoming, to 1.2 miles N. of Sheridan, Wyoming. Amended: To change type of equipment from composite to Doolittle and Falknor.

Puerto Rican Zone

WPRP—Julio M. Conesa, Ponce, P. R.—License to cover construction permit (1-P-B-2940) as modified for a new station on **1420 ke.**, 100 watts night; 250 watts day power, specified hours.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

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FOOD BILL ORDERED REPORTED

The House Committee on Interstate and Foreign Commerce on Wednesday ordered that a favorable report be made on the Pure Food and Drug Bill. This bill passed the Senate during the last session of Congress and has been pending in the House committee for a long time. As the bill was ordered reported it places advertising under the Federal Trade Commission instead of the Department of Agriculture.

CAUTION—ALDRICH BLAKE ENJOINED

On Tuesday, May 19, 1936, Justice Bailey of the Supreme Court of the District of Columbia permanently enjoined Aldrich Blake and Aldrich Blake, Inc., from violating the Securities Act of 1933 in the sale of agreements entitling the purchaser to oil on a when, as and if produced basis. Justice Bailey held that such agreements, although purporting to pay for oil at the rate of one cent a barrel, were in fact investment contracts or certificates of interest in a profit-sharing agreement and therefore a security within the meaning of said Act.

Aldrich Blake had failed to file five copies of his continuity with the Securities and Exchange Commission five days before broadcasting same over a radio station, as required by Rule 800(d) of the General Rules and Regulations of the Securities and Exchange Commission under the Securities Act of 1933, which rules are authorized under the provisions of Section 10(d) of said Act. This Act defines a prospectus to mean, among other things, any communication by radio which offers any security for sale, with certain exceptions such as the existence of a written prospectus which was sent to prospective purchasers and complies with the provisions of Section 10 of said Act.

It is our understanding that Aldrich Blake has been using other radio stations and that he will endeavor to do so in the future. While there are certain exemptions with reference to registration statements and prospectuses, the only safe thing to do is to contact the Securities and Exchange Commission prior to authorizing any broadcast involving the sale of the security. The section of said Act relating to fraudulent interstate transactions contains no exemptions and includes not only fraudulent transactions but also those in which there may be an omission to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading. The primary responsibility for filing the prospectus with this Commission is upon the user of such prospectus but broadcasting stations should not fail to take reasonable precautions to see that the Securities Act of 1933, as amended, has been complied with.

LICENSE RENEWAL RECOMMENDED

Broadcasting Station WSMB, New Orleans, La., applied to the Federal Communications Commission for a renewal of its license. The station operates on 1320 kilocycles, 1,000 watts power and unlimited time.

Examiner George H. Hill, in Report No. I-223, recommended that the application for renewal be granted "without restriction of radiation toward Des Moines, Ia."

The Examiner found that the station is rendering a meritorious service. He states that "Station KRNT is already limited by the operation of Station WADC to an extent which renders it unnecessary for WSMB to restrict its radiation in the direction of KRNT. The operation of WADC limits KRNT to its 4 millivolt per meter contour, whereas Station WSMB, operating with 1,000 watts power without restricting radiation toward KRNT, would limit KRNT only to its 2.3 millivolt per meter contour."

ASCAP AIDS DEFENSE OF WARNER SUITS

Approximately one hundred thirty-five complaints in actions commenced by the Warner Brothers' publishing interests have been referred by broadcasters to the American Society of Composers, Authors and Publishers for defense. Broadcasters have followed this course in reliance upon the provision of the contract between ASCAP and broadcasters, which provides that ASCAP agrees to indemnify, save and hold harmless and defend the broadcasting station from and against suits brought against the broadcaster with respect to renditions of compositions contained in ASCAP's repertory, and in accordance with the further provision of the contract which requires the broadcaster to deliver to ASCAP any process or pleading served upon it, so that ASCAP can assume charge of the defense of the action.

ASCAP has, in every case in which a complaint has been referred to it, caused its general counsel, Nathan Burkan, Esq., to prepare an appropriate answer, and has forwarded such answer to the broadcaster, with the request that it be filed by the broadcasting station's local counsel. In requesting local counsel so to act in filing the answer, ASCAP has assured broadcasting stations, in writing, that the appearance of such counsel in the suit would not prejudice the station's claim for defense by and indemnity from ASCAP.

The NAB is informed that ASCAP intends to furnish the services of its general counsel, and to make available the necessary information and evidence, without charge to any broadcaster who avails himself of such services. ASCAP takes the position that the basic questions involved in the Warner Brothers litigation will be disposed of in a few test cases, and it is expected that ASCAP will assume charge of the trial and of the prosecution of appeals in such test litigation. If ASCAP is correct, it is clear that a considerable number of cases now pending will never come to trial, since the issues involved therein will be disposed of by the precedents set in these test cases.

ASCAP takes the position, however, that it is definitely relieved of any obligation to defend or indemnify the station in those cases in which the broadcaster fails to comply with the provisions of the contract requiring the broadcaster to deliver pleadings to ASCAP, and permitting ASCAP to assume charge of the defense in co-operation with counsel for the broadcasting station.

FOURTEENTH ANNUAL NAB CONVENTION

STEVENS HOTEL, CHICAGO, ILLINOIS

JULY 5, 6, 7, 8, 1936

RECOMMENDS POWER INCREASE ON CONDITION

Broadcasting Station WDBO, Orlando, Fla., operating on a frequency of 580 kilocycles, with unlimited time using 250 watts with 1,000 watts experimentally, applied to the Federal Communications Commission to use 1,000 watts regularly.

Examiner Ralph L. Walker, in Report No. I-224, has recommended that the application be granted "(1) if the application of WCHS for 1,000 watts night power is granted and (2) if the pending application of WDBO for authority to move the station is granted; otherwise that the application be denied."

The Examiner states that the reception of programs of WDBO is unsatisfactory in a large portion of the area which would normally be considered as within its primary service radius because of interference from a station outside the United States operating on a frequency of five kilocycles removed from it.

DECISION IN ASCAP CASES

Judge Frederick H. Bryant, in the United States District Court for the northern district of New York, has handed down a decision in two ASCAP cases against Elm Lodge, Inc., in which he criticises the practice of attorneys for the Society frequenting night clubs to gain evidence on which to base a case. The decisions are as follows:

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK

In Equity No. 2870

GENE BUCK, as President of the American Society of Composers, Authors and Publishers, and FAMOUS MUSIC CORPORATION, Plaintiff,

against

ELM LODGE, INC., Defendant.

and

In Equity No. 2872

GENE BUCK, as President of the American Society of Composers, Authors and Publishers, and HARMS, INC., Plaintiffs,

against

ELM LODGE, INC., Defendant.

Appearances:

Earl I. Freshman, Esq., Attorney, Syracuse, New York, Solicitor for the plaintiffs; and Louis D. Frohlich, Esq., Attorney, 1450 Broadway, New York City, N. Y., of Counsel for the plaintiffs.

Albert Averbach, Esq., Attorney, Syracuse, N. Y., Solicitor for the defendant.

BRYANT, D. J.

The defendant, at times mentioned in the complaint, operated a restaurant, or night club, near Syracuse, New York, with a table seating capacity of about 200. Each evening, for entertainment, there was a floor show and an orchestra.

It is the contention of the plaintiffs, in each case, that the defendant, without having obtained a license, allowed its orchestra to play copyright pieces.

Plaintiffs, in each action, ask that defendant be enjoined and restrained from publicly performing the compositions named, and seek judgment for \$250.00 with costs. Defendant, by answer in each case, denies the playing of the pieces and alleges invalidity of copyrights because of lack of originality. It also, by counterclaim, asks damages alleged to have been sustained through plaintiffs' publicizing the bringing of the actions, etc.

Plaintiffs in the first entitled action base their alleged cause of action upon an alleged rendition of a composition entitled "Champagne Waltz." The second entitled action is based upon an alleged rendition of the compositions entitled "Continental," "Then I'll Be Tired Of You," and "Night And Day." The two actions were tried together without a jury.

In the first entitled action, defendant is entitled to a judgment of dismissal of the complaint with costs. He is not entitled to recover upon his alleged counterclaim. Findings may be presented upon notice.

In the second entitled action the plaintiffs are entitled to judgment with costs. Findings may be presented on notice.

Plaintiffs, in each case, are entitled to copyright protection of the compositions named. The present suits are for penalties rather

than for actual damages. Before a penalty is decreed, the evidence should clearly show unlicensed rendition.

In the first entitled action the alleged violation rests upon the testimony of one witness. I do not consider the testimony of this witness reliable enough to support a verdict.

In the second case, a witness, the one referred to above, testified that the three compositions, last above named, were played by an orchestra in defendant's place on December 5th, 1934. From the evidence, I doubt if he was there on that particular night. However, there is not any question but that he was at defendant's Night Club some evening about that time. On his evidence, uncorroborated, I would not predicate a violation. In this case he is supported by an orchestra leader and a piano player.

The leader of the orchestra, which played at defendant's place from the latter part of November until about December 5th, positively stated that, during that period, his orchestra played "Continental" every night and "Night And Day" part of the time. A piano player, who played with the orchestra one night, testified that the orchestra played "Night And Day." He gave his reasons for remembering that particular selection. This testimony is undisputed except that both witnesses testified they played the night of December 5th, while defendant's evidence tended to show the orchestra, in which they played, closed its engagement on the night of the fourth. Regardless of this dispute, the evidence is of sufficient weight to sustain plaintiffs' allegations.

Cases of this kind have received considerable adverse criticism. The methods used by plaintiff, American Society of Composers, Authors and Publishers, in the present cases, will not tend to allay the criticisms.

An official of the Society testified that it is not the policy of the Society to make inducements to orchestra leaders and players to advise when they have played copyright pieces in unlicensed places. Manifestly, the Society has no scruples against depending upon orchestra leaders and players to prove its cases. It has done so in the present instance. Inasmuch as orchestra leaders have the choice of selections, a proprietor of an unlicensed place, however innocent, may be placed in the toils of the Society through a bribable leader and an unscrupulous investigator.

I am not in accord with the practice of attorneys, who are directly or indirectly retained by the Society, frequenting Night Clubs with the hopes that they may hear a composition played upon which they can base a case and obtain a fee, and then take the witness stand to prove the alleged violation. Such conduct cannot have the sanction of this Court.

Dated May 7th, 1936.

FREDERICK H. BRYANT,
United States District Judge.

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them:

No. 2800. A complaint has been issued against **Canterbury Candy Makers, Inc.**, 93 Marion St., Seattle, Wash., charging unfair methods of competition through sale to wholesalers and retailers of assortments of candy so packed as to involve the use of a lottery scheme when distributed to consumers. One such assortment was sold together with a punchboard, according to the complaint. These methods of competition are alleged to have caused diversion of trade to the respondent company from competitors.

No. 2801. Alleging unfair competition in the sale of encyclopedias, a complaint has been issued against the **Times Sales Co., Inc.**, **The Times Sales Co.**, **William and George G. Heim**, and **Edward B. Seegar**, all having their place of business at 1524 Chestnut St., Philadelphia. The respondents Heim are officers in both firms and are copartners of Seegar in the Times Sales Co., according to the complaint.

The respondents are said to offer for sale sets of "The Times Encyclopedia," sometimes known as "The Times Encyclopedia and Gazetteer," together with a 10-year loose-leaf extension service, a membership in a bureau of research, and subscriptions to certain magazines.

Purchasers of this so-called "combination sale" sign a contract which, according to the complaint, describes the terms and time of payments and sets forth that the signer does not have an understanding of any kind with the respondents' salesmen other than the terms printed in the contract, and that the contract is not subject to change or cancellation.

However, the complaint charges, the respondents' salesmen represent to prospects that the contract is open to change, and, by writing on the face thereof, alter the terms or time of payments and substitute subscriptions to magazines other than those named in the contract, but which are preferred by purchasers.

No. 2803. Improper labeling of whiskey is alleged in a complaint issued against **C. O. Taylor Distributing Co.**, 444 West Grand Ave., Chicago, a wholesale distributor of alcoholic liquors. The respondent's practices are said to constitute unfair competition and to be in violation of Section 5 of the Federal Trade Commission Act.

By abbreviating the word "Distributing" to "DIST." in its corporate name, and by use of such abbreviation on stationery, labels, and in advertising matter, the respondent company, it is charged, implies that it is a distilling company and manufactures its products by the process of distillation, when, according to the complaint, it does not own or operate a plant where such products are distilled.

No. 2804. Charged with unfair methods of competition in the sale of a purported mineral water, **Richard R. Soheranes**, trading as **Tarzana Mineral Water Co.**, 1485 North Vine St., Hollywood, Calif., is named respondent in a complaint. Soheranes also has a branch office and place of business at **Tarzana, Calif.**

In radio broadcasts and in various kinds of advertising matter, the respondent allegedly represents that his product will prevent and cure, or is beneficial in the treatment of many diseases and afflictions, including rheumatism, liver ailments, stomach troubles, high blood pressure, diabetes and acidosis. The complaint charges these representations are not true, and that the respondent's water does not possess the curative and beneficial qualities claimed for it.

The respondent also is said to advertise that the diet of the average citizen is "sadly" deficient in sodium, calcium and magnesium, and that such deficiency can be supplied by drinking this mineral water. According to the complaint, the average diet is not lacking in the important mineral elements named, and the respondent's product does not act on the human body in any manner different from any pure, potable water, and does not contain any elements or medicinal properties in sufficient quantities to render it of greater benefit than any pure drinking water.

Stipulations

The Commission has issued the following cease and desist orders and stipulations:

No. 1656. **Landshaft & Bonning, Inc.**, 424 Main St., Buffalo, N. Y., an advertising agency, agrees to discontinue false and misleading advertising in connection with the sale of a book, "How to be Always Well," which recommends a system of diet devised by and cereal products distributed by Dr. Robert G. Jackson, Toronto, Canada. According to the stipulation, Dr. Jackson is a client of the agency, which places his advertisements in various periodicals and also superintends the sale of his health book. The agency agrees, among other things, to cease representing, either in advertisements or in the book itself, that use of the diet, exercise, or hygiene advocated by Dr. Jackson gives immunity from sickness and disease, or from such minor ailments as colds, or prolongs life from 25 to 50 years.

No. 1657. **Mirrolike Manufacturing Co.**, 35 Queens Boulevard, Long Island City, N. Y., engaged in the sale of "Mirrolike White Shellac," signed a stipulation to discontinue use on labels of the word "shellac" alone or in conjunction with the word "white" so as to imply that the product is composed of shellac gum, cut or dissolved in alcohol. The stipulation provides that if shellac gum is the principal ingredient in the respondent's product, the word "shellac" shall be accompanied by the word "compound," and if shellac gum is not the predominant element, the word "substitute" shall be used in connection with the word "shellac," and in each case the words "compound" and "substitute" shall be in type equally as conspicuous as that in which the word "shellac" is printed. The respondent corporation also will desist from using on its labels the words "Guaranteed 5½ lbs. cut" to designate a product which does not actually contain the indicated amount of gum to each gallon of liquid used therewith.

No. 1658. **Ossola Bros., Inc.**, 1800 Penn Ave., Pittsburgh, stipulates it will cease and desist from use of the words "Imported from Italy," either in English or Italian, as a brand for its olive oil products; or if such product is composed in substantial part of oil produced in and imported from Italy, and the words "Imported from Italy" are used to describe the same, such words shall be accompanied by others to indicate the product is not composed wholly of oil produced in and imported from Italy. According to the stipulation, the respondent corporation caused advertisements

of its product to be broadcast in the Italian language from a Pittsburgh radio station.

No. 1659. **Lederle Laboratories, Inc.**, 30 Rockefeller Plaza, New York City, engaged in the sale of "Poultry Worm Tablets Lederle," agrees to discontinue advertising to the effect that its products "have an insoluble coating" or are "enteric coated," so as to imply that the tablets or the coating thereon remains insoluble until they reach the intestines, then are dissolved at the point of infection.

No. 1660. **McCormick & Co.**, 400 Light St., Baltimore, entered into a stipulation that, in the sale of pepper, it will cease using in advertisements the statement, "Don't pay for dust, dirt, stems and stones that are ground up in cheap pepper," so as to imply that the price asked for pepper indicates the amount of foreign substance therein. The respondent also agrees to discontinue making any representations tending to disparage brands of pepper sold by competitors.

No. 1661. **Toolinda Mahler, trading as D. J. Mahler Co.**, 3124 Pawtucket Ave., East Providence, R. I., manufacturing toilet requisites and an electrical apparatus, agrees to stop representing that the use of the apparatus is the only method of permanently destroying superfluous hair or preventing its regrowth. The respondent agrees also to stop advertising that use of the device by self-application is safe, easy, painless, permanent or harmless, without at the same time qualifying the allegations by the condition that proper care and skill are required in its application.

The respondent company agrees not to represent that use of the apparatus for removal of warts, moles, birthmarks, red veins, freckles and other similar facial blemishes by self-application is safe, unless it is explained that this could be done with safety only by a skilled dermatologist.

The respondent agrees to stop representing that any person named Daniel J. or D. J. Mahler now owns the company, and to cease publishing purported literature or letters in his name, either with or without his portrait, tending to confuse customers into believing that D. J. Mahler, founder of the company, is still living and offering them his services.

No. 1662. **Montgomery, Ward & Co.**, in the sale of a facial cream, designated it "Footlight Turtle Oil Cream," when, according to the stipulation, the oil content of this product did not consist entirely of turtle oil and did not possess the properties and values advertised.

The respondent company agrees to stop using the words "turtle oil," independently or in conjunction with other words, as a trade name for its facial cream product, implying that the oil content of the preparation is composed wholly of turtle oil; unless, when such oil content is substantially turtle oil, the words "turtle oil," if used to describe it, shall be immediately accompanied by other words clearly indicating the actual oil content.

The respondent company also agrees to cease making other representations implying or tending to deceive buyers into believing that its facial cream, when applied externally, will nourish the skin, act as a corrective for wrinkles, or aid the skin of all users to retain a youthful complexion, when these are not the facts.

No. 1663. Trading as "**Marcelle Laboratories**" and "**Footlight Products Co.**," **C. W. Beggs & Sons, Inc.**, 1741 North Western Ave., Chicago, manufacturer of "Footlight Turtle Oil Cream," entered into a stipulation of facts similar to that in the Montgomery Ward case, and agreed to discontinue the same representations regarding its product.

No. 2651. An order has been issued requiring **Newark Felt Novelty Co., Inc.**, 416 Morris Ave., Newark, N. J., to cease and desist from selling certain articles made of second-hand material unless they are clearly marked so that purchasers will not mistake them as being made of new material.

Specifically, the order directs the respondent company to cease selling baseball caps manufactured from felts obtained from second-hand, old, used and discarded men's and women's felt hats, unless and until there is stamped upon or attached to such caps in a conspicuous place, words clearly indicating that they are not made from new and unused felts, but manufactured from felts obtained from second-hand and discarded felt hats.

No. 2724. Under an order, **Gustave Goldstein**, trading as **Humania Hair & Specialty Manufacturing Co.**, 10-12 East 23rd St., New York City, is directed to cease and desist using false advertising in the sale of hair goods, cosmetics, or toilet preparations.

The respondent will cease representing that he is a manufacturer of hair and specialty goods, an importer of hair goods, or that some of the wigs he sells are imported French wigs made of the finest quality soft French hair.

Among other representations to be discontinued by the respondent are that his "Magic Shaving Powder" does not affect the growth of hair or injure the skin, that "Ro-Zol Face Bleach" is an effective remedy for skin diseases, and that some of his ointments and creams, sold under various trade names, rid the skin of blemishes and pimples, while others lighten dark skin "almost over night" and permit the desired shade to be retained, without injurious effects.

FTC DISMISSES CASES

The Federal Trade Commission has announced that it has dismissed and set aside the following cases:

No. 2450. The Commission has issued an order closing its case against **Distillers Importing Corporation**, 485 Madison Ave., New York City, charged in a Commission complaint with unfair competition through use of the word "Distillers" in its corporate name when the company was not engaged in distilling liquor but was an importer and wholesaler.

The Commission based its closing order on the fact that the respondent company has surrendered its permits, is undergoing dissolution, has not further engaged in interstate commerce in the importation or sale of alcoholic beverages, and on the fact that it appears unlikely the respondent will resume such importation or sale.

The case was closed without prejudice to the Commission's right to reopen it and resume prosecution of the complaint under its regular procedure, should the facts warrant such action.

Nos. 1773-2071. The Commission has vacated and set aside orders to cease and desist issued in April, 1934, against two Philadelphia candy companies, **Quaker City Chocolate & Confectionery Co.**, 2134 Germantown Ave., and **Sol Block and Sidney Blumenthal**, trading as **Rittenhouse Candy Co.**, Worth and Herbert Sts.

The Commission has issued against these respondents amended and supplemental complaints alleging practices similar to those alleged in the original complaints, involving the use of an alleged lottery scheme in the sale of package candies, and has ordered the cases reopened for taking of further testimony.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, May 25

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Dorrance D. Roderick, El Paso, Tex.—C. P., 1500 kc., 100 watts, unlimited time.

Tuesday, May 26

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—The Brockway Co., Watertown, N. Y.—C. P., 1270 kc., 250 watts, daytime.

Wednesday, May 27

HEARING BEFORE AN EXAMINER

NEW—Metro Broadcasting Co., Los Angeles, Calif.—C. P., 820 kc., 250 watts, limited with WHAS.

NEW—Leon S. Packard, Lewis H. Stebbins, Alden C. Packard, d/b as Valley Broadcasting Co., Pomona, Calif.—C. P., 1160 kc., 250 watts, daytime.

KYA—Hearst Radio, Inc., San Francisco, Calif.—C. P., 1230 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 1230 kc., 1 KW, unlimited time.

Thursday, May 28

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Jefferson Broadcasting Co., Ormond O. Black, Pres., Birmingham, Ala.—C. P., 1200 kc., 100 watts, 250 watts LS, unlimited time.

NEW—J. R. Maddox and Dr. W. B. Bair, d/b as Chattanooga Broadcasting Co., Chattanooga, Tenn.—C. P., 590 kc., 1 KW, unlimited time.

NEW—Lookout Broadcasting Corp., Chattanooga, Tenn.—C. P., 1420 kc., 100 watts, daytime.

NEW—Wilton Harvey Pollard, Huntsville, Ala.—C. P., 1200 kc., 100 watts, unlimited time.

Friday, May 29

HEARING BEFORE AN EXAMINER

(Broadcast)

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Authority to transfer control of corporation to WJR, The Goodwill Station; 1450 kc., 500 watts, 1 KW LS, unlimited time.

WJAY—The Cleveland Radio Broadcasting Corp., Cleveland, Ohio.—Authority to transfer control of corporation to U. B. Company; 610 kc., 500 watts, daytime.

WHK—Radio Air Service Corp., Cleveland, Ohio.—Authority to transfer control of corporation to U. B. Company; 1390 kc., 1 KW, 2½ KW LS, unlimited time.

APPLICATIONS GRANTED

KGNF—Great Plains Broadcasting Co. (a corporation), North Platte, Nebr.—Granted C. P. to make changes in equipment.

KFPW—Southwestern Hotel Co., Fort Smith, Ark.—Granted C. P. to make changes in equipment, using approved type of "A" cut crystal and oscillator circuit.

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted C. P. to install directional antenna; move transmitter to — on Glen Rock — Elizabeth Pk. Rd., 1.6 miles east of Norfolk, Va.; increase night power from 500 watts to 1 KW, with directional antenna subject to approval; 780 kc., 1 KW day, unlimited time.

KVOE—The Voice of the Orange Empire, Inc., Ltd., Santa Ana, Calif.—Granted transfer of control of The Voice of the Orange Empire, Inc., Ltd., from the estate of J. S. Edwards, deceased, to J. S. Edwards, Inc.

WREC—WREC, Inc., Memphis, Tenn.—Granted license to cover C. P., 600 kc., 1 KW directional antenna night, 2½ KW LS, unlimited. Also granted authority to determine operating power by direct measurement.

WSGN—R. B. Broyles, tr/as R. B. Broyles Furniture Co., Birmingham, Ala.—Granted consent to voluntary assignment of license from R. B. Broyles, tr/as R. B. Broyles Furniture Co., to The Birmingham News Co.

NEW—Louis Wasmer, Inc., Portable-Mobile, Spokane, Wash. (2 apps.).—Granted C. P. for broadcast pickup station in the experimental service; frequencies 31100, 34600, 37600 and 40600 kc., 2 watts.

NEW—The Evening News Assn., Portable-Mobile (Detroit, Mich.).—Granted C. P. (exp. gen. exp.), frequencies 31100, 34600, 37600, 40600 kc., 3 watts.

W8XO—The Crosley Radio Corp., Mason, Ohio.—Granted renewal of special experimental station license, in exact conformity with existing license, for the period May 21 to August 21, 1936.

SET FOR HEARING

NEW—The Birmingham News Co., Birmingham, Ala.—Application for C. P. for new station, frequency 590 kc., 500 watts night, 1 KW day, unlimited time; site to be determined.

KIT—Carl E. Haymond, Yakima, Wash.—Application for C. P. to install new equipment, change frequency from 1310 kc. to 1250 kc., erect a vertical radiator at site to be determined with Commission's approval, and increase night power from 100 watts to 250 watts, day power from 250 watts to 500 watts.

NEW—Mile High Radio Corp., Denver, Colo.—Application for C. P. for new station, 1420 kc., 100 watts, unlimited time; site to be determined.

NEW—The News Press Publishing Co., Santa Barbara, Calif.—Application for C. P. for new station, 1410 kc., 500 watts, unlimited time; site to be determined.

NEW—The Metropolis Co., Jacksonville, Fla.—Application for C. P. for new station, 1310 kc., 100 watts, unlimited time; site to be determined.

NEW—Neil O. Davis and F. M. Gleason, d/b as North Georgia

Broadcasting Co., Rossville, Ga.—Application for C. P. for new station, 1200 kc., 100 watts, unlimited time; site to be determined.

NEW—Owensboro Broadcasting Co., Owensboro, Ky.—Application for C. P. for new station, 1500 kc., 100 watts, unlimited time; site to be determined.

KNX—Western Broadcast Co., Los Angeles, Calif.—Application for consent to transfer control of Western Broadcast Co. (licensee of KNX) from Guy C. Earl, Jr., and five other parties, to the Columbia Broadcasting System. To be heard June 29 before the Broadcast Division. Also remanded application for renewal of license to docket for further hearing on June 29, 1936.

MISCELLANEOUS

KCMO—Charlotte Duncan, Administratrix, Lester E. Cox, and Thos. L. Evans, Kansas City, Mo.—Reconsidered and granted application for renewal of license and for assignment of license to Lester E. Cox, Thos. L. Evans, and C. C. Payne.

NEW—Memphis Commercial Appeal, Inc., Memphis, Tenn.—Granted permission to file its appearance and statement of facts to be proved in re application for new broadcast station to operate on 630 kc., 1 KW, unlimited time, to be located at Mobile, Ala.

WMT—Iowa Broadcasting Co., Cedar Rapids, Iowa.—Denied petition asking Commission to reconsider and grant without hearing application for C. P. to make changes in equipment and to increase daytime power from 2½ KW to 5 KW.

WCBF—WCBF, Inc., Zion City, Ill.—Denied petition asking Commission to reconsider and grant without hearing application for modification of license for authority to move its studio to Chicago.

KOB—New Mexico College of Agriculture & Mechanic Arts, Albuquerque, N. Mex.—Granted petition requesting postponement of hearing on renewal of license, now scheduled for May 25, 1936, pending formal application now being prepared for the assignment of the station license.

NEW—Struble, Strong, Fagan, Dalles, Ore.—Granted request for an order to take depositions in support of application for a new broadcast station at Dalles, Ore.

WWAE—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Suspended grant made March 27, 1936, and designated for hearing application to operate unlimited daytime and share with WFAM (South Bend, Ind.) at night, because of the protests of WSBC, WEDC, and WCRW, all of Chicago.

NEW—R. J. Laubengayer, Salina, Kans.—Denied petition asking Commission to reconsider and grant without hearing application for permit to erect and operate new broadcast station at Salina, using 100 watts on 1500 kc., full time.

WALA—Pape Broadcasting Corp., Inc., Mobile, Ala.—Granted request for order to take depositions as intervener for use at hearing in opposition to application of Memphis Commercial Appeal, Inc., for new station at Mobile, Ala.

ACTION ON EXAMINERS' REPORTS

NEW—Ex. Rep. No. 1-77 (in part): G. D. Goff, Tampa, Fla.—Denied C. P. for new station to operate on 1500 kc., 100 watts, unlimited time (site to be determined subject to Commission's approval), reversing Examiner Geo. H. Hill. Order effective August 25, 1936. (Action taken May 1, 1936.)

WBNX—Ex. Rep. No. 1-134 (in part): Standard Cahill Co., Inc., New York City.—Granted C. P. to make changes in equipment, move transmitter, and increase power from 250 watts to 1 KW, 1350 kc., share time with WAWZ, sustaining Examiner John P. Bramhall. Order effective September 15, 1936. (Action taken May 1, 1936.)

APPLICATIONS RECEIVED

First Zone

NEW—Old Colony Broadcasting Corp., Brockton, Mass.—Construction permit for a new station to be operated on 680 kc., 250 watts, daytime.

WELI—Patrick J. Goode, New Haven, Conn.—Modification of 930 license to change hours of operation from daytime to unlimited time, requesting 250 watts night, 500 watts day power and change frequency from 900 kc. to 930 kc. Amended to install directional antenna.

NEW—Harriett M. Alleman and Helen W. McLellan, d/b as Cape 1210 Cod Broadcasting Co., Barnstable Township, Mass.—Construction permit for a new station to be operated on 1210 kc., 100 watts, 250 watts day, unlimited time.

Second Zone

NEW—Valley Broadcasting Co., Cleveland, Ohio.—Construction 890 permit for a new station to be operated on 890 kc., 1 KW, unlimited time.

NEW—WRBC, Inc., Cleveland, Ohio.—Construction permit for a 950 new station to be operated on 780 kc., 1 KW, unlimited time. Amended to change frequency from 780 kc. to 950 kc.

WSAI—The Crosley Radio Corp., Cincinnati, Ohio.—Authority 1330 to determine operating power by direct measurement of antenna.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Modification of 1500 construction permit (B2-P-637) for changes in equipment, requesting to install new equipment, make changes in antenna, and extend commencement and completion dates.

NEW—Farnsworth Television, Inc., of Pennsylvania, Springfield, Pa.—Construction permit for an experimental visual broadcasting station and synchronized sound track for 60000-86000 kc. band on specific frequencies of 62750 kc. for visual broadcasting and 66000 kc. for synchronized sound track. Visual power 4 KW, sound track power 1 KW.

W8XAL—Crosley Radio Corp., Mason, Ohio.—Modification of license to add frequency 9590 kc.

Third Zone

WMC—Memphis Commercial Appeal, Inc., Memphis, Tenn.—780 Modification of construction permit (B3-P-621) for changes in equipment and increase in power, requesting to install a new directional antenna, change transmitter site from intersection U. S. Highways 64 and 70, Memphis, Tenn., to ¾ mile northwest of 5 Points—intersection U. S. Highway No. 70 and Macon Road, near Memphis, Tenn., and extend commencement and completion dates.

NEW—Radio Enterprises, Inc., Hot Springs, Ark.—Construction 1310 permit for a new station to be operated on 1310 kc., 100 watts, daytime.

WLAK—Lake Region Broadcasting Co., Lakeland, Fla.—License 1310 to cover construction permit (B3-P-42) for a new station.

W4XC—Wade Dellinger, Portable.—Modification of license to change from telegraph service to broadcast. Licensed for 31600, 35600, 38600, 41000, 86000-100000 kc., 15 watts.

Fourth Zone

NEW—Daily News Corp., St. Paul, Minn.—Construction permit 630 for a new station to be operated on 1370 kc., 100 watts, unlimited time. Amended to change frequency from 1370 kc. to 630 kc., and power from 100 watts to 250 watts.

WJJD—WJJD, Inc., Chicago, Ill.—License to cover construction 1130 permit (B4-P-362) for move of transmitter.

WEOA—Evansville on the Air, Inc., Evansville, Ind.—License to 1370 cover construction permit (B4-P-384) for a new station.

NEW—KMJB Broadcasting Co., by Myron J. Bennett, Pres., 1450 Minot, N. Dak.—Construction permit for a new station to be operated on 1450 kc., 1 KW, unlimited time, facilities of KLPM. Amended to change equipment and give transmitter site as site to be determined, Ward County, North Dakota.

Fifth Zone

KGW—Oregonian Publishing Co., Portland, Ore.—Construction 620 permit to make changes in equipment.

NEW—The Tribune, Great Falls, Mont.—Construction permit for
950 a new station to be operated on 1280 kc., 1 KW, 5 KW
day, unlimited time. Amended: Change frequency back to
950 kc. from 1280 kc. and omit request for KFBB's facilities.

KGY—KGY, Inc., Olympia, Wash.—Authority to install auto-
1210 matic frequency control.

KGY—KGY, Inc., Olympia, Wash.—Construction permit to in-
1210 stall a new transmitter.

NEW—Ed Klies, Helena, Mont.—Construction permit for a new
1280 station to be operated on 1210 kc., 100 watts, 250 watts
day, unlimited time. Amended to change equipment, change
frequency from 1210 kc. to 1280 kc., and power from 100

watts, 250 watts day, to 1 KW, 5 KW day, facilities of
KFBB.

KSLM—Oregon Radio, Inc., Salem, Ore.—Authority to make
1370 changes in automatic frequency control.

WDNC—Durham Radio Corp., Durham, N. C.—Authority to
1500 transfer control of corporation from George Watts Hill,
Herbert Bleuthenthal, Harris Newman and John Sprunt Hill
to The Durham Herald Company, 684 shares common stock.

Puerto Rican Zone

WKAQ—Radio Corporation of Porto Rico, San Juan, Puerto Rico.

1240 License to cover construction permit (B4-P-743) for changes
in equipment and move of transmitter.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
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REPORTS ON BROADCAST STATION REVENUE

Total receipts of the 77 broadcast stations in the Pacific Coast states from the sale of radio time during 1935 amounted to \$6,441,623, according to announcement of the Bureau of the Census, Department of Commerce. These figures were obtained in the new census of business series on the broadcasting business.

In the same series the Bureau announced that total receipts from the sale of time by the 30 broadcast stations in Texas in 1935 amounted to \$2,220,821.

HOUSE RADIO BILL REPORTED

The House Committee on Interstate & Foreign Commerce has made a favorable report on H. R. 12646 which provides for the amendment of Section 318 of the Communications Act of 1934. As reported the bill is as follows:

That section 318 of the Communications Act of 1934 is hereby amended to read as follows:

"SEC. 318. The actual operation of all transmitting apparatus in any radio station for which a station license is required by this Act shall be carried on only by a person holding an operator's license issued hereunder, and no person shall operate any such apparatus in such station except under and in accordance with an operator's license issued to him by the Commission: *Provided, however,* That the Commission may waive or modify the foregoing provisions of this section for the operation of any station except (1) stations for which licensed operators are required by international agreement, (2) stations for which licensed operators are required for safety purposes, (3) stations engaged in broadcasting, and (4) stations operated as common carriers on frequencies below thirty thousand kilocycles."

RECOMMENDS LICENSE RENEWAL FOR WLBG

Three applications have been filed with the Federal Communications Commission all dealing with 880 kilocycles, 500 watts power and daytime operation. Station WPHR, Petersburg, Va., operating on this frequency asks for license renewal; the Petersburg Broadcasting Company asks for the facilities of WPHR to erect a new station at Petersburg, Va., and WLBG, at Petersburg, Va., asks to move its transmitter from Petersburg to Richmond, Va.

Examiner John P. Bramhall, in Report No. 1-225, recommends that the application of the Petersburg Broadcasting Company and of WLBG be denied and that the application of WLBG for license renewal be granted.

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

- Owings Mills Distillery, Inc., Owings Mills, Md. (2-2153, Form A-1)
- John Irving Shoe Corp., Boston, Mass. (2-2154, Form A-2)
- Bridgeport Brass Co., Bridgeport, Conn. (2-2155, Form A-2)
- Kendall Refining Co., Bradford, Pa. (2-2156, Form A-2)
- Black & Decker Mfg. Co., Towson, Md. (2-2157, Form A-2)
- Silver Strike Mining Co., Murray, Ida. (2-2158, Form A-1)
- Harden Chemical Corp., Cincinnati, Ohio (2-2159, Form A-1)
- Lawrence Warehouse Co., San Francisco, Cal. (2-2160, Form A-2)
- Owens-Illinois Glass Co., Toledo, Ohio. (2-2161, Form A-2)
- Soulshy-Belle Mining Co., Kansas City, Mo. (2-2164, Form A-1)
- Bolivian Bondholders Protective Committee, New York City. (2-2165, Form D-1)

NEW REBROADCAST RULE

The Federal Communications Commission has issued a new rule, No. 177, effective July 1, dealing with rebroadcasting. It is as follows:

177. (a) The licensee of a regular broadcast station may, without authority of the Commission, rebroadcast a program of another United States regular broadcast station upon notice to the Commission and upon the express authority of the licensee of the station originating the program.

(h) No licensee of any other class of broadcast station (international, visual, high frequency, experimental or special) shall rebroadcast the program of any United States radio station without written authority first having been obtained from the Commission.

(c) No licensee of a regular broadcast station shall rebroadcast the program of any other class of United States radio station without written authority having first been obtained from the Commission.

(d) No licensee of any class of broadcast station shall rebroadcast the program of any foreign radio station without written authority having first been obtained from the Commission. In case a program is transmitted entirely by telephone facilities in which a section of such transmission is by radio, the broadcast of this program is not considered a rebroadcast.

(e) An application for authority to rebroadcast the program of any radio station shall be accompanied by the written consent of the station originating the program.

(f) In case of a rebroadcast where the program is transmitted by several broadcast stations, such as a chain program, the person legally responsible for distributing the program or the chain facility may obtain the authorization for the entire rebroadcast.

(g) Authority will not be granted to rebroadcast in the United States the programs of an international broadcast station located within the limits of the North American Continent, except upon a satisfactory showing that no wire or other facilities exist for transmitting the program to the area served by the station proposing the rebroadcast.

(h) A licensee of an international broadcast station may authorize the rebroadcast of its program by any station outside the limits of the North American Continent without permission from the Commission, provided, however, that the station rebroadcasting the programs cannot be received consistently in the United States.

FOURTEENTH ANNUAL NAB CONVENTION

STEVENS HOTEL, CHICAGO, ILLINOIS

JULY 5, 6, 7, 8, 1936

177.1 No person shall be permitted to locate, use or maintain a radio broadcast studio or other place or apparatus from which or whereby sound waves are converted into electrical energy, or mechanical or physical reproduction of sound waves produced, and caused to be transmitted or delivered to a radio station in a foreign country for the purpose of being broadcast from any radio station there having a power output of sufficient intensity and/or being so located geographically that its emissions may be received consistently in the United States, without first obtaining a permit from the Commission upon proper application therefor.

NEW RULES PROMULGATED BY FCC

The Federal Communications Commission, through its Broadcast Division has promulgated new rules concerning all broadcast stations except regular broadcast stations in the band 550 to 1500 kilocycles. The Commission has made the following official statement in this connection:

The Broadcast Division on May 21, promulgated new rules and regulations concerning all broadcast stations except regular broadcast stations in the band 550 to 1500 kilocycles. These broadcast stations are as follows:

Relay broadcast stations (formerly broadcast pickup stations).
International broadcast stations (formerly experimental relay stations).

Visual broadcast stations, including television and facsimile.

High-frequency broadcast stations (formerly general experimental stations authorized to operate as broadcast stations).

Experimental broadcast stations.

Special broadcast stations (formerly experimental broadcast stations on the frequencies of 1530, 1550 and 1570 kilocycles).

These new rules provide certain new restrictions and principles of operation that are fully set out in the attached copy of the new rules. All outstanding rules concerning these stations which are in conflict with the new rules are automatically cancelled.

The name "relay" broadcast station now applies to stations which were formerly called broadcast pickup stations. The new name "relay" is considered more in keeping with the actual service rendered by these stations. In the future these stations will be licensed only to the holders of regular broadcast station licenses. Two groups of frequencies are provided, one in the medium frequency band and the other in the very high frequency band. In both groups the licensees are required to notify the Commission two days before each operation for the purpose of relaying programs to be broadcast. Certain of the frequencies in the medium frequency band have been changed by two kilocycles to provide better frequency separation from other services. All licensees of these stations should read the new rules governing these stations carefully as certain other changes have been made.

The name "international" broadcast station now applies to those stations which were formerly called experimental relay stations. These stations are licensed for international service. There are certain new principles set out in the new rules that the licensees of these stations should study carefully.

The frequency bands 2000 to 2100 kilocycles and 2750 to 2850 kilocycles have been dropped for the television service. Experience to date has shown that a satisfactory picture in keeping with the development of the art cannot be transmitted successfully in these narrow bands. The stations now assigned these frequencies which are carrying on active programs of research and experimentation will be assigned specific frequencies in the bands 42,000 to 56,000 kilocycles and 60,000 to 86,000 kilocycles. One license will authorize both the visual and aural broadcast. There are certain other principles of operation involved in the new rules which the licensees of these stations should study carefully.

High-frequency broadcast stations are required to carry on active programs of research to hold a license. Licensees not carrying on this active program cannot be considered as making proper usage of the assignment and full consideration will be given at the time of the renewal of license.

Experimental broadcast stations are provided for specific experimentation along lines other than those prescribed by other broadcast rules. Certain frequencies throughout the entire useful radio spectrum are made available for this purpose by Rule 229 as modified.

The name "special broadcast station" applies to stations formerly named "experimental" stations licensed to operate on the frequencies of 1530, 1550, and 1570 kilocycles. The new rules provide that all rules that apply to regular broadcast stations (Rules 69 to 181, inclusive) shall apply to special broadcast stations. This means

that these stations must have frequency monitors, modulation monitors, protected equipment, etc.

It will be necessary to modify several of the outstanding licenses to comply with the new frequency allocation as provided in Rule 229 as modified by the Commission on May 13, 1936. The Broadcast Division's new rules as discussed above provide an allocation in compliance with the frequencies made available by the action of the Commission. A careful comparison should be made between your existing licenses with respect to the frequencies and class of broadcast service and that provided in the new rules and regulations. It may be necessary to change either or both.

So that these requirements may be discussed thoroughly and understood, an informal engineering conference is scheduled for June 8, 1936, at which all licensees affected should be represented, or should supply information to the Broadcast Division of the Commission as to the new frequencies that they desire in keeping with the new rules. All licensees of television broadcast stations should especially be present so that a definite assignment of a visual and aural frequency can be made in either the 42,000-56,000 kilocycle band or the 60,000-86,000 kilocycle band. If the licensees are not present so that an agreeable change of frequency can be effected, the Commission will, on July 1, 1936, issue a modified license specifying the frequency that it deems best in keeping with public interest, convenience and necessity, as provided in Rule 229 as modified.

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following companies. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

No. 2802. Charging a conspiracy resulting in restraint of trade in the interstate sale of rubber heels and soles, a complaint has been issued against **The I. T. S. Co., 135 Maple St., Elyria, O., The National Federation of Master Shoe Rebuilders, 1124 Chester Ave., Cleveland, and George Benson, C. C. Zeigler, Walter L. Green, and S. L. Orenstein, individually and as officers of the association, representing all members.**

The I. T. S. Co., wholesale dealer in rubber heels and soles, the shoe rebuilders' association, and its officers acting individually, are alleged to have entered into an agreement and conspiracy to close the natural channels of distribution to wholesalers and manufacturers who sell their products to the 5-and-10¢ stores, and to cause shoe manufacturers, shoe findings jobbers, repairers and hardware stores to boycott and refuse to deal with manufacturers and wholesalers who sell their goods to such stores.

In pamphlets, trade literature and advertisements, The I. T. S. Co. is alleged to have represented to shoemakers, jobbers and shoe repairers that they should not buy rubber heels or soles made by manufacturers selling heels or stick-on soles to the 5-and-10¢ stores, and that every such article these manufacturers and wholesalers sell to such stores means that the shoe repairer is "cheated out of a heel or tap job." The I. T. S. Co. is alleged to have represented that it "has always been on the side of the shoemaker and jobber" and has "never sold to the 5-and-10¢ stores, any chain store, or shoe manufacturer."

Advising shoemakers and jobbers that it would like to give them information as to what concerns are selling to 5-and-10¢ stores, The I. T. S. Co. is alleged to have explained that it would be unethical for it to do so, but that such information would be furnished by S. L. Orenstein, executive secretary of the National Federation of Master Shoe Rebuilders.

The association is said to have responded to requests for information by forwarding a list of manufacturers and wholesale rubber heel and sole dealers who did not sell their products to 5-and-10¢ stores.

No. 2805. Charging unfair competition in the sale of interlinings used in the manufacture of garments, a complaint has been issued against **Charles A. Saretsky, 246 West 38th Street, New York City, jobber and converter of interlinings.**

The respondent is alleged to have labeled or permitted purchasers to attach a tag furnished by the respondent to each garment manufactured in part from the respondent's interlining, such tag or label allegedly containing lettering such as the following: "This garment is interlined with lamb's wool filling" or "This garment is interlined with 100 per cent wool filling."

The respondent's product is not "lamb's wool filling" nor "100 per cent wool filling," according to the complaint, but is an inferior product made in part of wool or reworked wool or shoddy, adulterated with cotton, and the cloth to which such filling is attached,

and which forms a part of the completed interlining, is alleged to be composed entirely of cotton.

No. 2806. Unfair competition in the sale of candy is alleged in a complaint issued against **March of Time Candies, Inc.**, 446 North Hermitage Ave., **Chicago**.

The complaint alleges that the respondent corporation packs candy in assortments so as to involve a lottery scheme whereby the ultimate purchaser of a piece of candy may win, without additional cost, a package or a bar of candy.

Such a sales method, the complaint charges, tends to divert trade to the respondent from competitors who do not use the same or a similar scheme in the sale of their products.

No. 2807. Under a complaint issued, **United Distillers (of America), Ltd.**, 33 North La Salle St., **Chicago**, is charged with unfair competition in the wholesaling of alcoholic beverages. The respondent corporation, which also has a place of business in Baltimore, is a subsidiary of United Distillers of Canada (Ltd.) and the exclusive agent in the United States for the products of its parent company.

By use of the word "Distillers" in its corporate name in advertising and on stationery and labels on bottles, United Distillers (of America) Ltd., is said to represent that it is a distiller and manufactures its products through the process of distillation, when, the complaint alleges, it is not a distiller and does not own or operate a plant where the beverages it sells are distilled.

No. 2808. Use of lottery in the sale of candy to the consumer is alleged as an unfair method of competition in a complaint issued against **D. Goldenberg, Inc.**, and **Frank Rabinowitz**, trading as **Novelty Sweets Co.**, 2019 East Arizona St., **Philadelphia**.

Assortments of candy of uniform size and shape sold by the respondents were arranged so that some purchasers drew prizes consisting of larger pieces of candy, according to the complaint.

Such practice is against public policy and tends to divert trade from competitors who do not use such a plan in the sale of their products, it is charged in the complaint.

No. 2809. False and misleading representations in advertising an electric comb designed for use in treating the hair and scalp are alleged in a complaint issued against **G. Lindholm Co., Inc.**, 316 Flatbush Ave., **Brooklyn, N. Y.**

The respondent company, in radio broadcasts, newspapers and other advertising matter, is said to represent that use of its product, known as "Evans Dermectro Electric Comb," checks dandruff and falling hair in a few days, imparts new life to dry, dull hair, and causes it to become lustrous, thick and wavy, arrests baldness, and restores gray hair to its original color. The complaint charges that such assertions are untrue, and that the electric comb so advertised does not perform any function other than that which may be accomplished by an ordinary comb.

According to the complaint the respondent company advertises that "A thousand-dollar guarantee goes with every comb," and represents that the purchase price will be refunded if purchasers are not satisfied with the comb after a 7-day trial. The complaint describes this purported guarantee as vague and misleading, and alleges that it does not go with every comb, and that the \$1,000 has not been posted so as to be available to a purchaser in event the guarantee is broken.

No. 2810. Fraudulent representations in the sale of receptacles for storing clothing is alleged as an unfair method of competition in violation of the Federal Trade Commission Act in a complaint issued against **Mortimer Alfred Gersten** and **Lee Gersten**, trading as **Gersten Brothers**, 516 West 34th St., **New York City**.

Manufacturing corrugated fibre storage receptacles, chests and closets, the respondents are alleged to have been in unfair competition with other dealers in storage receptacles by use of misleading assertions concerning the protection from moths afforded by their own fibre products.

The respondents are alleged to have branded their receptacles as "Cedarol Closets" and "Cedarol Chests," falsely representing them to the trade as being effective against the ravages of moths, because of the presence of cedar oil in their construction.

No. 2811. A complaint alleging unfair competition in the sale of a medicinal preparation and treatment for eczema has been issued against **Dr. J. E. Cannaday**, 316 South Ohio Ave., **Sedalia, Mo.**

Among the representations allegedly made by Dr. Cannaday in various advertising media, and which the complaint charges are false and exaggerated, are that use of his preparation and treatment effects a cure and brings permanent relief in all cases of eczema.

Dr. Cannaday is said to have circulated testimonials in which various persons made statements to the effect that they had suffered from eczema and had been relieved or cured by the use of his product, when, the complaint charges, many had not been cured

or completely restored to health. He also is alleged to have made claims that he cured numerous persons, but, according to the complaint, was without personal knowledge as to the ailment from which such persons were suffering and as to the extent to which they benefited by use of his product.

No. 2812. **Millinery Quality Guild, Inc.**, and **Uptown Creators' Guild**, both of **New York City**, and their 27 members who design, manufacture and sell ladies' hats of fine grade are alleged, in a complaint, to be engaged in unfair practices in restraint of trade, which are injurious to manufacturers and retailers of stylish millinery, as well as to the purchasing public.

All members of the guilds are located in New York City, except one in San Francisco, and are recognized leaders in the field of ladies' hats so far as style and design are concerned. They are said to manufacture hats wholesaling at not less than \$8 each, and to have approximately 1600 retail dealers throughout the country buying their products under a so-called "Declaration of Cooperation" entered into with the respondent Millinery Quality Guild, Inc.

Under this "Declaration of Cooperation", the complaint alleges, retailers are coerced and compelled to recognize the property rights in styles created by guild members; to refrain from purchasing copies of styles pirated from guild members, and, in placing an order for millinery, to stamp on such order notice to the seller to the effect that the order is placed only with the manufacturer's warranty that the hats so ordered are not copies of styles originated by the members of either guild.

No. 2813. Named respondent in a complaint, **Dermolav Laboratories, Inc.**, 1700 Broadway, **New York City**, engaged in the manufacture and sale of preparations for use on the scalp, is charged with unfair methods of competition in violation of Section 5 of the Federal Trade Commission Act.

Advertising in tabloid newspapers, in magazines, and in other ways, the respondent corporation represents, the complaint charges, that its "Dermolav Liquid Scalp Peel" and "Dermolav Scalp Compound" grow hair and cure a disease causing baldness, and that treatment with these Dermolav preparations has certain other beneficial effects on the hair and scalp.

These representations are alleged to be untrue, as is the assertion that "Dermolav Liquid Scalp Peel" is a harmless liquid for removing congested skin from the scalp, when, according to the complaint, its use may result in serious injury.

Nos. 2814-2815-2816. Three companies selling tableware labeled "Dirigold" are named as respondents in complaints charging unfair competition in violation of the Federal Trade Commission Act. The respondent companies are **American Dirigold Corporation, Kokomo, Ind.**; **Dirigold Metals Corporation, Barrington, Ill.**; and **Dirigold Distributors, Inc., Chicago**.

The respondents are charged with making representations indicating that their tableware articles contain gold, when, according to the complaints, this is not a fact. The Kokomo and Barrington companies manufacture alloy and tableware made therefrom, while the Chicago concern sells tableware.

Among advertising descriptions used by the three respondents were, according to the complaint, the following: "No home need be denied the rare luxury and beauty of gold on the table and in the home"; "Dirigold is truly—the ultimate gift of a Golden Age"; and "Dirigold—the fashionable and exquisite ware that possesses the color and lustrous beauty of gold!"

The name "Dirigold" is said to be stamped on each article sold by the respondents, and to occupy the most prominent part of their trade-marks, used in advertising literature and other printed matter. The word "Dirigold" also appears in their corporate names. The complaints charge that use of this name applied to articles containing no gold is misleading in that it implies and serves as a representation that such products contain at least some gold. In fact, according to the complaints, the alloy and the products made therefrom, as sold by the respondents, consist chiefly of aluminum and copper, and the articles are highly polished and so finished that they are of the color, lustre and appearance of 14-carat gold.

No. 2817. Misrepresentation of the nature and effect of "St. Joseph Aspirin" is alleged in a complaint issued against **Plough, Inc., Memphis, Tenn.**, which sells that product in interstate commerce. Violation of Section 5 of the Federal Trade Commission Act is charged.

The respondent corporation, in newspaper and magazine advertisements, is said to represent that "St. Joseph Aspirin" gives quicker relief than and is superior to other aspirin, and is fully effective for pains and colds; that it exceeds in purity and accuracy of ingredients rigid standards set by the United States Government; that cellophane wrappings protect its purity and benefit it materially; that aspirin requires cellophane wrappings, under usual and normal conditions of sale, to protect it from deterioration caused

by moisture, and that failure to so wrap it decreases its value or potency.

Stipulations

The Commission has issued the following cease and desist orders and stipulations:

No. 01350. Harriett Hubbard Ayer, a corporation, 323 East 34th St., New York City, selling an "eyelash and eyebrow grower", agrees to stop advertising that the product will increase the length of eyelashes and eyebrows and promote their growth. The respondent admits in its stipulation that, according to scientific authority, no product capable of increasing the growth of hair on any part of the body has at the present time been discovered.

No. 01353. Lucky Tiger Manufacturing Co., 6th and Delaware Sts., Kansas City, Mo., will cease advertising that its "Lucky Tiger Ointment" is a competent treatment for many skin and scalp ailments, unless the representations are limited to assertions that the ointment is only a palliative for relief of superficial conditions; that it is an effective remedy for athlete's foot, or is useful for anything more than relief from itching, burning and surface irritations; or that it will prevent infection, unless representations to this effect are qualified by statements that the ointment may be of value because of its antiseptic or germicidal qualities, but only when in proper contact with the germ. The respondent company further agrees not to publish any testimonial containing any representation contrary to the stipulation.

No. 01354. C. H. Sisson, trading as Sisson Drug Co., Columbus, O., selling Sisson's Formula Tablets Nos. 1, 2 and 3, stipulates he will discontinue representing that the preparations, alone or in combination, are a competent treatment for rheumatism, unless he qualifies such representations by limiting the claims for the preparations' therapeutic value to rheumatism caused by uric acid. The respondent also agrees to stop representing that his products are an effective treatment for sciatica, neuritis or lumbago, and that other preparations, not based upon the theory that rheumatism and kindred ailments are caused by the formation of uric acid crystals, are ineffective for the treatment of such ailments. The respondent's claim that he employed a German chemist to develop the formula for his No. 1 tablet will be discontinued.

No. 01355. Servex Laboratories, Ltd., 6405 Selma Ave., Hollywood, Calif., engaged in selling hygiene products for women, agrees to cease representing that its "Servex Jelly" is an antiseptic or possesses definite bactericidal action, unless the formula is so modified that the preparation will meet competent tests for antiseptic and germicidal properties under the conditions prescribed for its use. The respondent will discontinue representing that "Servex Jelly" and "Servex Powder" are endorsed or prescribed by physicians as safe antiseptics for use in treating certain infections, and will desist from using in its corporate name the word "Laboratories" until it actually maintains a place where scientific investigations are conducted.

No. 01356. H. J. Laird and G. J. Warren, trading as Paraguayan Mate Co., 749 Washington St., New York City, selling a beverage commonly known as Yerba Mate and designated "Viril-A-Tea", agree to cease representing, among other things, that Yerba Mate is a new discovery, a general tonic, or is more than a temporary stimulant; that it restores vitality, is almost a "cure-all" for a wide variety of ailments, fortifies the body against infection, and is a substitute for alcohol and essential in the diet. The respondents admit Yerba Mate has been used as a beverage for many years, particularly in South America. They agree that the name "Viril-A-Tea", will be discontinued, and that the name substituted therefor will not imply that Yerba Mate will produce any effect contrary to the terms of the stipulation.

No. 01357. Charles Allen, operating as Allen Medicine Co., 323 North Grand Ave., St. Louis, engaged in the sale of Allen's Gas Tablets, will discontinue representations that these tablets produce any beneficial effect other than that resulting from use of a laxative, that they are an effective remedy for gas or stomach disorders, and that they are a tonic and do not contain anything harmful to the human system.

No. 01359. General Insulating & Manufacturing Co., 705 Olive St., St. Louis, selling "Gimco Rock Wool," an insulating material, agrees to stop asserting that its article will withstand a constant flame of 1350 degrees without effect on the material; that a thin layer of dust over a surface of reflective insulations will reduce their insulating value to practically nothing; that "Gimco Rock Wool" will stop heat loss or will give a building "a positive barrier" against the rays of the sun, and that all drafts can be eliminated by use of this insulating material.

No. 01360. C. L. Smith and E. J. Dwyer, trading as C. L. O. Smith Co., 820 North Michigan Ave., Chicago, agree to

cease advertising that their cod liver oil product, called "Kiel-Oil", when fed to poultry, will increase egg production, prevent rickets, lessen mortality, provide greater resistance to disease, and other representations. The respondents also agree to stop advertising that "Kiel-Oil" contains Vitamin E, that it is a pure cod liver oil, and conforms to requirements of the United States Pharmacopoeia. In their stipulation the respondents admit that vitamin deficiencies in poultry may be due to confinement, lack of sufficient sunshine, or other causes, and that feeding poultry the respondents' product will not result in improvement of the poultry or eggs, unless the poultry is deficient in nutritional elements contained in the product.

No. 01361. Gordon Bannerman, trading as Antiseptic Eye Remedy Co., 11422 Lorain Ave., Cleveland, stipulates that he will discontinue advertising that his preparation, designated "Eye-Res" is a competent remedy in the treatment of tired, strained, congested or aching eyes, that it is antiseptic and will guard against infection, or that it is of any special merit therapeutically.

No. 01362. International Correspondence Schools, Scranton, Pa., in its stipulation admits that the I. C. S. phonographic system of instruction in languages was used to a limited extent, at one time, by the Government in its naval and military academies for aiding students whose work was not up to standard, but that it is not now so used.

No. 01363. M. L. Clein & Co., Atlanta, will cease representations that its "Mentho-Mulsion" is a competent treatment for coughs, except for coughs due to colds; that it is safe, and that it is an effective remedy for "smoker's cough."

No. 01364. Arthur Sachs, trading as Eugenia Sachs Laboratories, 309 Fifth Ave., New York City, agrees to stop representing that any of the respondent's cosmetics will grow eyelashes or increase or promote the growth or length of eyelashes. Among products sold by the respondent are "Saxalur Eyelash Grower," "Allura Eyelash Grower" and "Allura Creme Mascara."

No. 01365. O. H. D., Inc., 3 East Front St., Wilmington, Del., entered into an agreement to cease representations that "Oxy Indian Cough Syrup" will relieve colds and coughs, unless the representations are limited to claims that the product brings relief only for coughs and colds of a mild nature, and to those types of such ailments definitely known to be within the therapeutic limits of the preparation; that it relieves colds or coughs instantly or with the first dose, and that it contains no opiates or habit-forming drugs. The respondent company will stop designating its preparation as "Indian" unless labels and advertising matter clearly state that the preparation is not of Indian origin.

No. 01370. Venus Health Corporation, 815 South Hill St., Los Angeles, engaged in the sale of "V-76 Tablets" and "Venus Fat Reducing Tablets", agrees to stop representing that "V-76 Tablets" are competent in the treatment of gastritis, stomach distress, indigestion, and other ailments; that they are effective in restoring normal bowel activity, and are safe or harmless. As to Venus Tablets, the respondent company agrees to cease representing that any reduction in weight experienced by any person is due entirely to the use of these tablets; that the Venus method is either a drugless or a safe or sane way to start reducing, or that any person who is overweight may reduce to normal by the Venus method.

No. 01371. Stephen V. and Anthony V. Gimino, trading as Elite Publishing Co., 214 Grand Street, New York City, in the sale of a booklet, "Collection of Successful Business Plans", agree to stop alleging that the chance for success in an independent business is greater than that in a salaried position, unless this assertion is substantiated by authentic data; that their plans have been "approved"; that they do not involve any risk or require investment, and that the booklet is free of charge, unless in fact it is sent without payment of money by the recipient or the rendering of service. In their stipulation, the respondents admit that they have no evidence to substantiate the assertion that the chance for success in an independent business is sixteen times greater than that of a salaried position, as was advertised.

No. 01372. Mrs. Dean Ladd Kidder, widow and executrix of the will of the late William V. Kidder, trading as Pyroil Co., 559 LaFollette Ave., LaCrosse, Wis., in the sale of a graphited lubricant, agrees to ban the representation that this lubricant, called "Pyroil", contains a special solvent to remove carbon; will produce a perfectly smooth surface where deep scoring has occurred; will more than double the life of an automobile or increase its usefulness 50 to 150 per cent, and other representations.

No. 01373. George H. Sanders, Walter C. Schad, and Art Ede, operating as Aura Laboratories, 1587 Broadway, New York City, are dealers in a device recommended for correcting protruding ears, known as "Aura Primset". The respondents aver in their stipulation that the device consists of adhesive tabs and glue, and that while it may cause temporary correction, permanent

relief cannot be had in all cases by use of the device. The respondents agree to stop advertising that "Aura Primset" is endorsed by physicians as the best method for correcting misshapen or protruding ears; that the device will give permanent relief; that normal setting of protruding ears is brought about immediately through use of this device and without resort to surgery; that the apparatus trains the muscles of the ear to stay back normally, thus effecting a permanent relief from deformity in the oldest cases, and other representations.

No. 2526. Mid West Mills, Inc., 1726-28 Arcade Place, Chicago, jobber of upholstering fabrics and other furniture material, has been ordered to cease and desist representing by use of its corporate name, in advertising literature or in any other manner, that it is a manufacturer, mill operator, or mill owner.

Findings are that the respondent used the phrase "Jobbers and Converters" along with its corporate name, and the word "Mills" in its corporate name. The company, according to the findings, is not a manufacturer of the merchandise in which it deals.

No. 2772. General Handkerchief Mfg. Co., Inc., 919 W. Roosevelt Rd., Chicago, has been ordered to discontinue representing through its corporate name, letterheads, circulars, advertising literature, or in any other manner, that it manufactures the handkerchiefs it sells in interstate commerce.

The Commission found that the respondent company used the letters "Mfg." and the words "manufacturers," "manufactured" and "factory" in such manner as to cause customers or prospective customers to believe it owned or operated a factory, when such was not the case.

FTC ORDERS VACATED

No. 1790. An order entered in April, 1934, against Pasquale Margarella, 477 Broome St., New York City, directing him to cease and desist from unfair competition in the sale of candy, has been vacated and set aside by the Federal Trade Commission.

At the same time, the Commission issued an amended and supplemental complaint against Margarella, alleging that he sells to wholesalers and jobbers assortments of candy so packed as to involve the use of a lottery scheme when sold to consumers. The unfair practices charged in the amended and supplemental complaint are similar to those involved in the original complaint.

No. 2784. The Commission has also dismissed charges of unfair competition in the sale of salt products made in a complaint issued April 24, 1936, against General Laboratories, Inc., of Philadelphia.

Dismissal was ordered because of dissolution of the company.

The complaint charged the Pennsylvania Salt Manufacturing Company and its subsidiary, General Laboratories, Inc., with unfair competition in the use of the term "smoked salt" in advertising their products and process.

The dismissal order applies only to General Laboratories, Inc.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, June 1

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Nathan N. Bauer, Miami, Fla.—C. P., 1420 kc., 100 watts, unlimited time.

NEW—Earl Weir, St. Petersburg, Fla.—C. P., 1370 kc., 100 watts, unlimited time.

Tuesday, June 2

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Saginaw Broadcasting Co., Saginaw, Mich.—C. P., 1200 kc., 100 watts, 250 watts LS, specified hours.

NEW—Harold P. Gross and Edmund C. Shields, Saginaw, Mich.—C. P., 950 kc., 500 watts, daytime.

WKBZ—Karl L. Ashbacher, Muskegon, Mich.—Modification of license, 1200 kc., 100 watts, 250 watts LS, unlimited time. Present assignment: 1500 kc., 100 watts, 250 watts LS, unlimited time.

NEW—Wolverine Broadcasting Co. (John E. Fetzer), Ann Arbor, Mich.—C. P., 800 kc., 1 KW, daytime.

NEW—WRBC, Inc., Youngstown, Ohio.—C. P., 890 kc., 1 KW, unlimited time.

NEW—Harmon LeRoy Stevens and Herman LeRoy Stevens, d/b as The Port Huron Broadcasting Co., Port Huron, Mich.—C. P., 1370 kc., 250 watts, daytime.

Thursday, June 4

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-170:

NEW—Ralph Perez Perry, Santurce, Puerto Rico.—C. P., 1340 kc., 250 watts, unlimited time.

Examiner's Report No. I-191:

NEW—F. W. Atkinson, Watsonville, Calif.—C. P., 1310 kc., 250 watts, daytime.

Examiner's Report No. I-199:

KFJM—University of North Dakota, Grand Forks, N. Dak.—C. P., 1410 kc., 1 KW, unlimited time. Present assignment: 1370 kc., 100 watts (SA Exp. 250 watts LS), unlimited time.

Examiner's Report No. I-206:

KVSO—The Ardmoreite Publishing Co., Inc., Ardmore, Okla.—C. P., 1210 kc., 100 watts, 250 watts LS, unlimited time. Present assignment: 1210 kc., 100 watts, daytime.

Examiner's Report No. I-209:

WOOD—Kunsky-Trendle Broadcasting Corp., Grand Rapids, Mich.—C. P., 1270 kc., 1 KW, shares with WASH. Present assignment: 1270 kc., 500 watts, shares with WASH.

WASH—Kunsky-Trendle Broadcasting Corp., Grand Rapids, Mich.—C. P., 1270 kc., 1 KW, shares with WOOD. Present assignment: 1270 kc., 500 watts, shares with WOOD.

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Modification of license, 1270 kc., 1 KW, unlimited time. Present assignment: 1270 kc., 500 watts, unlimited time.

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Robert Raymond McCulla, Oak Park, Ill.—C. P., 1500 kc., 100 watts, unlimited time.

Friday, June 5

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Southwest Broadcasting Co., Prescott, Ariz.—C. P., 1500 kc., 100 watts, 250 watts LS, unlimited time.

NEW—W. P. Stuart, Prescott, Ariz.—C. P., 1500 kc., 100 watts, unlimited time.

APPLICATIONS GRANTED

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Granted license covering C. P. authorizing changes in equipment.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Granted license to cover C. P. authorizing installation of auxiliary transmitter; 1370 kc., 100 watts night, 250 watts day.

KFRC—Don Lee Broadcasting System, San Francisco, Calif.—Granted license to cover C. P. authorizing changes in equipment and increase in day power to 5 KW; 610 kc., 1 KW night.

KBIX—Oklahoma Press Publishing Co., Muskogee, Okla.—Granted license to cover C. P. authorizing erection of new station to operate on 1500 kc., 100 watts, unlimited time.

WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—Granted consent to transfer control of New Jersey Broadcasting Corp. (licensee of Station WHOM), from Harry F. O'Mealia and the O'Mealia Outdoor Advertising Co., to Paul F. Harron and Joseph Lang; 1450 kc., 250 watts, unlimited time.

KFWB—Warner Bros. Broadcasting Corp., Hollywood, Calif.—Granted modification of C. P. extending commencement date to 6-1-36 and completion date to 11-30-36.

KLZ—KLZ Broadcasting Co., Inc., Denver, Colo.—Granted modification of C. P. to install new equipment, extend commencement date to 60 days after grant and completion date to 6 months thereafter.

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Granted modification of C. P. to install new equipment, extend commencement date to 2 months after grant and completion date to 6 months thereafter.

WCLO—Gazette Printing Co., Janesville, Wis.—Granted modification of C. P. approving antenna and transmitter site.

WHK—Radio Air Service Corp., Cleveland, Ohio.—Granted license to use old transmitter as auxiliary transmitter; 1390 kc., 1 KW night, 2½ KW day, unlimited time; 1 KW for emergency purposes only.

KFRC—Don Lee Broadcasting System, San Francisco, Calif.—Granted license to use old transmitter for auxiliary purposes only; 610 kc., 1 KW night, 5 KW day, unlimited time; 1 KW for auxiliary purposes.

WCAO—Monumental Radio Co., Baltimore, Md.—Granted license to use old W. E. transmitter for auxiliary purposes only; 600 kc., 500 watts night, 1 KW day, auxiliary purposes (present assignment, 600 kc., 500 watts night, 1 KW day, unlimited).

KEUB—Eastern Utah Broadcasting Co., Price, Utah.—Granted modification of C. P. to make changes in equipment and approve transmitter and studio sites.

WHIS—Daily Teleg. Printing Co., Bluefield, W. Va.—Granted license to cover C. P. authorizing installation of new equipment and move of transmitter; 1410 kc., 250 watts night, 500 watts day, unlimited time.

WPRP—Julio M. Conesa, Ponce, P. R.—Granted license to cover C. P. authorizing erection of new station to operate on 1420 kc., 100 watts night, 250 watts day, specified hours.

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Granted license to cover C. P. authorizing installation of new equipment; 1370 kc., 100 watts night, 250 watts day.

WICC—The Southern Conn. Broadcasting Corp., Bridgeport, Conn.—Granted modification of license to change hours of operation from specified to unlimited and facilities of WCAC; 600 kc., 500 watts night, 1 KW day, specified hours (all hours not used by WCAC).

WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Granted C. P. to make changes in equipment.

KFEL—Eugene P. O'Fallon, Inc., Denver, Colo.—Granted C. P. to make changes in equipment and install 2,600-ft. concentric transmission line.

KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Granted modification of C. P. to extend completion date from 5-30-36 to 11-30-36.

WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—Granted license to cover C. P. authorizing move of transmitter locally; installing new antenna and equipment; increase day power from 1 to 5 KW; also granted authority to determine operating power by direct measurement of antenna input.

KTAT—KTAT Broadcast Co., Inc., Fort Worth, Tex.—Granted authority to determine operating power by direct measurement of antenna input.

WPTF—WPTF Radio Company, Raleigh, N. C.—Same as above (for auxiliary equipment, 1 KW).

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted authority to install automatic frequency control equipment.

WNBH—E. Anthony & Sons, Inc., New Bedford, Mass.—Granted authority to install automatic frequency control.

KGFI—Eagle Broadcasting Co., Inc., Corpus Christi, Tex.—Granted authority to install automatic frequency control.

WTAG—Worcester Telegram Pub. Co., Inc., Worcester, Mass.—Granted license for auxiliary transmitter; 580 kc., 500 watts, emergency purposes only.

KVOL—George H. Thomas, Robert M. Dean, Louis M. Sepaugh, T. B. Lanford, a partnership, d/b as Evangeline Broadcasting Co., Lafayette, La.—Granted voluntary assignment of license of station KVOL from George H. Thomas, Robert M. Dean, Louis M. Sepaugh, T. B. Lanford, a partnership trading as Evangeline Broadcasting Co., licensee, to Evangeline Broadcasting Co., Inc.

NEW—WGCM, Inc., Portable-Mobile (temp. b/c pickup).—Granted C. P. for new broadcast pickup station in the temporary emergency service; frequencies 1646, 2090, 2190 and 2830 kc., 50 watts.

NEW—Memphis Commercial Appeal, Inc., Portable-Mobile (temp. b/c pickup).—Granted C. P. for new broadcast pickup station in the temporary service; frequencies 1606, 2020, 2102 and 2760 kc., 35 watts.

NEW—Central States Broadcasting Co., Portable (temp. b/c pickup).—Granted C. P. for new broadcast pickup station in the temporary service; frequencies 1606, 2020, 2102 and 2760 kc., 30 watts.

NEW—WHBY, Inc., Portable-Mobile (exp. gen. exp.), 2 applications.—Granted C. P. for new general experimental station to be used as broadcast pickup station; frequencies 31100, 34600, 37600 and 40600 kc., 10 watts.

NEW—WJR, The Goodwill Station, Portable-Mobile.—Granted C. P. for new general experimental broadcast pickup station; frequencies 31100, 34600, 37600 and 40600 kc., 40 watts.

W9XHW—Northwestern Broadcasting, Inc., Minneapolis, Minn.—Granted license to cover C. P. for general experimental broadcast station; frequencies 31600, 35600, 38600, 41000, 86000-400000, 401000 kc. and above, 50 watts.

W10XGA—Miami Valley Broadcasting Corp., Portable-Mobile.—Granted license to cover C. P. for general experimental broadcast pickup station; frequencies 31100, 34600, 37600 and 40600 kc., 2.5 watts.

W3XEN—Havens & Martin, Inc., Portable-Mobile.—Granted license to cover C. P. for general experimental broadcast pickup station; frequencies 31100, 34600, 37600 and 40600 kc., 40 watts.

W2XR—John V. L. Hogan, d/b as The Scientific Broadcasting Service, Long Island City, N. Y.—Granted consent to voluntary assignment of license to Interstate Broadcasting Co., Inc.

SET FOR HEARING

NEW—KLA, Inc., La Grande, Ore.—Application for C. P. for new station; 1100 kc., 250 watts, daytime.

NEW—John S. Allen and G. W. Covington, Jr., Exchange Hotel Bldg., Montgomery, Ala.—Application for C. P. for new station; 1210 kc., 100 watts, daytime.

NEW—Fred J. Hart, Honolulu, T. H.—Application for C. P. for new station; 600 kc., 250 watts, unlimited time, site to be determined.

NEW—Bayou Broadcasting Co., Houston, Tex.—Application for C. P. for new station; 1210 kc., 100 watts, unlimited time.

NEW—Twin City Broadcasting Co., Inc., Lewiston, Maine.—Application for C. P. for new station; 1210 kc., 100 watts, unlimited time, site to be determined.

NEW—Thomas L. Evans and J. L. Milligan, Jefferson City, Mo.—Application for C. P. for new station; 920 kc., 500 watts, daytime, site to be determined.

NEW—Harold M. Finlay and Mrs. Eloise Finlay, La Grande, Ore.—Application for C. P. for new station; 1500 kc., 100 watts, daytime, site to be determined.

NEW—H. Wimpy, Albany, Ga.—Application for C. P. for new station; 1420 kc., 100 watts night, 250 watts day, unlimited time, site to be determined.

NEW—Eau Claire Broadcasting Co., Eau Claire, Wis.—Application for C. P. for new station; 1210 kc., 100 watts, unlimited time, site to be determined.

KFBB—Buttery Broadcast, Inc., Great Falls, Mont.—C. P., already in hearing docket, amended to read: Make changes in equipment, move transmitter to site to be determined, change frequency from 1280 kc. to 950 kc., increase day power from 2½ KW to 5 KW.

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Modification of license application, already in hearing docket, amended to read: Change operating time from sharing with KFuo to unlimited time. Requests facilities of KFuo.

NEW—Ed Klies, Helena, Mont.—C. P. (amended), 1280 kc., 1 KW night, 5 KW day, unlimited, site to be determined.

WHBC—Edward P. Graham, Canton, Ohio.—Consent to voluntary assignment of license and C. P. to Ohio Broadcasting Co.

WOWO—The Main Auto Supply Co., Fort Wayne, Ind.—Consent to transfer of control of corporation from Fred C. Zieg, C. R. Durbin and J. A. Beckers to Westinghouse Electric & Mfg. Co.

NEW—Cacha Valley Broadcasting Co., Logan, Utah.—C. P. amended to read: 1200 kc., 100 watts, unlimited time.

WGN—WGN, Inc., Chicago, Ill.—C. P. to install new equipment and antenna, increase power from 50 KW to 500 KW; site

to be determined. To be heard before the Broadcast Division.

KTRH—KTRH Broadcasting Co., Houston, Tex.—Application for modification of license to increase night power from 1 to 5 KW. (Present assignment, 1290 kc., 1 KW night, 5 KW day, unlimited time.) To be heard before the Broadcast Division.

WDOD—WDOD Broadcasting Corp., Chattanooga, Tenn.—Application for modification of license to increase night power from 1 to 5 KW. (Present assignment, 1280 kc., 1 KW night, 5 KW day, unlimited time.) To be heard before the Broadcast Division.

WCRW—Clinton R. White, Chicago, Ill.—Renewal of license, 1210 kc., 100 watts, specified hours. Temporary license granted subject to whatever action may be taken on renewal application.

KICA—Western Broadcasters, Inc., Clovis, N. Mex.—Application for modification of license to change hours of operation from specified hours to unlimited time.

KVOE—The Voice of the Orange Empire, Inc., Ltd., Santa Ana, Calif.—Application for renewal of license; 1500 kc., 100 watts, unlimited time.

NEW—The Tribune, Great Falls, Mont.—C. P., already in hearing docket, amended to read: 950 kc., 1 KW night, 5 KW day, unlimited, site to be determined.

NEW—C. E. Wilkinson Broadcasting Co., Inc., Mason City, Iowa.—C. P., already in hearing docket, amended to read: 1210 kc., 100 watts, unlimited time, site to be determined.

WSBT—The South Bend Tribune, South Bend, Ind.—C. P., already in hearing docket, amended to read: Make changes in equipment; install directional antenna for nighttime operation; change frequency from 1360 kc. to 1010 kc.; increase power from 500 watts, sharing with WGES to 1 KW, unlimited time; move transmitter and approval of proposed transmitter site at 4 miles southeast of center of South Bend on So. Jackson Rd., ¼ mile east of Miami Highway.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KFJB, Marshalltown, Iowa; KFXD, Nampa, Idaho; KIUJ, Santa Fe, N. Mex.; KMLB, Monroe, La.; KWTN, Watertown, S. Dak.; WAIM, Anderson, S. C.; WCMI, Ashland, Ky.; WCOL, Columbus, Ohio; WDAH, El Paso, Tex.; WEBR and auxiliary, Buffalo, N. Y.; WEDC, Chicago; WFBG, Altoona, Pa.; WGCM, Mississippi City, Miss.; WHBF, Rock Island, Ill.; WIBX, Utica, N. Y.; WIL, St. Louis, Mo.; WJBC, Bloomington, Ill.; WJBL, Decatur, Ill.; WJBW, New Orleans; WKOK, Sunbury, Pa.; WMBG, Richmond, Va., and auxiliary; WMFF, Plattsburg, N. Y.; WNBH, New Bedford, Mass.; WRAW, Reading, Pa.; WROL, Knoxville, Tenn.; WSJS, Winston-Salem, N. C.; WTEL, Philadelphia, Pa.; WTRC, Elkhart, Ind.

W1XBS—American-Republican, Inc., Prospect Township, Conn.—Granted renewal of experimental broadcast station license for the period June 1, 1936, to December 1, 1936, in exact conformity with existing license.

W2XR—John V. L. Hogan, d/b as the Scientific Broadcasting Service, Long Island City, N. Y.—Granted renewal of experimental broadcast station license for the period June 1, 1936, to December 1, 1936, in exact conformity with existing license.

W9XBY—First National Television, Inc., Kansas City, Mo.—Granted renewal of experimental broadcast station license for the period June 1, 1936, to December 1, 1936, in exact conformity with existing license.

W6XAI—Pioneer Mercantile Co., Bakersfield, Calif.—Granted renewal of experimental broadcast station license for the period June 1 to December 1, 1936, in exact conformity with existing license.

MISCELLANEOUS

NEW—Lookout Broadcasting Corp., Chattanooga, Tenn.—Granted postponement of hearing scheduled for May 20, 1936, to consider application for C. P. for new station to operate on 1420 kc., with 100 watts daytime.

WCAE—Pittsburgh Publishing Co., Pittsburgh, Pa.—Reconsidered renewal of license effective April 1, 1936, authorizing operation on 1220 kc., 1 KW night, 5 KW day, full time, with the use of the transmitter and antenna system described in license, because of protest of WREN, Tonganoxie, Kans. Authorized temporary continuance of use of facilities pend-

ing hearing and decision on application for regular renewal of license.

WPAX—H. Wimpy, Thomasville, Ga.—Retired to the closed files application for C. P. to make changes in equipment, increase power, and move transmitter, since applicant has failed to comply with requirements of Commission's letters.

APPLICATIONS DISMISSED

The following stations, heretofore set for hearing, were dismissed at request of applicants:

NEW—Northern Broadcasting Corp., Watertown, N. Y.—Applied for C. P., 1270 kc., 250 watts, daytime.

NEW—Ben L. Taylor, Phil B. Whitaker and Mrs. Phil B. Whitaker, Chattanooga, Tenn.—Applied for C. P., 1200 kc., 100 watts, daytime.

KFEQ—KFEQ, Inc., St. Joseph, Mo.—Applied for C. P., 680 kc., 5 KW, daytime.

KOOS—Pacific Radio Corp., Marshfield, Ore.—Applied for modification of license, 1390 kc., 250 watts, unlimited time.

KWBG—The Nation's Center Broadcasting Co., Inc., Hutchinson, Kans.—Applied for C. P., 1120 kc., 1 KW, unlimited.

NEW—Evans Broadcasting Co., Kansas City, Mo.—Applied for C. P., 1370 kc., 100 watts, unlimited time.

NEW—Southland Broadcasting Corp., Chattanooga, Tenn.—Applied for C. P., 1200 kc., 100 watts, daytime.

ORAL ARGUMENTS

NEW—Ex. Rep. 1-217: C. G. Hill, Geo. D. Walker, and Susan H. Walker, Winston-Salem, N. C.—Oral argument to be held September 17, 1936.

NEW—Ex. Rep. 1-218: Central Broadcasting Co., Eau Claire, Wis.—Oral argument to be held September 17, 1936.

NEW—Ex. Rep. 1-220: A Stancart Graham, E. B. Baxter, and Norman Baxter, d/b as Pittsburg Broadcasting Co., Pittsburg, Kans.—Oral argument to be held September 17, 1936.

APPROVED MODULATION MONITOR

The Commission approved the following Modulation Monitor for use in broadcast stations to comply with Rule 139 and assigned approval number as given below:

Manufacturer's Name	Type	Approval No.
RCA Mfg. Company	Type 66-B	1553

APPLICATION DENIED

Evening Herald Pub. Co., Los Angeles, Calif.—Denied special authority to operate unlimited time pending the filing of and action on application for license to cover C. P.

APPLICATIONS RECEIVED

First Zone

WTAG—Worcester Telegram Publishing Co., Worcester, Mass.—580 Construction permit to install directional antenna, move transmitter from 20 Franklin Street, Worcester, Mass., to Shrewsbury St., Holden, Mass., and increase power from 500 watts to 1 KW.

WEEL—The Edison Electric Illuminating Co. of Boston, Boston, Mass.—590 Voluntary assignment of license from The Edison Electric Illuminating Co. of Boston to WEEL Broadcasting Corp.

NEW—Eugene Meyer & Co., d/b as The Washington Post, Washington, D. C.—630 Construction permit for a new station to be operated on 630 kc., 250 watts, 500 watts day, unlimited time. Requests facilities of Station WMAL.

WNAC—Shepard Broadcasting Service, Inc., Boston, Mass.—1230 Modification of construction permit (B1-P-1083) for increase in power from 1 KW, 5 KW day, to 5 KW day and night, and changes in antenna. Directional antenna night.

KHBC—Honolulu Broadcasting Co., Ltd., Hilo, Hawaii.—1400 to cover construction permit (B-P-552) as modified for a new station.

WCNW—Arthur Faske, Brooklyn, N. Y.—Construction permit to 1500 make changes in antenna and move transmitter from 1525 Pitkin Avenue, Brooklyn, N. Y., to 195 Varick Avenue, Brooklyn, N. Y.

NEW—National Broadcasting Co., Inc., Portable-Mobile.—Construction permit for a new broadcast pickup station to be operated on 1606, 2020, 2102, 2760 kc., 100 watts.

NEW—National Broadcasting Co., Inc., Portable-Mobile.—License to cover above.

W1XEQ—E. Anthony & Sons, Inc., Fairhaven, Mass.—License to cover construction permit for a new general experimental station.

NEW—National Broadcasting Co., Inc., New York, N. Y.—Construction permit for a new general experimental station to be operated on 25700, 26000, 27100 31100, 31600, 34600, 35600, 37600,* 40600, 41000 kc., 100 watts. *(also 38600 kc.).

NEW—National Broadcasting Co., Inc., New York, N. Y.—License to cover frequencies 31100, 34600, 37600, 40600 kc., 100 watts.

NEW—National Broadcasting Co., Inc., New York, N. Y.—License to cover 25700, 26000, 27100, 31600, 35600, 38600, 41000 kc., 100 watts.

NEW—The WATR Company, Inc., Portable-Mobile.—Construction permit for a new general experimental station to be operated on 31100, 34600, 37600, 40600 kc., 10 watts.

W2XKI—National Broadcasting Co., Inc., New York, N. Y.—License to cover construction permit for a new special experimental station.

Second Zone

NEW—Valley Broadcasting Co., Youngstown, Ohio.—Construction permit for a new station to be operated on 780 kc., 1 KW, unlimited time.

WHAS—The Courier-Journal Co. and The Louisville Times Co., 820 Louisville, Ky.—Special experimental authorization to install new equipment, increase power from 50 KW to 500 KW, and move transmitter from Rural Route No. 1, near Jeffersontown, Ky., to site to be determined, Oldham County, Kentucky, for period to 8-1-36.

WHAS—The Courier-Journal Co. and The Louisville Times Co., 820 Louisville, Ky.—Construction permit to install a vertical antenna and move transmitter from Rural Route No. 1, near Jeffersontown, Ky., to site to be determined, Oldham County, Kentucky.

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—License to 880 cover construction permit (B2-P-264) for new equipment and increase in power.

WMMN—A. M. Rowe, Inc., Fairmont, W. Va.—Modification of 890 construction permit (B2-P-506) for new equipment, increase in power, and move of transmitter, requesting changes in equipment and extend commencement and completion dates.

WCOL—WCOL, Inc., Columbus, Ohio.—Construction permit to 1210 make changes in equipment.

WJAS—Pittsburgh Radio Supply House, Pittsburgh, Pa.—Modification of license to increase power from 1 KW, 5 KW day, 1290 to 5 KW day and night.

NEW—L. Martin Courtney, Toledo, Ohio.—Construction permit 1420 for a new station to be operated on 1420 kc., 100 watts, unlimited time. Amended to make changes in equipment.

NEW—John E. Fetzer, Benton Harbor, Mich.—Construction permit 1500 for a new station to be operated on 1500 kc., 250 watts, daytime. Amended to request 100 watts, 250 watts daytime, unlimited time, contingent upon the granting of WKBZ's application for 1200 kc.

W8XHU—Pittsburgh Radio Supply House, Portable-Mobile.—License to cover construction permit for a new general experimental station.

NEW—WJR, The Goodwill Station, Portable-Mobile.—Construction permit for a new general experimental station to be operated on 31100, 34600, 37600, 40600 kc., 2 watts.

NEW—WJR, The Goodwill Station, Portable-Mobile.—Construction permit for a new general experimental station to be operated on 86000-400000 kc., 2 watts.

NEW—WJR, The Goodwill Station, Portable-Mobile.—Construction permit for a new general experimental station to be operated on 86000-400000 kc., 40 watts.

NEW—The Courier-Journal Co. and The Louisville Times Co., Louisville, Ky.—Construction permit for a new general experimental station to be operated on 31600 kc., 100 watts. Amended to read: 31600, 35600, 38600, 41000 kc., 100 watts.

Third Zone

WMC—Memphis Commercial Appeal, Inc., Memphis, Tenn.—780 Modification of construction permit (B3-P-621) for changes

in equipment and increase in power, requesting extension of completion date from 7-19-36 to 1-19-37.

KFPL—C. C. Baxter, Dublin, Tex.—Modification of construction 1310 permit (B3-P-345) as modified to extend commencement and completion dates.

W4XBS—Memphis Commercial Appeal, Inc., Portable-Mobile.—License to cover construction permit for a new general experimental station.

W4XCA—Memphis Commercial Appeal, Inc., Memphis, Tenn.—License to cover construction permit for a general experimental station.

Fourth Zone

WHBU—Anderson Broadcasting Corp., Anderson, Ind.—License 1210 to cover construction permit (B4-P-438) for changes in equipment and increase in power.

WKBB—Sanders Brothers Radio Station, Dubuque, Iowa.—Construction permit to install new antenna, move studio from 1500 R. F. D. No. 1, E. Dubuque, Ill., to Hotel Julien, Dubuque, Iowa, and transmitter from same address to site to be determined, Julien Township, Iowa.

NEW—William Six, Portable-Mobile.—Construction permit for a new general experimental station to be operated on 31600, 35600, 38600, 41000, 86000-400000, 401000 kc. and above, 15 watts.

NEW—Frank O. Knoll and Julian F. McCutchan, St. Cloud, Minn.—Construction permit for a new general experimental station to be operated on 31600, 35600, 38600, 41000 kc., 100 watts.

Fifth Zone

KIRO—Queen City Broadcasting Co., Seattle, Wash.—License to 650 cover construction permit (B5-P-766) for changes in equipment and to move transmitter and studio.

KHSL—Golden Empire Broadcasting Co., Chico, Calif.—Modification of license to change frequency from 950 kc. to 630 950 kc., power from 250 watts daytime to 250 watts day and night, and hours of operation from daytime to unlimited time. Amended to change requested frequency from 630 kc. to 1260 kc.

KRSC—Radio Sales Corp., Seattle, Wash.—Construction permit 1120 to install new equipment.

KVCV—Golden Empire Broadcasting Co., Redding, Calif.—Modification of construction permit (B5-P-546) to make changes 1260 in equipment, for approval of transmitter and studio sites at 2½ miles south of city (Bonny View Tract), Redding, Calif., and for approval of antenna system.

KGFJ—Ben S. McGlashan, Los Angeles, Calif.—Construction 1200 permit to install new equipment, change frequency from 1200 kc. to 1170 kc., power from 100 watts to 250 watts, 500 watts day.

NEW—Cache Valley Broadcasting Co., Logan, Utah.—Construction 1200 permit for a new station to be operated on 1370 kc., 100 watts, unlimited time. Amended to change frequency from 1370 kc. to 1200 kc.

KFJI—KFJI Broadcasters, Inc., Klamath Falls, Oregon.—License 1210 to cover construction permit (B5-P-1010) to make changes in equipment.

KFBB—Buttrety Broadcast, Inc., Great Falls, Mont.—Construction 1280 permit to install a new transmitter, erect a new antenna, and move transmitter from 5 miles south of town on 13th Street, Great Falls, Mont., to near Great Falls, Mont.

KID—KID Broadcasting Co., Inc., Idaho Falls, Idaho.—Modification of construction permit (B5-P-559) giving exact transmitter site as Yellowstone Highway, near Idaho Falls, 1320 Idaho, and install vertical antenna. Amended to change transmitter site from Yellowstone Highway, near Idaho Falls, Idaho, to near Idaho Falls, Idaho.

NEW—J. D. Keating, Harvey Wells, L. J. Keating, Joe M. 1500 Meyer and L. C. Keating, d/h as Vancouver Broadcasting Co., Vancouver, Wash.—Construction permit for a new station to be operated on 1500 kc., 100 watts, daytime.

NEW—W. P. Stuart, Prescott, Ariz.—Construction permit for a 1500 new station to be operated on 1500 kc., 100 watts, unlimited time, facilities of KPJM. Amended: Transmitter site and antenna to be determined.

NEW—Standard Radio, Inc., Hollywood, Calif.—Authority to transmit electrical transcriptions to foreign countries (CKAC, Montreal, Quebec; CHNS, Halifax, N. S.; CFRN, Edmonton, Alberta, Canada; CKPC, Brantford, Ont., Canada; and other Canadian stations.

The National Association of Broadcasters

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FCC PROMULGATES NEW RULES

The Federal Communications Commission has promulgated general rules and regulations applicable to relay broadcast, international broadcast, visual broadcast, high frequency broadcast, and experimental broadcast stations, effective July 1.

In connection with these new regulations the Commission issued the following statement:

The Broadcast Division on May 21, promulgated new rules and regulations concerning all broadcast stations except regular broadcast stations in the band 550 to 1500 kilocycles. These broadcast stations are as follows:

- Relay broadcast stations (formerly broadcast pickup stations).
- International broadcast stations (formerly experimental relay stations).
- Visual broadcast stations, including television and facsimile.
- High-frequency broadcast stations (formerly general experimental stations authorized to operate as broadcast stations).
- Experimental broadcast stations.
- Special broadcast stations (formerly experimental broadcast stations on the frequencies of 1530, 1550 and 1570 kilocycles).

These new rules provide certain new restrictions and principles of operation that are fully set out in the attached copy of the new rules. All outstanding rules concerning these stations which are in conflict with the new rules are automatically cancelled.

The name "relay" broadcast station now applies to stations which were formerly called broadcast pickup stations. The new name "relay" is considered more in keeping with the actual service rendered by these stations. In the future these stations will be licensed only to the holders of regular broadcast station licenses. Two groups of frequencies are provided, one in the medium frequency band and the other in the very high frequency band. In both groups the licensees are required to notify the Commission two days before each operation for the purpose of relaying programs to be broadcast. Certain of the frequencies in the medium frequency band have been changed by two kilocycles to provide better frequency separation from other services. All licensees of these stations should read the new rules governing these stations carefully as certain other changes have been made.

The name "international" broadcast station now applies to those stations which were formerly called experimental relay stations. These stations are licensed for international service. There are certain new principles set out in the new rules that the licensees of these stations should study carefully.

The frequency bands 2000 to 2100 kilocycles and 2750 to 2850 kilocycles have been dropped for the television service. Experience to date has shown that a satisfactory picture in keeping with the development of the art cannot be transmitted successfully in these narrow bands. The stations now assigned these frequencies which are carrying on active programs of research and experimentation will be assigned specific frequencies in the bands 42,000 to 56,000 kilocycles and 60,000 to 86,000 kilocycles. One license will authorize both the visual and aural broadcast. There are certain other principles of operation involved in the new rules which the licensees of these stations should study carefully.

High-frequency broadcast stations are required to carry on active programs of research to hold a license. Licensees not carrying on this active program cannot be considered as making proper usage

of the assignment and full consideration will be given at the time of the renewal of license.

Experimental broadcast stations are provided for specific experimentation along lines other than those prescribed by other broadcast rules. Certain frequencies throughout the entire useful radio spectrum are made available for this purpose by Rule 229 as modified.

The name "special broadcast station" applies to stations formerly named "experimental" stations licensed to operate on the frequencies of 1530, 1550, and 1570 kilocycles. The new rules provide that all rules that apply to regular broadcast stations (Rules 69 to 181, inclusive) shall apply to special broadcast stations. This means that these stations must have frequency monitors, modulation monitors, protected equipment, etc.

It will be necessary to modify several of the outstanding licenses to comply with the new frequency allocation as provided in Rule 229 as modified by the Commission on May 13, 1936. The Broadcast Division's new rules as discussed above provide an allocation in compliance with the frequencies made available by the action of the Commission. A careful comparison should be made between your existing licenses with respect to the frequencies and class of broadcast service and that provided in the new rules and regulations. It may be necessary to change either or both.

So that these requirements may be discussed thoroughly and understood, an informal engineering conference is scheduled for June 8, 1936, at which all licensees affected should be represented, or should supply information to the Broadcast Division of the Commission as to the new frequencies that they desire in keeping with the new rules. All licensees of television broadcast stations should especially be present so that a definite assignment of a visual and aural frequency can be made in either the 42,000-56,000 kilocycle band or the 60,000-86,000 kilocycle band. If the licensees are not present so that an agreeable change of frequency can be effected, the Commission will, on July 1, 1936, issue a modified license specifying the frequency that it deems best in keeping with public interest, convenience and necessity, as provided in Rule 229 as modified.

The rules themselves are as follows:

"These Rules and Regulations are effective July 1, 1936.

General Rules and Regulations Applicable to Relay Broadcast, International Broadcast, Visual Broadcast, High Frequency Broadcast, and Experimental Broadcast Stations.

980. The operating frequency of the broadcast stations as listed in Table I shall be maintained within plus or minus the percentage of the assigned frequency as given in Table I.

Table I

Station	Tolerance
Relay Broadcast	
(a) 1622 to 2830 kc.	0.04%
(b) 31,100 to 40,600	0.05%
International Broadcast	0.01%
Visual Broadcast	
(a) Television	0.05%
(b) Facsimile	0.05% or less as required
High Frequency Broadcast	0.01%
Experimental Broadcast	0.05% or less as required

FOURTEENTH ANNUAL NAB CONVENTION

STEVENS HOTEL, CHICAGO, ILLINOIS

JULY 5, 6, 7, 8, 1936

981. (a) The licensee of each broadcast station listed in Rule 980, except relay broadcast stations, shall operate at the transmitter a frequency monitor independent of the frequency control of the transmitter.

(b) The frequency monitor shall be designed and constructed in accordance with good engineering practice and shall have an accuracy sufficient to determine that the operating frequency is within the allowed tolerance.

(c) The licensee of each relay broadcast station shall provide the necessary means for determining that the frequency of the station is within the allowed tolerance.

(d) The frequency of all stations listed in Rule 980 shall be checked at each time of beginning operation and as often thereafter as necessary to maintain the frequency within the allowed tolerance.

982. (a) Licenses for the following classes of broadcast stations will be normally issued for a period of one year expiring as follows:

<i>Class of Station</i>	<i>Date of Expiration</i>
Relay Broadcast	
(a) 1622 to 2830 kc.	October 1
(b) 31,100 to 40,600 kc.	November 1
International Broadcast	December 1
Visual Broadcast	
(a) Television	February 1
(b) Facsimile	March 1
High Frequency Broadcast	April 1
Experimental Broadcast	May 1

(b) Each licensee shall submit the application for renewal of license at least 60 days prior to the expiration date (Rule 103.15).

(c) A supplemental report shall be submitted with each application for renewal of license of a station operating on frequencies allocated on an experimental basis in accordance with the regulations governing each class of station.

983. (a) No frequency allocated on an experimental basis to broadcast stations listed in Rule 980 will be assigned exclusively to any licensee. In case interference will be caused by simultaneous operation, licensees shall endeavor to arrange satisfactory time division. If such agreement cannot be reached, the Commission will determine and specify the time division.

(b) The Commission may from time to time require the licensee of a station assigned frequencies on an experimental basis to conduct experiments that are deemed desirable and reasonable for the development of the service.

(c) The program of research and experimentation as offered by an applicant in compliance with the requirements for obtaining a license on the experimental frequencies shall be adhered to in the main, unless the licensee is authorized to do otherwise by the Commission.

(d) A licensee of a station assigned a frequency or frequencies on an experimental basis is not required to adhere to a regular schedule of operation but shall actively conduct a program of research and experimentation or transmission of programs, provided, however, licensees of experimental broadcast stations which are licensed to conduct special intermittent experiments, such as to develop and test commercial broadcast equipment, are required to operate only when there is a need therefor.

(e) A supplementary statement shall be filed with and made a part of each application for construction permit for a broadcast station which requests any frequency above 30,000 kilocycles, confirming the applicant's understanding:

1. That all operation upon these frequencies is on an experimental basis.
2. That these frequencies may not be the best suited to the particular service assigned.
3. That they may not be allocated eventually for such service.

984. (a) The licensee of each class of broadcast station listed in Rule 980 shall maintain adequate records of the operation, including:

1. Hours of operation.
2. Program transmitted.
3. Frequency check.
4. Pertinent remarks concerning transmission.
5. Research and experimentation conducted.
6. And any additional information specified in the regulations governing each class of station or for completing the supplemental report as required.

(b) The above information shall be made available upon request by authorized Commission representatives.

985. The licensee of each class of broadcast station listed in Rule 980 may make any changes in the equipment that are deemed desirable or necessary, provided:

1. That the operating frequency is not permitted to deviate more than the allowed tolerance.
2. That the fidelity of transmission is not impaired.
3. And that the power output complies with the regulations governing the same.

986. All classes of broadcast licenses authorize A₃, A₄ and/or special emission. In case A₁, or A₂ emission, or both, is necessary or helpful in carrying on any phases of experimentation, application setting out fully the needs should be made to, and authority therefor received from, the Commission.

987. In case all the general rules and regulations and the specific rules governing each class of broadcast station do not cover all phases of operation or experimentation with respect to external effects, the Commission may make supplemental or additional orders in each case as deemed necessary for operation in the public interest, convenience, and/or necessity.

RELAY BROADCAST STATIONS

1000. The term "relay broadcast station" means a station licensed to transmit over short distances where wire facilities are not available, programs or orders concerning such programs for broadcast by one or more regular broadcast stations in the band 550 to 1600 kilocycles.

1001. (a) A license for a relay broadcast station will be issued only to the licensee of a regular broadcast station; provided, however, in cases where it is impractical, impossible, or prohibited by laws or regulations for the licensee of a regular broadcast station to install, operate or maintain the necessary equipment under its legal control, the Commission may grant special temporary authority for each event to other persons to operate as a relay broadcast station equipment already licensed for another service, or equipment which may be installed under Section 319(b) of the Communications Act of 1934 without a construction permit.

(b) The licensee of a relay broadcast station is authorized to transmit commercial or sustaining programs and orders concerning such programs to its regular broadcast station and other broadcast stations transmitting the same program simultaneously, but is not authorized to transmit programs to be broadcast solely by other regular broadcast stations.

(c) Each application for temporary authority to operate a relay broadcast station from a person other than a licensee of a regular broadcast station shall be accompanied by an application for authority to broadcast the program from the licensee of the regular broadcast station proposing the broadcast.

(d) An application for special temporary authority to operate another class of station as a relay broadcast station shall specify a group of frequencies allocated in Rule 1003; provided, however, in case of events of national interest and importance which cannot be transmitted successfully to the nearest available wire facilities on these frequencies, other frequencies under the jurisdiction of the Commission may be requested, if it is shown that the operation thereon will not cause interference to established stations; and, provided further, that in no case will the Commission authorize the use of the international broadcast frequencies for this purpose.

(c) An application for special temporary authority to operate on frequencies not allocated by Rule 1003 or to operate another class of station as a relay broadcast station must be received by the Commission not less than ten days prior to the actual event to be broadcast, and shall contain complete information concerning the frequencies requested, the license of the station to be used, and the information specified in Rule 1002 (b), (1) (2) (3) (4). In case of emergencies, which shall be fully explained in the application, the Commission may waive the ten-day requirement specified herein.

1002. (a) The license of a relay broadcast station does not authorize operation except as provided in subsections (b), (c) and (d) of this Rule.

(b) An application which may be submitted either by letter or telegram, for authority to operate temporarily a relay broadcast station for each event or series of associated events to be broadcast, must be received at least two days before the first proposed operation, and shall include:

1. A statement as to the period of use desired.
2. Identification and succinct description of the event proposed to be broadcast.
3. A statement concerning the availability of wire facilities.
4. Location of the program transmitter and receiver.

(c) Relay broadcast stations licensed on the experimental frequencies allocated in Rule 1003 (c) may be operated at any time for experimental purposes without notice to the Commission if no interference results to established stations and the program transmitted is not rebroadcast.

(d) In case of events occurring about which the licensee had no means of obtaining information two days in advance, such as earthquakes, aeroplane accidents, fires, etc., the application to and authority from the Commission as required in subsection (b) of this rule will be waived, provided the Commission is advised by telegram sent before the broadcast as to the details of the events and the expected duration of the broadcast.

1003. (a) The following groups of frequencies are allocated for assignment to relay broadcast stations:

<i>Group A</i>	<i>Group B</i>	<i>Group C</i>
1622 kc.	1606 kc.	1646 kc.
2058	2022	2090
2150	2102	2190
2790	2758	2830

(b) One group including four frequencies will be assigned each station. The first application from any metropolitan area shall specify group A, the second group B, and the third group C, the fourth group A again, etc. Outstanding assignments not following this order will not be changed unless a need therefor develops. Additional applications shall specify the next unassigned group in sequence or any other group if it appears interference will be avoided thereby.

(c) The following groups of frequencies are allocated for relay broadcast stations on an experimental basis and may be changed without prior notice or hearing (experimental frequencies):

<i>Group D</i>	<i>Group E</i>
31,100 kc.	Any four frequencies above
34,600	86,000 kc. except in band
37,600	400,000 to 401,000 kc.
40,600	

(d) All four frequencies in Group D will be assigned each station. Applicants may request any four specific frequencies under Group E which appear most suitable for the experimental work to be conducted. The licensee of a station on Group D or E shall carry on research and experimentation for the advancement of relay broadcast art and development of these very high frequencies for relay broadcast services.

(e) Applications for authority to construct a station for operation on the experimental frequencies shall include a statement concerning the research and experiments to be conducted. The research and experiments shall indicate reasonable promise of substantial contribution to the development of the program relay services.

(f) A license authorizes operation on only one of the four assigned frequencies at any one time. In case it is desired to transmit programs and spoken orders concerning such programs simultaneously, two licenses are required though each will specify the same group of frequencies.

1004. In case two or more stations are licensed for the same group of frequencies in the same area and have been authorized to operate under Rule 1002 (b), the licensees shall endeavor to select frequencies to avoid interference. If a mutual agreement to this effect cannot be reached, the Commission shall be notified and it will specify the frequencies on which each station is to be operated.

1005. A relay broadcast station shall be operated with a power output not in excess of that necessary to transmit the program and orders satisfactorily to the receivers, and in no event greater than the licensed power.

1006. The licensee of a relay broadcast station assigned the experimental frequencies under Rule 1003 (c) shall submit a supplemental report with and made a part of each application for renewal of license as follows:

1. Number of hours operated for experimental purposes.
2. Developments in the relay broadcast service.
3. Propagation characteristics of the frequencies assigned with regard to relay broadcast service.
4. All developments or major changes in equipment.
5. Any other pertinent developments.

INTERNATIONAL BROADCAST STATIONS

1010. The term "international broadcast station" means a station licensed for the transmission of broadcast programs for international public reception. Frequencies for these stations are allocated from bands assigned (between 6,000 and 26,600 kilocycles

for broadcasting by Article 7, General Radio Regulations, annexed to the International Telecommunication Convention, Madrid, 1932.

1011. A license for an international broadcast station will be issued only after a satisfactory showing has been made in regard to the following, among others:

1. That the applicant has a program of research and experimentation which indicates reasonable promise of substantial contribution to the development of the international broadcast service.
2. That the station will render an international broadcast service.
3. That the program production and experimentation will be conducted by qualified persons.
4. That the applicant is legally and financially qualified and possesses adequate technical facilities to carry forward the program.
5. That the public interest, convenience and necessity will be served through the operation of the proposed station.

1012. (a) Licensees of international broadcast stations shall not broadcast programs for which they receive directly or indirectly any form of compensation but may transmit the programs of regular broadcast stations, including commercial stations, if the call letters when identifying both stations are given on their respective assigned frequencies only and the statement is made over the international broadcast station that the regular program of a broadcast station (identify by call letters) is being broadcast. In case of the rebroadcast of the program of any broadcast station, Rule 177 applies.

(b) No additional charge, direct or indirect, shall be made by the broadcast licensee for simultaneous transmissions by the international broadcast station and commercial accounts shall not be solicited by licensees of broadcast stations or by others upon representation that the program will also be transmitted by the international broadcast station.

(c) Programs of regular broadcast stations shall be transmitted only when they are of special international service or when programs for international service are not available.

(d) Station identification and program announcements shall be made with international significance suited for the foreign nation or nations for which the service is intended or in which the reception is believed to be best on account of the frequency, season and hour of operation.

1013. (a) The following groups of frequencies are allocated for assignment to international broadcast stations on an experimental basis:

<i>Group A</i>	<i>Group B</i>	<i>Group C</i>	<i>Group D</i>
6020 kc.	9510 kc.	11,710 kc.	15,110 kc.
6040	9530	11,750	15,150
6060	9570	11,770	15,170
6080	9590	11,790	15,190
6100		11,810	15,210
6140		11,830	15,230
		11,850	
		11,870	
		11,890	
<i>Group E</i>	<i>Group F</i>	<i>Group G</i>	<i>Group H</i>
15,250 kc.	17,760 kc.	21,460 kc.	25,625 kc.
15,270	17,780	21,480	25,650
15,290	17,800	21,520	25,675
15,310		21,540	25,725
15,330			25,750
			25,800
			25,825
			25,850
			25,875

(b) A separate license and call letters will be issued for each frequency except where frequencies in two or more groups are required to maintain a particular international broadcast service to certain foreign country or countries, one frequency from each of the groups required will be authorized by one license and call letters. In such cases these frequencies shall be used consecutively during a day as required and they shall not be used simultaneously either on the same transmitter or different transmitters.

(c) Not more than one frequency in any such group in subsection (a) of this rule will be assigned to a licensee unless it is satisfactorily shown that different foreign countries will be served by means of directional antennas.

(d) An applicant shall select the frequency which it is believed is best suited to the experiments to be conducted, for reception in

the foreign country for which the service is intended, and for a minimum of interference to other international broadcast stations.

(e) Applicants shall file a separate application for each frequency or frequencies requested in different groups as provided in subsection (b) of this rule.

1014. (a) No international broadcast station will be licensed for a power output rating less than 5 kilowatts.

(b) While conducting apparatus experiments and in case adequate signal is delivered in the foreign country being served, the operating power output may be less than 5 kilowatts.

1015. A supplemental report shall be filed with and made a part of each application for renewal of license and shall include statements of the following:

1. The number of hours operated on each frequency.
2. A list of programs transmitted of special international interest.
3. Outline of reports of reception and interference and conclusions with regard to propagation characteristics of the frequency assigned.
4. Research and experiments being carried on to improve transmission and to develop international broadcast and the frequencies assigned.
5. All developments or major changes in equipment.
6. Any other pertinent developments.

VISUAL BROADCAST STATIONS

Television and Facsimile Broadcast Stations

1030. The term "visual broadcast station" means a station carrying on the broadcasting of images for general public reception. There are two classes of visual broadcast stations, namely: television broadcast stations and facsimile broadcast stations.

1031. The term "television broadcast station" means a station licensed for the transmission of transient visual images of moving or fixed objects for simultaneous reception and reproduction by the general public. The transmission of the synchronized sound (aural broadcast) is considered an essential phase of television broadcasting and one license will be issued for both visual and aural broadcast as hereinafter set out.

1032. The term "facsimile broadcast station" means a station licensed to transmit images of still objects for record reception by the general public.

1033. Licenses for visual broadcast stations will be issued only after a satisfactory showing has been made in regard to the following, among others:

1. That the applicant has a program of research and experimentation which indicates reasonable promise of substantial contribution to the development of the visual broadcast art.
2. That the program of research and experimentation will be conducted by qualified engineers.
3. That the applicant is legally and financially qualified and possesses adequate technical facilities to carry forward the program.
4. That the public interest, convenience and/or necessity will be served through the operation of the proposed station.

1034. (a) Licensees of visual broadcast stations shall not transmit programs either aural, visual or record, for which they receive directly or indirectly, any form of compensation.

(b) In the case of experimental televising of the production of a commercial broadcast program, all commercial announcements not a part of the entertainment continuity shall be eliminated from the television broadcast except the mere statement of the name of the sponsor or product or the televising of the trade mark, symbol, slogan or product of the sponsor; provided, however, when the program transmission is incidental to the experiments being conducted and not featured and subject to interruptions as the experiments may require, the commercial announcements may be broadcast aurally.

(c) No additional charge, direct or indirect, shall be made by the licensee of a regular broadcast station for simultaneous transmission by a television broadcast station and commercial accounts shall not be solicited by licensees of regular broadcast stations or by others upon the representation that the program will also be transmitted by a television broadcast station.

(d) The synchronized sound (aural) program of a television broadcast station may be broadcast by a regular broadcast station provided:

1. That no announcements or references shall be made over the regular broadcast station regarding the operation of the television broadcast station, except the mere statement that the program being transmitted is the synchronized sound program of a television broadcast station (identify by call letters).
2. That the call letters when identifying the television broadcast station and the broadcast station shall be given on their respective assigned frequencies only.

1035. (a) The following groups of frequencies are allocated by bands for television broadcast stations on an experimental basis and may be changed without prior notice or hearing:

Group A	Group B	Group C
42,000 to 56,000 kc.	60,000 to 86,000 kc.	Any two adjacent frequencies above 110,000 kc. except in the band 400,000 to 401,000 kc.

(b) A license for a television broadcast station will authorize the use of two adjacent frequencies in any one group. The lower carrier frequency shall be for visual broadcast and the higher carrier frequency for the aural broadcast.

(c) A licensee will be granted only one station in each frequency group for operation in the same service area.

(d) An application may be made for two adjacent frequencies (one for the visual and the other for the aural carrier) in any frequency group. However, if it is desired to operate in more than one frequency group, it will be necessary to make separate applications, one for each.

(e) Applicants shall specify the band width required for the proposed transmission.

(f) Carrier frequencies shall be so selected that no emission from any cause will result outside the bands specified in subsection (a) of this rule.

(g) An applicant shall select the frequency which is believed suited for the experiments to be conducted and will cause the least or no interference to established stations.

1036. (a) No frequencies are specifically allocated for facsimile broadcast stations but an applicant may request any frequency specified in Rule 1073 which will cause the least or no interference to established stations.

(b) Each application shall specify the frequency or frequencies desired and the maximum modulating frequencies proposed to be employed.

(c) The operating frequency of a facsimile broadcast station shall be maintained in accordance with the frequency assignments as shown by Rule 980 provided, however, where a more strict adherence to the assigned frequency is necessary to prevent interference, the Commission will specify the tolerance.

(d) A facsimile broadcast station authorized to operate on frequencies regularly allocated to other stations or services shall be required to abide by all rules governing the stations regularly operating thereon, which are applicable to facsimile broadcast stations and are not in conflict with Rules 980 to 986, inclusive, and Rules 1030 to 1039, inclusive, excluding Rule 1035.

1037. The power output rating of a visual broadcast station shall not be in excess of that necessary to carry forward the program of research. The operating power may be maintained at the maximum rating or less, as the conditions of operation may require.

1038. A supplemental report shall be filed with and made a part of each application for renewal of license and shall include statements of the following:

1. Number of hours operated for transmission of visual programs.
2. Comprehensive report of research and experimentation conducted.
3. Conclusions and program for further developments of the visual broadcast service.
4. All developments and major changes in equipment.
5. Any other pertinent developments.

HIGH FREQUENCY BROADCAST STATIONS

1050. The term "high frequency broadcast station" means a station licensed on the very high frequencies for transmission of aural programs for general public reception. The frequencies for these stations are above 25,000 kilocycles and are allocated for this service on an experimental basis subject to change without notice or hearing.

1051. A license for a high frequency broadcast station will be issued only after a satisfactory showing has been made in regard to the following among others:

1. That the applicant has a program of research and experimentation which indicates reasonable promise of substantial contribution to the development of very high frequency broadcasting.
2. That data will be taken on the ground wave propagation characteristics of these frequencies; on the shadows cast by buildings, hills, large bridges, etc.; on the noise level in different parts of the city; on the field intensity necessary to render good broadcast service; and on other allied phases of broadcast coverage.
3. That the research and experimentation will be conducted by qualified engineers.
4. That the applicant is legally and financially qualified and possesses adequate technical facilities to carry forward the program.
5. That the public interest, convenience and necessity will be served through the operation of the proposed station.

1052. (a) Licensees of high frequency broadcast stations shall not broadcast programs for which they receive directly or indirectly any form of compensation but may transmit the programs of regular broadcast stations, including commercial programs, if the call letters when identifying the stations are given on their respective assigned frequencies only and the statement is made on the high frequency broadcast station that the program of a regular broadcast station (identify by call letters) is being broadcast. (In case of the rebroadcast of the program of a broadcast station, see Rule 177.)

(b) No additional charge, direct or indirect, shall be made by the broadcast licensee for simultaneous transmissions by the high frequency broadcast station nor shall commercial accounts be solicited by licensees of regular broadcast stations or others upon representation that the program will also be transmitted by a high frequency broadcast station.

1053. (a) The following groups of frequencies are allocated for high frequency broadcast stations on an experimental basis and may be changed without prior notice or hearing:

Group A	Group B	Group C	Group D
25,950 kc.	26,400 kc.	31,600 kc.	40,300 kc.
26,050	26,450	35,600	41,200
26,100	26,500	38,600	41,600
26,150	26,550	41,000	41,800

Group E

Any four frequencies above 86,000 kc., except in the band 400,000 to 401,000 kc.

(b) Frequencies in groups A and B will be assigned exclusively for amplitude modulation with a band width for high fidelity transmission (30 kilocycles maximum). Frequencies in groups C and E will be assigned for either amplitude modulation with the above band width of frequency modulation with a total band width not greater than 200 kilocycles. Frequencies in group D will be assigned exclusively for frequency modulation with a band width of not greater than 200 kilocycles.

(c) In groups A, B and D only one frequency from each group will be assigned a licensee for operation in the same service area. A separate license and call letters will be assigned for each frequency. In group C all four frequencies and in group D any four frequencies will be authorized by each license. A license authorizes operation on only one of the four assigned frequencies at any one time.

(d) An applicant shall file separate application for each frequency requested in groups A, B or D. Each application therefor shall specify all four frequencies in group C and any four frequencies in group E.

(e) An applicant shall select the frequency which it is believed is best suited for the experiments to be conducted and which will cause the least or no interference to established stations.

(f) A licensee operating on a frequency in groups A or B shall request reports concerning any reception outside the North American Continent during operation from 10 a. m. to 2 p. m. local standard time. The request for reports shall be made at the time of station identification and at least every thirty minutes.

1054. (a) No high frequency broadcast station will be licensed for an output power rating greater than 1000 watts unless the

applicant can show that greater power is needed to carry on a special program of research.

(b) While conducting apparatus experiments and in case adequate signal for reliable service can be delivered with less power, the operating output may be reduced accordingly.

1055. Each high frequency broadcast station transmitter shall be equipped with automatic frequency control apparatus so designed and constructed that it is capable of maintaining the operating frequency within plus or minus 0.01 percent of the assigned frequency.

1056. A supplemental report shall be filed with each and made a part of the application for renewal of license and shall include statements of the following, among others:

1. The number of hours operated.
2. Data taken in compliance with Rule 1051 (2).
3. Outline of reports of reception and interference and conclusions with regard to propagation characteristics of the frequency assigned.
4. Research and experiments being carried on to improve transmission and to develop broadcasting on the very high frequencies.
5. All developments or major changes in equipment.
6. Any other pertinent developments.
7. Comprehensive summary of all reports received. See Rule 1053 (f).

EXPERIMENTAL BROADCAST STATIONS

1070. The term "experimental broadcast station" means a station licensed to carry on development and research for the advancement of broadcast services along lines other than those prescribed by other broadcast rules.

1071. (a) Licenses for experimental broadcast stations will be issued only after a satisfactory showing has been made in regard to the following, among others:

1. That the applicant has a program of research and development which cannot be successfully carried on under any of the classes of broadcast stations already allocated.
2. That the program of research has reasonable promise of substantial contribution to the development of broadcasting.
3. That the program of research and experimentation will be conducted by qualified persons.
4. That the applicant is legally and financially qualified and possesses adequate technical facilities to carry forward the program.
5. That the public interest, convenience and necessity will be served through the operation of the proposed station.

(b) A separate experimental broadcast station license will be issued for each development proposed to be carried forward. When it is desired to carry on several independent developments, it will be necessary to make a satisfactory showing and obtain a license for each.

1072. (a) A licensee of experimental broadcast stations shall broadcast programs only when they are necessary to the experiments being conducted. No regular program service shall be broadcast unless specifically authorized by the license.

(b) A licensee of experimental broadcast stations shall not broadcast programs for which it receives, directly or indirectly, any form of compensation but may transmit the programs of regular broadcast stations, including commercial programs, if the call letters when identifying the stations are given on their respective assigned frequencies only and a statement is made on the experimental broadcast station that the program of a regular broadcast station (identify by call letters) is being broadcast in connection with the experimental work. (In case of the rebroadcast of the program of a broadcast station see Rule 177.)

1073. (a) The following frequencies are allocated for assignment to general experimental stations in services other than broadcast and for experimental broadcast stations:

	1,614	23,100
2,396 }		25,700
2,398 }		26,000
2,400 }		27,100
3,490 }		30,100
3,492 }	3,492.5	31,100
3,495 }		31,600

4,795 }		33,100
4,800 }	4,797.5	34,600
		35,600
6,420 }		37,100
6,430 }	6,425	37,600
		38,600
8,650 }		40,100
8,660 }	8,655	40,600
		41,000
12,855 }		86,000 to 400,000
12,870 }	12,862.5	401,000 and above
17,300 }		
17,320 }	17,310	

(b) A license will be issued for more than one of these frequencies upon a satisfactory showing that there is need therefor.

(c) The frequencies suited to the purpose and in which there appears to be the least or no interference to established stations shall be selected.

(d) In cases of important experimentation which cannot be conducted successfully on the frequencies allocated in subsection (a) of this Rule, the Commission may authorize experimental broadcast stations to operate on any frequency allocated for broadcast stations or any frequencies allocated for other services under the jurisdiction of the Commission upon satisfactory showing that such frequencies can be used without causing interference to established services.

1074. (a) The operating frequency of an experimental broadcast station shall be maintained in accordance with the frequency tolerance as shown by Rule 980, provided, however, where a more strict adherence to the assigned frequency is necessary to prevent interference, the Commission will specify the tolerance.

(b) The power output rating of an experimental broadcast station will not be in excess of that necessary to carry on the program of research. The operating power may be maintained at the maximum rating or less, as the conditions of operation may require.

1075. A supplemental report shall be filed with and made a part of each application for renewal of license and shall include statements of the following, among others:

1. The number of hours operated.
2. Comprehensive report on research and experiments conducted.
3. Conclusions and program for further development of the broadcast service.
4. All developments and major changes in equipment.
5. Any other pertinent developments.

1076. An experimental broadcast station authorized to operate on frequencies regularly allocated to other stations or services, shall be required to abide by all rules governing the stations operating regularly thereon which are applicable to experimental broadcast stations and are not in conflict with Rules 980 to 986 inclusive, and Rules 1070 to 1075 inclusive.

SPECIAL BROADCAST STATIONS

970. (a) The following frequencies are allocated for assignment to special broadcast stations on an experimental basis: 1530, 1550 and 1570 kilocycles. Two or more stations may be licensed for simultaneous operation on each frequency.

(b) Licenses for special broadcast stations will be issued only after a satisfactory showing has been made in regard to the following, among others:

1. That the applicant has a program of research and experimentation which indicates reasonable promise of substantial contribution to the development and practical application of high fidelity broadcasting, and will be in addition to and advancement of the work done by regular broadcast stations.
2. That the program of research and experimentation includes a thorough study of advanced antenna design, field intensity surveys and plans for a comprehensive analysis of the response of listeners.
3. That the transmitter and all studios will be equipped so as to be capable of high fidelity transmission.
4. That the operation and experimentation will be under the direct supervision of a qualified engineer with an adequate staff of engineers qualified to carry on the program of research and experimentation.
5. That the programs transmitted, either sponsored or sustaining, will not interfere with the proper prosecution of the program of research and experimentation.
6. That the applicant is legally and financially qualified and possesses adequate technical facilities to carry forward the program of research and experimentation.
7. That the program of research and experimentation will be reasonably independent of the income derived from sponsored programs.
8. That the public interest, convenience and necessity will be served through the operation of the proposed station.

(c) The Commission may require from time to time a licensee of a special broadcast station to conduct experiments that are deemed desirable and reasonable for the development of the service.

(d) The program of research and experimentation as offered in compliance with the requirements of obtaining a license for a special broadcast station, shall be adhered to in the main unless the licensee is authorized to do otherwise by the Commission.

(e) The authorized power of a special broadcast station will not exceed 1 kilowatt. However, the licensee may operate at less than the authorized power where such operation facilitates experimentation.

(f) The licensee of a special broadcast station is not required to adhere to a regular schedule, but shall actively conduct a program of research and experimentation or transmission of programs.

(g) A supplemental report shall be filed with and made a part of each application for a renewal of license of a special broadcast station and shall include statements of the following in the order designated:

1. Comprehensive summary of all research and experimentation conducted.
2. Conclusions and outline of proposed program for further research and development.
3. Number of hours operated, including percentage of sponsored programs.
4. Fidelity characteristics of the equipment, including the transmitter, studio equipment and the telephone lines over which the programs are regularly carried from the studio to the transmitter and the methods used to determine such characteristics.

(h) All rules applying to regular broadcast stations shall apply equally to special broadcast stations, except where in conflict with any term of this rule.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

NAB REPORTS

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DAVIS AMENDMENT REPEALED

The House of Representatives on Monday repealed the Davis amendment as provided for in S. 2243 introduced by Senator Wheeler. The identical bill passed the Senate a short time ago and the bill now goes to the President for his signature. As the bill passed the House and as it will become law it reads as follows:

"Be it enacted, etc., That section 302 of the Communications Act of 1934 is hereby repealed.

"SEC. 2. Subsection (b) of section 307 of such act is amended to read as follows:

"(b) In considering applications for licenses, and modifications and renewals thereof, when and insofar as there is demand for the same, the Commission shall make such distribution of licenses, frequencies, hours of operation, and of power among the several States and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same."

TEXAS BROADCASTERS ORGANIZE

At a meeting held in Fort Worth, May 23, the Texas broadcasters formed a permanent organization, selecting T. Frank Smith, KXYZ, Houston, President; Ralph S. Bishop, KFJZ, Fort Worth, Vice President; James R. Curtis, KFRO, Long View, Secretary-Treasurer; and Hugh Half, WOAI, San Antonio; Dick Niles, KRGV, Weslaco; O. L. Taylor, KGNC, Amarillo; and Earl Yates, KGKL, San Angelo, Directors.

Almost every station in the State was represented at the meeting. James W. Baldwin, Managing Director, attended the meeting.

NOTICE OF AMENDMENTS

June 4, 1936.

TO ALL MEMBERS:

In pursuance of the provisions contained in Article IX and By-Law 17 of the Constitution and By-Laws of the National Association of Broadcasters, Inc., notice is hereby given that certain amendments to the Constitution and By-Laws of the National Association of Broadcasters, Inc., as hereinafter described, will be presented for consideration at the annual membership meeting in Chicago, Illinois, July 6-8, 1936.

NOTES FOR THE SALES STAFF

Radio broadcasting still continues to gain as compared to the corresponding periods of last year. (See Total Broadcast Advertising, page 1353.)

The marked growth in the use of electrical transcriptions is particularly to be noted. (See Non-network Volume by Type of Rendition, page 1354.)

Especially to be noted are the types of sponsors which are making the greatest use of transcriptions in the national and local fields. (See Non-network Volume by Type of Rendition, page 1354.)

Lagging local broadcast advertising volume should be a challenge to sales staffs. (See Total Broadcast Advertising, page 1353.)

The Board of Directors, at a formal meeting held on April 27, 1936, by unanimous agreement proposed the following amendment to the By-Laws of the National Association of Broadcasters, Inc.: By-Law No. 1.

Strike out all of the first paragraph and insert the following in lieu:

"Effective September 1, 1936, bi-monthly dues of active members shall be payable January 1, March 1, May 1, July 1, September 1, and November 1, on the following basis:"

E. B. Craney (KGIR, Butte, Montana), has proposed the following amendments to the Constitution of the National Association of Broadcasters, Inc.:

Article V, Section (b)

Strike out the period (.) after the word "years" in line 5 and insert the following:

"provided, that one Director of each class shall be elected by and from the active members of each radio zone (as defined in the Communications Act of 1934), and provided further, that one of the Directors from each such zone shall be a member representing a local station."

Article V, Section (c)

Strike out the words "in addition to" and "such" in line 2.

Strike out all of lines 3 and 4.

Insert after the word "provided" in line 2 the following:

"and the active members of each zone shall elect such additional Directors as may be needed to fill the places of those from their respective zones whose terms expire on the date of such annual meeting."

Article VI

Insert after section (d) a new section as follows:

"(e) To more effectively carry out the objects set forth in this article of this Constitution and in order to more effectively preserve the present system of American broadcasting, it shall be the duty of the Directors of this Association to immediately put into effect and operation, upon such terms and conditions to the membership as may be necessary, a plan designed to make the facilities of all licensed broadcasting

FOURTEENTH ANNUAL NAB CONVENTION

STEVENS HOTEL, CHICAGO, ILLINOIS

JULY 5, 6, 7, 8, 1936

stations in these United States available impartially to all bonafide non-profit organizations, or groups of like character. That such facilities shall be equally available on the stations operated by members of this Association in time units of 5% or such other and increased percentages or allotments of time as the membership may hereafter approve, provided, however, such allotments of time in excess of 5% shall not be used on any one member station until that amount has been used on all member stations. It is the intentment of this amendment that radio time should be thus given to only bona-fide groups or bodies of non-profit organizations or character including religious, fraternal, educational labor organizations, and such other organizations as the Directors shall hereafter define as being non-profit, who will furnish their own programs, defray all costs and expenses therefor, and conduct them under their own supervision and responsibility. It shall be the duty of the Directors of this Association to make such rules, regulations, and provisions as are necessary and proper to carry out the terms of this amendment, and they have power to create a special department of this organization for that purpose. All programs of non-profit organizations carried over national networks shall count as part of the said time and the member affiliated stations agree, by the passage of this amendment, and their membership agreements herein, to allot solely by the provisions of this amendment for the purpose herein."

HALL & McCREARY COMPANY MUSIC

The Hall and McCreary Company of Chicago, Illinois, have addressed to broadcasting stations a form letter with reference to musical selections contained in their catalog and which permits the stations to use such music with the understanding that the station shall purchase a certain amount of their music.

The Managing Director has queried the publishers concerning this proposition and with the view of learning whether the publishers would agree to indemnify the stations against loss or damage sustained by the use of their copyrighted musical selections. In a letter just received by the NAB, the publishers advise that they cannot furnish the guarantee asked for. Member stations are advised against the use of any copyrighted musical selection under terms and conditions which do not adequately provide for indemnity against loss or damage sustained by the performance of such selections.

POWER INCREASE RECOMMENDED FOR WGBF

Broadcasting Station WGBF, Evansville, Ind., applied to the Federal Communications Commission to increase its daytime power from 500 to 1,000 watts. The station operates on 630 kilocycles.

Examiner R. H. Hyde in Report No. I-232 has recommended that the application be granted. He states that the use of increased daytime power by the station would tend to satisfy the need for increased service in the area served. The Examiner found also that no substantial increase in objectionable interference to the reception of other stations may be expected from the proposed change.

RADIO CENSORSHIP CHARGED

Oswald F. Schuette, president of the Short Wave Institute in a letter to the Federal Communications Commission charged it with an attempt to establish a censorship over broadcasting by its Rule 177 (d), effective July 1. He contends that this rule would create a censorship over the rebroadcast of foreign programs in violation of the Communications Act, and would be a step toward the censorship of domestic programs.

CHANGES RECOMMENDED FOR WHB

Broadcasting Station WHB, Kansas City, Mo., applied to the Federal Communications Commission to change its frequency from 850 to 1120 kilocycles, from daytime to full time operation and its power from 1,000 watts to 500 watts at night and 1,000 watts until local sunset.

Examiner Melvin H. Dalberg, in Report No. I-229 recommended that the application be granted. The Examiner found that a regional station, such as suggested by WHB "would be of interest and advantage to the community involved." He says further in connection with this application that "the record in this case clearly shows that the other broadcasting stations now serving Kansas City, which are of the highest excellence in their respective spheres, cannot satisfactorily render a local service at nighttime by reason of their network commitments." There are some chances of inter-

ference, says the Examiner, "but they are slight." He thinks that public interest would be served by granting the application.

RECOMMENDS POWER INCREASE FOR WIRE

Broadcasting Station WIRE, Indianapolis, Ind., operating on a frequency of 1400 kilocycles, unlimited time applied to the Federal Communications Commission to increase its nighttime power from 500 to 1,000 watts and its daytime power from 1,000 to 5,000 watts.

Examiner R. H. Hyde, in Report No. I-226 recommends that the application be granted on certain conditions. He says that "it is recommended that the application of WIRE for a construction permit be granted, subject however to conditions requiring that the antenna system be so constructed as to prevent any increase in the field intensity broadcast nighttime hours in the directions of Brooklyn, and Tulsa, requiring the submission of satisfactory proof of performance in accordance with the foregoing condition, and requiring the painting and illuminating of the antenna towers for protection of air traffic."

CASE DISMISSED WITH PREJUDICE

The Farmers & Bankers Life Insurance Company, applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Wichita, Kans., to use 1210 kilocycles, 100 watts power and unlimited time on the air.

Examiner R. H. Hyde in Report No. I-228 recommends that the case be dismissed with prejudice. When the case was called for hearing the applicant failed to enter appearance and no evidence was offered in support of the application.

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

G. A. Dye, Tulsa, Okla. (2-2167, Form A-1)
Lava Cap Gold Mining Co., Ansonia, Conn. (2-2169, Form A-1)
Thorrez & Maes Mfg. Co., Jackson, Mich. (2-2170, Form A-1)
Barlow & Seelig Mfg. Co., Ripon, Mich. (2-2171, Form A-1)
Herring-Hall-Marvin Safe Co., Hamilton, Ontario (2-2172, Form A-1)
Unified Debentures Corp., Newark, N. J. (2-2173, Form E-1)
The Paraffine Companies, Inc., San Francisco, Cal. (2-2174, Form A-2)
Pressed Metals of America, Inc., Port Huron, Mich. (2-2175, Form A-2)
F. L. Jacobs Co., Detroit, Mich. (2-2176, Form A-2)
Iniskin Drilling Co., Los Angeles, Cal. (2-1900, Form A-1)

ADDITIONAL TIME FOR KGDM DENIED

Broadcasting Station KGDM, Stockton, Cal., operating on 1100 kilocycles, 1,000 watts power daytime applied to the Federal Communications Commission that it be allowed "to resume operation after the dominant stations in the First Zone suspended operation at night."

Examiner Ralph L. Walker in Report No. I-227 recommends that the application be denied. The Examiner found, among other things, that "the use of 1,000 watts as proposed by the applicant would result in serious interference of an existing Canadian station and a resultant curtailment of the present good service area of that station." He also calls attention to the fact that California and the Fifth Zone are already overquota for nighttime service.

DENY NEW CALIFORNIA STATION RECOMMENDED

The Union-Tribune Publishing Company applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at San Diego, Cal., to use 1420 kilocycles unlimited time, 100 watts and 250 watts LS.

Examiner Ralph L. Walker in Report No. I-231 recommends that the application be denied. In his conclusion the Examiner states that:

"The record fails to disclose in detail the type and character of service which the applicant proposes to render, and does not reveal any substantial need in the San Diego area for additional broadcast service. The proposed station would cause objectionable interference to, and result in the curtailment of the present good service area of an existing station in the State of Arizona. The granting of the present application would further increase the existing over-

quota status of the State of California and the Fifth Zone in violation of the Rules and Regulations of the Commission."

WISN RECOMMENDED FOR POWER INCREASE

Broadcasting Station WISN, Milwaukee, Wis., applied to the Federal Communications Commission to increase its power from 250 watts and 1,000 watts LS to 1,000 watts day and night, and to change the location of its transmitter. The station now operates unlimited time on 1120 kilocycles.

Examiner Melvin H. Dalberg in Report No. 230 recommends that the application be granted. The Examiner found that there is need for improved nighttime service in the area served by the station and he states that granting the application would be in the public interest.

BROADCAST ADVERTISING IN APRIL

Developments of the Month

Broadcast advertising volume in April amounted to \$8,829,488. Gross time sales of the medium experienced the usual seasonal decline, dropping 5.4% from the level of the preceding month. Local broadcast advertising showed the normal counter tendency during the month and rose 12.5% above the March level. The local rise is a reflection of the usual upswing in retail trade at this time of the year. Principal gains in non-network volume as compared with March occurred with regard to regional and local stations, due to the greater importance of local business on these types of transmitters than on clear channel stations.

Radio broadcast advertising continued to gain as compared with the corresponding period of the preceding year. Gross time sales were 9.5% above those of April 1935. Regional network and national non-network volume continued to show the greatest relative gains. Local radio advertising continued to lag behind the general field and was but 0.4% above the previous April. Local stations continued to show the greatest increase in non-network volume.

Electrical transcriptions showed the greatest gain as compared with both March and the corresponding month of last year. This was true with regard to both national and local business. Trends as to the volume of radio advertising sponsored by various product and service groups were fairly confused during the month. Declines were general as compared with March. Principal increases during the month included national non-network and local automotive advertising; regional network, national non-network, and local gasoline and accessory volume; local clothing and department store advertising and national non-network and local household equipment business.

Automotive advertising continued to show the most important gains as compared with the corresponding month of 1935. The marked rise in the miscellaneous group with regard to national network sponsorship indicated a continued trend toward a wider use of that portion of the medium. Regional network and national non-network gasoline and accessory advertising gained materially, while national non-network food volume also rose.

Advertising by retail establishments increased 12.3% above the March level, but remained 0.1% below that of the corresponding month of last year.

Total Broadcast Advertising

Total broadcast advertising over stations and networks during the month under review is set forth in Table I.

TABLE I
TOTAL BROADCAST ADVERTISING

Class of Business	1936 Gross Time Sales		
	March	April	Cumulative Jan.-Apr.
National networks	\$5,400,252	\$4,830,251	\$19,756,867
Regional networks	112,546	113,647	413,965
National non-network	2,097,400	1,937,800	7,608,350
Local	1,722,170	1,947,790	6,559,670
Total	\$9,332,368	\$8,829,488	\$34,338,852

Total broadcast advertising declined 5.4% as compared to the preceding month. National network volume decreased 10.6%, while national non-network business dropped 7.1%. Regional network volume rose 1.0%, contrary to the usual seasonal trend. Local broadcast advertising experienced the normal upswing for April and rose 12.5%.

Broadcast advertising continued to register gains as compared with the corresponding period of the preceding year. Total volume was 9.5% above the April 1935 level. Gains throughout the various portions of the medium were as follows: national networks 9.8%, regional networks 38.5%, national non-network 17.8%, local broadcast advertising 0.4%.

Comparison with Other Media

Advertising volume placed in major media during the month under consideration is found in Table II.

TABLE II
ADVERTISING BY MAJOR MEDIA

Advertising Medium	1936 Gross Time and Space Sales		
	March	April	Cumulative Jan.-Apr.
Radio broadcasting	\$9,332,368	\$8,829,488	\$34,338,852
National magazines	13,481,404	14,527,792	47,505,417
National farm papers.....	746,502	721,304	2,547,522
Newspapers	48,242,000	50,498,000	174,531,000
Total	\$71,802,274	\$74,576,584	\$258,922,791

National magazine volume gained 7.8% as compared with March, while newspaper lineage rose 4.7%. Both increases were in the nature of normal seasonal rises. National farm paper advertising decreased 3.4%.

All media gained as compared with the corresponding period of the preceding year. The greatest increase was experienced by national farm papers, whose volume increased 20.8%. National magazine volume rose 11.0%, while newspaper lineage increased 8.1%.

Non-network Advertising

Non-network advertising as a whole increased 1.7% above the March level, local gains more than offsetting national non-network declines. Clear channel station non-network volume declined 2.4% over the month, while regional and local station advertising increased 5.2% and 5.8%, respectively.

Local station non-network volume continued to show the greatest relative gain as compared with the previous year, exceeding the April 1935 level by 21.6%. Clear channel station non-network advertising increased 4.2% and regional station business 9.0%. Total non-network advertising gained 8.4% as compared with last April.

Broadcast advertising by power of station is found in Table III.

TABLE III
NON-NETWORK ADVERTISING BY POWER OF STATION

Power of Station	1936 Gross Time Sales		
	March	April	Cumulative Jan.-Apr.
Over 1,000 watts	\$1,788,350	\$1,745,470	\$6,603,990
250-1,000 watts	1,496,880	1,574,800	5,477,980
100 watts	534,340	565,320	2,086,050
Total	\$3,819,570	\$3,885,590	\$14,168,020

Non-network advertising in the South and Mid-West increased 5.5% and 4.8%, respectively, as against the preceding month. New England-Middle Atlantic State volume declined 3.1%, while that of the Mountain and Pacific States dropped 2.8%.

Compared with April of the previous year, New England-Middle Atlantic State volume decreased 9.5%, while Pacific and Mountain State business dropped 1.7%. The greatest gain was experienced in the South Atlantic-South Central States where non-network advertising increased 40.1% above that of last April. Non-network volume in the North Central States rose 12.7%.

Non-network advertising by geographical areas is set forth in Table IV.

TABLE IV

NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

Geographical District	1936 Gross Time Sales		
	March	April	Cumulative Jan.-Apr.
New England-Middle Atlantic Area	\$889,700	\$861,840	\$3,097,290
South Atlantic-South Central Area	757,660	799,590	2,865,260
North Central Area	1,474,330	1,545,580	5,630,310
Pacific and Mountain Area ..	697,880	678,580	2,575,160
Total	\$3,819,570	\$3,885,590	\$14,168,020

Non-network Volume by Type of Rendition

Principal development of the month was the rise of electrical transcription volume in both the national and local fields. National transcription business increased 9.5% above the March level. Local volume rose 66.9%. In the national field, live talent sponsored program volume declined 22.4%, while announcements dropped 6.6% below March. Local live talent volume decreased 2.6%. Local record business increased 14.1% and announcements 25.0%.

The marked growth in national and local transcription business also constituted the outstanding development of the month as compared with April of last year. National transcription business increased 50.7% and local volume 61.4%. The rise in transcription volume continues a trend which has been particularly marked since the beginning of the current year.

The use of transcriptions in the national non-network field is comparatively widely scattered. The proportion of total non-network business represented by transcriptions on the part of the principal groups using them is as follows: automotive 86.0%, gasoline and accessories 35.0%, foodstuffs 60.0%, drugs 35.0%, tobacco 50.0%, miscellaneous 50.0%. In the local field, clothing, foodstuffs, and household equipment volume was represented by transcriptions to the extent of approximately 40.0%. In the case of department stores, transcriptions comprised about 45.0% of total volume.

Live talent volume declined 4.1% below the April 1935 level in the local field and rose but 2.2% in the national field. The local decline represents a definite trend which has existed for several months. In the case of national live talent volume, the relatively small increase during April seems to be an indication that the marked rise which has taken place in this field during the past two and one-quarter years is approaching the stabilization point.

Announcements continued to decline, dropping 2.5% in the national field and 6.0% in the local field. Local record advertising decreased 9.5%.

National non-network and local broadcast advertising volume by type of rendition is found in Table V.

TABLE V

NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

Type of Rendition	National Non-network		1936 Gross Time Sales Local		Total		Cumulative Jan.-Apr.
	March	April	March	April	March	April	
Electrical transcriptions	\$789,680	\$865,070	\$156,660	\$261,530	\$946,340	\$1,126,600	\$3,676,170
Live talent programs	989,380	767,920	953,490	928,260	1,942,870	1,696,180	6,976,320
Records	7,980	6,050	62,700	71,550	70,680	77,600	261,570
Announcements	310,360	298,760	549,320	686,450	859,680	985,210	3,253,960
Total	\$2,097,400	\$1,937,800	\$1,722,170	\$1,947,790	\$3,819,570	\$3,885,590	\$14,168,020

Sponsor Trends in April

Declines were general in the national network field as against March. The only increases were the following: beverages 21.9%, confectionery 17.6%, and tobacco 14.6%. Trends were fairly mixed with regard to regional network advertising. The principal increase is a 31.3% gain in gasoline and accessory volume.

Declines were fairly general in the national non-network field, though some increases of importance occurred. These were as follows: automotive 10.6%, gasoline and accessories 13.0%, house-

hold equipment 49.1%, and soap and kitchen supplies 13.5%. Trends were spotty in the local field. Principal increases were with regard to automotive, gasoline, clothing, house furnishings, and department store advertising.

Comparison with April 1935

Trends were rather confused in the national network field as compared with last April. Important gains were as follows: automotive 42.6%, cosmetics 21.4%, beverages 50.0%, and miscel-

TABLE VI

RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS

(April, 1936)

Type of Sponsoring Business	Gross Time Sales				
	National Networks	Regional Networks	National Non-network	Local	Total
1a. Amusements	—	—	\$1,940	\$39,560	\$41,500
1-2. Automobiles and accessories:					
(1) Automobiles	\$353,530	—	258,360	150,240	762,130
(2) Accessories, gas and oil	388,052	\$15,582	175,080	84,180	662,894
3. Clothing and apparel	28,925	468	37,050	275,620	342,063
4-5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals	366,473	6,479	353,530	51,280	777,762
(5) Toilet goods	1,076,331	5,405	71,920	21,890	1,175,546
6-8. Food products:					
(6) Foodstuffs	882,926	32,264	391,920	237,170	1,544,280
(7) Beverages	404,925	9,486	40,690	87,000	542,101
(8) Confections	142,069	2,174	24,660	10,970	179,873
9-10. Household goods:					
(9) Household equipment and furnishings	36,450	4,594	117,820	223,720	382,584
(10) Soap and kitchen supplies	318,106	11,292	68,070	11,380	408,848
11. Insurance and financial	32,995	514	26,100	71,320	130,929
12. Radios	109,507	166	12,360	16,680	138,713
13. Retail establishments	—	910	10,320	150,790	162,020
14. Tobacco products	397,829	10,890	74,720	4,660	488,099
15. Miscellaneous	292,133	13,423	273,260	511,330	1,090,146
Total	\$4,830,251	\$113,647	\$1,937,800	\$1,947,790	\$8,829,488

laneous 76.0%. Important declines included the following: drugs 33.2%, confectionery 22.2%, household equipment 57.7%, and financial advertising 23.0%.

There was a general increase with regard to regional network advertising. Principal gains were as follows: gasoline and accessories 40.3%, beverages 602.7%, confectionery 210.6%, soaps and kitchen supplies 271.7%.

Increases also were fairly general with regard to national non-network volume. The main gains in this field were as follows: automotive 45.2%, gasoline and accessories 54.9%, foodstuffs 34.6%, and radios 253.1%. Important declines included the following: beverages 24.5%, confectionery 58.2%.

The principal gains in the local field were a rise of 25.8% in automotive advertising and an increase of 84.1% in radio set volume. Clothing advertising fell 2.8% below the April 1935 level, while department store advertising decreased 6.0%.

Broadcast advertising volume during April by national and local sponsoring groups is found in Table VI.

Details as to trends in the various fields of sponsorship are as follows:

1a. **Amusements.** National non-network volume 86.2% below March and local 27.6% above. National non-network 70.0% under last April and local down 16.8%.

1. **Automotive.** National network advertising 17.5% below March. National non-network business up 10.6% and local 30.1%. Gains compared with last April as follows: national networks 42.6%, national non-network 45.2%, and local 25.8%.

2. **Gasoline and accessories.** Gains over March as follows: regional networks 31.3%, national non-network 13.0%, and local 21.4%. National network down 13.4%. Increases as compared with April 1935 as follows: national networks 3.1%, regional networks 40.3%, national non-network 54.9%. Local down 4.6%.

3. **Clothing.** National networks 32.4% below March and national non-network down 16.3%. Regional networks up 34.5% and local 10.9%. Declines from last April level as follows: national networks 42.3%, regional networks 92.1%, and local 2.8%. National non-network up 4.7%.

4. **Drugs and pharmaceuticals.** Declines from the preceding month as follows: national networks 17.6%, regional networks 54.5%, national non-network 29.3%, and local 21.6%. Decreases from level of April of previous year as follows: national networks 33.2%, regional networks 3.4%, national non-network advertising 2.3%, and local 62.1%.

5. **Toilet goods.** Regional network volume more than double that of March. Declines in other fields as follows: national networks 7.4%, national non-network 40.2%, and local 0.1%. National network volume 21.4% above last April and local up 2.8%. Regional network business down 1.3% and national non-network 17.3%.

6. **Foodstuffs.** Regional network volume 4.1% above March. Other declines as follows: national network 15.7%, national non-network 9.6%, and local 4.0%. Gains as compared to corresponding month of previous year as follows: national networks 9.9%, regional networks 112.1%, national non-network 34.6%, and local 1.8%.

7. **Beverages.** Increases over preceding month as follows: national networks 21.9%, regional networks 59.3%, and local 5.7%. National non-network down 8.6%. Increases over April 1935 as follows: national networks 50.0%, 602.7% for regional networks, and local 3.8%. National non-network down 24.5%.

8. **Confectionery.** National network volume 17.6% above March and local up 168.9%. Regional network advertising down 63.1% and national non-network 56.2%. Regional network business 210.6% above April 1935. Other portions of the medium down as follows: national networks 22.2%, national non-network 58.2%, local 2.5%.

9. **Household equipment.** National and regional networks down 29.8% and 8.4%, respectively. National non-network and local up 49.1% and 18.4% as compared to March. Declines from April of last year as follows: national networks 57.7%, regional networks 53.3%, and local 1.6%. National non-network business up 25.5%.

10. **Soap and kitchen supplies.** National network volume 0.7% below March and local down 4.2%. Regional network and national non-network business up 13.5% and 13.6%, respectively. Gains over last April as follows: national networks 7.1%, regional networks 271.7%, and local 31.3%. National non-network business down 11.3%.

11. **Insurance and financial.** Declines from March level as follows: national networks 37.6%, regional networks 3.9%, national non-network 5.5%, and local 18.7%. National network volume down 23.2% as compared to April 1935. Regional net-

work volume gained materially. National non-network business rose 64.5% and local 16.3%.

12. **Radios.** National network business 9.8% below March. Regional network volume up materially. National non-network business up 9.4% and local 4.6%. Gains compared to last April as follows: national networks 15.7%, national non-network 253.1%, and local 84.1%.

13. **Department and general stores.** National non-network business down 21.7% as compared to March, and local up 16.2%. Regional network up 25.0%. Compared to April of last year, national non-network down 24.7% and local 6.0%. Regional network business up materially.

14. **Tobacco products.** Gains over preceding month as follows: national networks 4.6%, regional networks 17.9%, national non-network 71.1%, and local 3.6%. Gains over April 1935 as follows: national networks 14.1%, regional networks 10.0%, and national non-network 23.0%. Local down 47.3%.

15. **Miscellaneous.** National networks and regional networks below March by 34.7% and 13.4%, respectively. National non-network and local business up 84.1% and 20.1%, respectively. General gains as against last April as follows: national networks 76.0%, regional networks 5.2%, national non-network 45.1%, and local 13.9%.

Retail Broadcast Advertising

Broadcast advertising by retail establishments increased 12.3% as compared with the preceding month. Gains were fairly general, the principal ones being as follows: automotive 15.5%, clothing 11.2%, drug stores 35.7%, household equipment dealers 65.9%, furniture stores 5.6%, and hardware stores 42.6%. Grocery stores declined 22.7% and gasoline stations and accessory stores 20.4%.

Total broadcast advertising by retail establishments decreased 0.1% as against April of last year. Trends within various groups were spotty. Important gains were as follows: automotive 23.2%, food retailers 9.9%, furniture stores 20.4%, and radio retailers 48.4%. Significant declines were as follows: filling stations and accessory stores 34.8%, restaurants 18.4%, household equipment dealers 4.5%, hardware stores 36.3%, and department stores 7.0%. Broadcast advertising by retail establishments is found in Table VII.

TABLE VII
RETAIL BROADCAST ADVERTISING OVER
INDIVIDUAL STATIONS

Type of Sponsoring Business	1936 Gross Time Sales March	April
Automobiles and accessories:		
Automobile agencies and used car dealers	\$127,110	\$146,820
Gasoline stations, garages, etc.....	45,100	35,890
Clothing and apparel shops.....	264,000	293,660
Drugs and toilet goods:		
Drug stores	14,020	19,020
Beauty parlors	7,210	8,650
Food products:		
Grocery stores, meat markets, etc.....	81,370	62,900
Restaurants and eating places.....	20,370	20,720
Beverage retailers	1,100	1,570
Confectionery stores	1,320	1,350
Household goods:		
Household equipment dealers.....	44,960	74,610
Furniture stores	106,060	112,030
Hardware stores	13,800	24,030
Radio retailers	15,900	13,430
Department and general stores.....	143,728	162,020
Tobacco shops	125	—
Miscellaneous	86,870	116,450
Total	\$973,043	\$1,093,150

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

No. 2818. Alleging unfair competition in the sale of candy, a complaint has been issued against the **Vogan Candy Corporation**, 329 N. E. Eleventh Avenue, **Portland, Oregon**.

The complaint alleges that the respondent corporation packs candy in assortments so as to involve a lottery scheme whereby the ultimate purchaser may win, without additional cost, a package or a bar of candy. The punchboard device is used, according to the complaint.

Use of such a sales method, the complaint charges, tends to divert trade to the respondent from competitors who do not use the same or a similar scheme in the sale of their products.

No. 2819. Disparagement of the product of a competitor is alleged in a complaint issued against **Hoffman Beverage Co.**, 402 Grove St., Newark, N. J.

In soliciting the sale of and selling its product, the respondent corporation is said to have published disparaging representations, among which were assertions that "The vat-fresh taste of Hoffman Bottled Beer is due to the fact that Hoffman Beer is not heat-treated after bottling. * * * You taste the difference at the first sip. The only unpasteurized bottled beer in America."

According to the complaint, labels on bottles containing Hoffman Beer bear the statement that "Because of extraordinary biological control pasteurizing this beer is avoided. Thus its fine vat quality is fully retained."

No. 2820. **Jean Vivadou** and **Henry G. Lubin**, trading as **Jean Vivadou Co.**, 135 W. 20th St., New York City, and engaged in the manufacture and sale of "De Marsay" toilet sundries, are named respondents in a complaint alleging unfair methods of competition in violation of section 5 of the Federal Trade Commission Act.

The respondents allegedly represent in advertising matter and in other ways that one of their products, "Lagoona," is a "wonder" sea sponge spawned in Southern Pacific waters and contains the alchemy of the waters of the Pacific ocean; that it is taken to the laboratories of a nationally known chemist, treated with ultra-violet rays, and becomes "an aid to good health." The complaint charges that all of these representations are untrue, and that "Lagoona," instead of being a sea sponge possessing therapeutic value, is a vegetable known as a loofah, which grows on land and resembles a gourd.

No. 2821. Evasion of State tobacco taxes and use of counterfeit tax stamps to obtain sales advantages over competitors, are alleged in a complaint charging a **West Memphis, Ark.**, tobacco firm with unfair methods of competition in violation of the Federal Trade Commission Act. The respondents named are **Henry Loeb, Jr.**, and **Martha Huffman**, trading as **West Memphis Cigarette Co.**

Although doing business in Memphis, Tenn., where most of their competitors are situated, the respondents are alleged to operate an additional place of business at West Memphis, Ark., across the Mississippi River from Memphis, Tenn., enabling them to assist retail dealers illegally to evade the Tennessee tobacco tax, and to disrupt, injure and destroy the business and goodwill of competitors.

Distributing well known brands of cigars also sold by competitors, the respondents, according to the complaint, approach certain retail customers of competitors having in their possession boxes bearing the brand names of the well known cigars and cancelled Tennessee tobacco tax stamps, and sell to many such retailers boxes of these brands on which no Tennessee tobacco tax has been paid and which do not contain the cancelled tax stamps. This practice is alleged to enable retailers to refill their boxes containing cancelled tax stamps with cigars on which no tax has been paid, in violation of Tennessee laws.

No. 2822. A complaint has been issued against **Martin J. Leyden**, 168½ Thomas St., Seattle, Wash., charging unfair methods of competition in the sale of "Leyden's Hair Tonic."

The complaint alleges as false and exaggerated the respondent's claims, made in newspaper advertisements and in advertising literature, that his product removes dandruff completely, stops hair from falling and starts it to grow, stops itching scalp and restores new life to hair.

No. 2823. Alleging unfair competition in the sale of packaged mineral salts, a complaint has been issued against **Soap Lake Products Corporation**, 2013 Fourth Ave., Seattle, Wash., distributor of "Mother Nature Soap Lake Salts," and other products obtained from Soap Lake, Wash.

In advertising literature and radio broadcasts, the respondent is alleged to have asserted that its mineral products would prevent or cure or would be beneficial in the treatment of rheumatism, neuritis, athlete's foot, poison oak or ivy, hyperacidity, and other ailments. According to the complaint, these representations are exaggerated and misleading, as the beneficial properties, if any, of the respondent's products, are limited to laxative and diuretic action. The complaint alleges that the packaged products have no

therapeutic value for treatment of the diseases and afflictions named.

No. 2824. Unfair competition through use of advertising matter falsely implying Government or State approval of products is alleged in a complaint against **Service Products, Inc.**, 125 Rivington St., New York City, trading as **West Point Laboratories**, and **Sam, Harry and Irving Hagler**, individually and as officers of the respondent company.

Engaged in compounding toilet articles such as hair tonic, bay rum and lotions, which they sell to dealers and the public, the respondents are alleged to have advertised by means of the phrase "West Point—Natural Vegetable Oil—Hair Tonic—West Point Laboratories, N. Y.," together with a picture of a cadet in full military uniform. This advertising was presented in such a way, according to the complaint, that it conveyed the impression that the respondents' products were made according to United States Government specifications or adopted by the War Department for use of the West Point cadets. Such representations were false, deceptive, and misleading, according to the complaint, and in violation of the Federal Trade Commission Act.

No. 2826. **Charles N. Miller Co.**, 16 Medford St., Boston, is charged with unfair competition in the sale of candy, in violation of the Federal Trade Commission Act, under a complaint.

Assortments of candy sold by the respondent firm are so arranged as to involve use of a lottery scheme when sold and distributed to consumers, according to the complaint.

Stipulations

The Commission has issued the following cease and desist orders and stipulations:

No. 01366. **Albert S. Broel**, trading as **American Frog Canning Co.**, 3800 Jefferson Highway, New Orleans, selling canned frog products, live frogs, and a course of instruction in frog culture, agrees to stop advertising that the supply of wild frogs is either exhausted or has been practically exterminated. The respondent is alleged to have advertised that "We use large quantities of frogs every year and this huge demand, together with other markets, has exhausted the wild supply."

Other representations to be discontinued are the assertions: That frog meat has dietary value in treating diabetes or stomach disorder; that the respondent's system of frog culture is recognized as the most successful in the world; that the course of instruction is given free, so long as it is furnished only to purchasers of breeder frogs and its cost is included in the purchase price, and other representations.

No. 01367. **The Piso Co., Warren, Pa.**, agrees to stop asserting that "Piso's for Coughs" is a competent treatment or effective remedy for coughs, unless the allegation is limited to the preparation's value as an expectorant cough mixture, of benefit in coughs due to colds and minor throat irritations.

No. 01368. **Evelyn Corper**, trading as **Keystone Co.**, and **Keystone Service**, Box 4026, Philadelphia, selling imitation diamonds and rings, stipulates that she will cease advertising that any of her products are free, unless in fact they are sent to applicants without requiring payment. The respondent also agrees to stop alleging by pictorial representation or otherwise that a ring is included with imitation diamonds, when the offer applies only to imitation diamonds. Among other representations to be discontinued is one to the effect that any offer made in connection with the sale of the respondent's products is for a limited time, unless it is made clear that a definite time limit is fixed and adhered to by the respondent and orders are refused after expiration of such time.

No. 01369. **D. A. Prosser**, an individual, operating as **Old Dominion Service**, Petersburg, Va., selling a scheme recommended for winning money and bringing luck, called "The Magic Star System," agrees to stop representing that a "universal good luck charm" or coin or token possesses the virtue of making the carrier lucky, or that "The Magic Star System" is scientific and correct in principle, or based on research. The respondent is said to have advertised that "We give you scientific calculations and mathematical formulas so arranged to manipulate and to forecast winning results."

No. 01374. **Leon M. Nelson**, operating as **Nelson Laboratories**, 29 North Garfield Ave., Alhambra, Calif., dealing in "Nelson's Dental Plate Cleaner" and "Nelson's Dental Plate Brush", recommended for cleaning false teeth, agrees to stop alleging that the dental plate cleaner sterilizes false teeth, is a scientifically compounded antiseptic or will not scratch or injure the plate, and that use of the dental plate cleaner results in improved health. The re-

spondent stipulates that in soliciting salespersons or dealers, he will not make unmodified representations of earnings in excess of the average earnings of his active, fulltime salespersons. He agrees also to cease using the word "Laboratories" or "Laboratory" in his trade name or in advertising until such time as he shall actually own, maintain, or operate a laboratory.

No. 01375. Tayton Co., 3629 Main St., Kansas City, Mo., dealer in a food preparation called "Nutri", agrees to quit making the allegation that the preparation is an effective treatment for nervousness, insomnia, worry and other ailments; that the average user of the product will gain weight, and that the preparation contains all vitamins or minerals necessary to build nerves, glands, blood, tissue, body and energy.

No. 1667. Mannington Mills, Inc., Salem, N. J., manufacturing and selling felt base floor coverings, designated and advertised one of its products as "Rubbertext". The corporation agrees to cease using the word "rubber" alone or in conjunction with any other word, syllable or suffix so as to imply that its products are composed of rubber, or in substantial part of rubber, when such is not the fact.

No. 1668. In a stipulation entered into, the **Triad Manufacturing Co., Inc., Pawtucket, R. I.,** has agreed to cease representing in advertising or in printed matter that certain glass radio tubes it manufactures and sells are "metal tubes".

The stipulation of facts points out that glass tubes were in general use by the radio industry until 1935, when the so-called metal tubes became popularized in the trade and by the purchasing public, and also describes glass tubes as having the technical elements sealed in a vacuum in glass, while in the metal types the technical elements are contained in a vacuum in steel.

Specifically, the respondent corporation agrees to discontinue use of the words "metal tubes" as descriptive of its products, so as to imply that such products are those which have become popularly known as metal radio tubes.

The stipulation provides that if the technical elements of the respondent corporation's product are sealed in a vacuum in glass which is placed within a metal shell, and if the words "metal tube" are used to describe the shell, then such words shall be accompanied by other suitable words to indicate clearly that the product is not a tube wherein the technical elements are sealed in a vacuum in steel.

No. 1669. A. J. King and John B. Michael, co-partners, trading as Dr. King's Medical Co., Cincinnati, signed a stipulation to discontinue representations to the effect that "Dr. King's Positive Corn Remover" is a cure for corns or a reliable remedy for all types of corns, bunions, warts and moles, when such is not the fact. The respondents also agree to cease using on their letterheads the words "President" and "Vice-President" with the names, respectively, "A. J. King" and "J. B. Michael", and with their trade name, so as to imply that their business is that of a corporation or voluntary association; to cease use of the abbreviation "Dr." in their trade name and of the words "pharmaceutical" and "chemists" to convey the meaning that there is a physician, pharmacist or chemist associated with their business, and to discontinue use of the word "manufacturing" in a manner implying that they compound their product or own a factory where such product is made, when all such representations are untrue. They also will stop representing that they have offices in Detroit, New York City and Buffalo, when such is not the case.

No. 1670. A. Paladini, Inc., 540 Clay St., San Francisco, engaged in the sale of fish and sea food, entered into an agreement to cease using on invoices or in other printed matter the words "Red Snapper" to designate a species of fish other than that known to the trade and purchasing public as red snapper, and to cease using such words in any manner which may have the tendency to mislead purchasers into the belief that such fish is the species commonly known as red snapper, when such is not the fact.

No. 1671. Cohn-Hall-Marx Co., 1412 Broadway, New York City, selling fabrics to dress manufacturers and retailers of piece goods, stipulates it will stop using the word "Camelspun" or any other derivative or simulation of the word "camel" on labels affixed to its products which are not composed of camel's hair, and will cease using the word "Camelspun" or any simulation of the word "camel" to imply that its products are composed of camel's hair, when such is not the fact.

Nos. 1672-1673. Snell Corporation, Nashville, Tenn., according to the stipulation of facts, blends flour and sells it to Tennessee Mill & Feed Co. in bags which it marks with the words "Packed for Tennessee Mill & Feed Co., Birmingham, Alabama."

In its stipulation, Snell Corporation agrees to cease marking or stamping upon the bags in which its flour is packed and sold any

corporate or trade name containing the word "Mill," or any other word of similar import, to imply that the product is milled by the purchaser, when such is not a fact.

Tennessee Mill & Feed Co., Birmingham, Ala., in purchasing and selling flour, will discontinue use of the word "Mill" in its trade name or in any manner tending to mislead purchasers into the belief that it owns or operates a mill where the product it sells is manufactured.

No. 1674. J. A. Sanborn Co., Inc., 6 Union St., Boston, Mass., agrees to stop using the word "Whitefish" to describe any species other than that properly known as whitefish, and to cease using the same word alone or in connection with the words "Deep Sea", "Fillet", "Cusk", or with any other words which may imply that the product so designated is that species of fish properly known as whitefish, when such is not the fact.

No. 1677. Bolton-Smart Co., Inc., 19 South Market St., Boston, Mass., signed a similar agreement.

The stipulations point out that two species of whitefish are found in the Great Lakes, and another off the Pacific coast, while the cusk, allied to the cod, comes from the waters off the coasts of Northern Europe and America.

No. 2283. F. A. Martocchio Co., trading as Hollywood Candy Co., 1311 Glenwood Ave., Minneapolis, Minn., has been ordered to discontinue selling to wholesale dealers and jobbers candy so packed and assembled that its resale to the general public may be made by means of a lottery, gaming device, or gift enterprise.

Under the order to cease and desist, the respondent corporation is prohibited from supplying wholesalers and jobbers with assortments of candy which may be used, without rearrangement of the contents, to conduct a lottery in the sale of candy to the public, and from supplying them with punch boards or push cards which may be used in selling the candy at retail.

No. 2618. Canton Silk Mills, Inc., 469 7th Ave., New York City, has been ordered to cease and desist representing through use of the words "Mill", "Mills" or "Manufacturers", or other similar words, that it owns, operates or controls mills in which its products are manufactured, dyed, printed or processed.

Findings are that the respondent company, a converter of silk and rayon fabrics, used the trade name "Canton Silk Mills, Inc.", and the language: "Mills: Riverside, R. I.—Phenix, R. I.", in its advertisements. These representations, according to the findings, implied that the respondent operated and controlled mills for making silks or silk goods, when this was not true.

FEDERAL COMMUNICATIONS COMMISSION ACTION

While no announcement has been made and no official action taken to this time there is a general understanding at the Commission that hearings will not be held either by the Commission itself or by its Examiners during the months of July and August. This will allow the Examiners who are far behind in writing their recommendations on cases already heard to catch up with the calendar.

HEARING CALENDAR

Monday, June 8

INFORMAL ENGINEERING CONFERENCE

Subject: New rules concerning all broadcast stations except regular broadcast stations in the band 550 to 1500 kilocycles.

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Pacific Acceptance Corp., San Diego, Calif.—C. P., 1200 kc., 100 watts, daytime.

KMTR—KMTR Radio Corp., Los Angeles, Calif.—Renewal of license, 570 kc., 1 KW, unlimited time.

Tuesday, June 9

HEARING BEFORE AN EXAMINER

(Broadcast)

KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Modification of license, 1370 kc., 100 watts, unlimited time. Present assignment: 1370 kc., 100 watts, shares with KCRC.

KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Authority to transfer control of corporation; **1370 kc.**, 100 watts, shares with KCRC.
 NEW—Fred A. Baxter, Superior, Wis.—C. P., **1200 kc.**, 100 watts, unlimited time.

Wednesday, June 10

HEARING BEFORE AN EXAMINER

(Broadcast)

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—C. P., **1120 kc.**, 500 watts, specified hours (unlimited except from 8 to 9 p. m. Mondays and Fridays).
 NEW—Community Broadcasting Co., Toledo, Ohio.—C. P., **1200 kc.**, 100 watts, daytime.
 WALR—WALR Broadcasting Corp., Zanesville, Ohio.—C. P. to move to Toledo, Ohio; **1210 kc.**, 100 watts, unlimited time.

Thursday, June 11

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-204:

NEW—Christina M. Jacobson, d/b as The Valley Electric Co., San Luis Obispo, Calif.—C. P., **1200 kc.**, 250 watts, daytime.
 NEW—E. E. Long Piano Co., San Luis Obispo, Calif.—C. P., **1200 kc.**, 100 watts, unlimited time.

Examiner's Report No. I-200:

NEW—Merced Star Publishing Co., Merced, Calif.—C. P., **1040 kc.**, 250 watts, daytime.

Examiner's Report No. I-205:

WEAN—The Shepard Broadcasting Service, Inc., Providence, R. I.—C. P., **780 kc.**, 1 KW, unlimited time.

Examiner's Report No. I-186:

NEW—Advertiser Publishing Co., Ltd., Honolulu, T. H.—C. P., **11850 and 15230 kc.**, 2 watts, specified hours.

Examiner's Report No. I-216:

NEW—Mason City Broadcast Co., Emmons L. Abeles, Secy., Mason City, Iowa.—C. P., **1420 kc.**, 100 watts, unlimited time.

NEW—Northern Iowa Broadcasting Co., Inc., Mason City, Iowa.—C. P., **1420 kc.**, 100 watts, unlimited time.

NEW—Mason City Globe Gazette Co., Mason City, Iowa.—C. P., **1210 kc.**, 100 watts, unlimited time.

Friday, June 12

HEARING BEFORE AN EXAMINER

(Broadcast)

WPRO—Cherry and Webb Broadcasting Co., Providence, R. I.—C. P., **630 kc.**, 500 watts, 1 KW LS, unlimited time.

NEW—North Jersey Broadcasting Co., Inc., Paterson, N. J.—C. P., **620 kc.**, 250 watts, daytime.

WKRC—WKRC, Inc., Cincinnati, Ohio.—Modification of C. P. to extend completion date; **530 kc.**, 500 watts, $2\frac{1}{2}$ KW LS (S.A. for 1 KW), unlimited time.

WKRC—WKRC, Inc., Cincinnati, Ohio.—Modification of C. P. to make equipment changes; **530 kc.**, 1 KW, 5 KW LS, unlimited time. Present assignment: **530 kc.**, 500 watts, $2\frac{1}{2}$ KW LS (S.A. for 1 KW), unlimited time.

APPLICATIONS GRANTED

KMA—May Seed and Nursery Co., Shenandoah, Iowa.—Granted C. P. to move transmitter and install new radiator.

WKY—WKY Radiophone Co., Oklahoma City, Okla.—Granted C. P. to make changes in equipment; install vertical radiator, increase power from 1 KW night and day to 1 KW night, 5 KW day; **900 kc.**, unlimited time.

KGW—Oregonian Publishing Co., Portland, Ore.—Granted C. P. to make changes in equipment.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Granted C. P. to make changes in antenna.

KGY—KGy, Inc., Olympia, Wash.—Granted C. P. to install new equipment.

KFPY—Symons Broadcasting Co., Spokane, Wash.—Granted modification of C. P. approving transmitter site and approving antenna for 5 KW day.

KSCJ—Perkins Bros. Co., The Sioux City Journal, Sioux City, Iowa.—Granted modification of C. P. approving transmitter

site northeast of Sioux City; make changes in composite equipment; extend commencement date to 15 days after grant and completion date to 90 days thereafter.

WMBO—Peoria Broadcasting Co., Peoria, Ill.—Granted modification of C. P. to install new equipment; extend commencement date to immediately and completion date to 3 months hereafter.

KGy—KGy, Inc., Olympia, Wash.—Granted authority to make changes in automatic frequency control equipment.

WSAI—The Crosley Radio Corp., Cincinnati, Ohio.—Granted authority to determine operating power by direct measurement of antenna input in compliance with terms of Rule 137.

KIRO—Queen City Broadcasting Co., Seattle, Wash.—Granted license to cover C. P. authorizing changes in equipment and move transmitter and studio locations.

WKAQ—Radio Corp. of Porto Rico, San Juan, P. R.—Granted license to cover C. P. authorizing changes in equipment, move transmitter, install new radiating system, and change hours of operation from one-half to unlimited time; **1240 kc.**, 1 KW.

WJJD—WJJD, Inc., Chicago, Ill.—Granted license to cover C. P. authorizing move of transmitter to Des Plaines, Ill., and erection of vertical radiator.

WEOA—Evansville on the Air, Inc., Evansville, Ind.—Granted license to cover C. P., **1370 kc.**, 100 watts, unlimited time.

WHBC—Edward P. Graham, Canton, Ohio.—Granted renewal of license on a temporary basis and designated renewal application for hearing.

WAML—New Laurel Radio Station, Inc., Laurel, Miss.—Granted license, **1310 kc.**, 100 watts, specified hours.

WCOP—Joseph M. Kirby, Boston, Mass.—Granted consent to voluntary assignment of license to Massachusetts Broadcasting Corp.

NEW—Lincoln Memorial University, Middlesboro, Ky.—Granted C. P. for new broadcast station; **1210 kc.**, 100 watts, unlimited time.

WSPD—Toledo Broadcasting Co., Toledo, Ohio.—Granted license to cover C. P. authorizing changes in equipment, increase in day power from $2\frac{1}{2}$ KW to 5 KW; **1340 kc.**, 1 KW night.

WMFN—Attala Broadcasting Corp., Clarksdale, Miss.—Granted C. P. to move station from Clarksdale, Miss., to Grenada, Miss.

WBBZ—Estate of Chas. Lewis Carrell, Deceased, Howard Johnson, Representative, Ponca City, Okla.—Granted extension of existing license on a temporary basis, **1200 kc.**, 100 watts, unlimited time, pending probate of will of C. L. Carrell.

KROC—Southern Minnesota Broadcasting Co., Rochester, Minn.—Granted renewal of license for the regular period; **1310 kc.**, 100 watts, unlimited time.

WSAJ—Grove City College, Grove City, Pa.—Granted renewal of license for the regular period; **1310 kc.**, 100 watts, specified hours.

WCAX—Burlington Daily News, Inc., Burlington, Vt.—Granted renewal of license for the regular period; **1200 kc.**, 100 watts, specified hours.

KGy—KGy, Inc., Olympia, Wash.—Granted renewal of license for the regular period; **1210 kc.**, 100 watts, unlimited time except when KTW is operating.

WOCL—A. E. Newton, Jamestown, N. Y.—Granted renewal of license on a temporary basis; **1210 kc.**, 50 watts, unlimited time.

KFYO—Plains Radio Broadcasting Co., Lubbock, Tex.—Granted renewal of license for the regular period; **1310 kc.**, 100 watts night, 250 watts day, unlimited time.

WMBO—WMBO, Inc., Auburn, N. Y.—Granted renewal of license for the regular period; **1310 kc.**, 100 watts, unlimited time.

KOOS—Pacific Radio Corp., Marshfield, Ore.—Granted renewal of license for the regular period; **1200 kc.** (modification to **1390 kc.** to be effective upon completion of vertical radiator), 250 watts daytime, from 6 a. m. to LS, PST.

WTHT—The Hartford Times, Inc., Hartford, Conn.—Granted modification of C. P. approving equipment, vertical radiator and transmitter and studio sites.

NEW—Bamberger Broadcasting Service, Inc., Portable-Mobile (Newark, N. J.) (2 applications).—Granted C. P., (exp. gen. exp.), frequencies **31100, 34600, 37600, 40600 kc.**, 2 watts.

NEW—Bamberger Broadcasting Service, Inc., Portable-Mobile (Newark, N. J.) (2 applications).—Granted C. P., (exp. gen. exp.), frequencies **31100, 34600, 37600, 40600 kc.**, 10.5 watts.

NEW—The Crosley Radio Corp., Portable-Mobile, Cincinnati, Ohio (2 applications).—Granted C. P. (exp. gen. exp. service), frequencies 31100, 34600, 37600, 40600 kc., 30 watts, unlimited.

W2XE—Atlantic Broadcasting Corp., near Wayne, N. J.—Granted C. P. (exp. relay b/c) to make changes in equipment, increase power from 5 to 10 KW.

SET FOR HEARING

NEW—Voice of Detroit, Mich., Detroit, Mich.—Application for C. P., 1120 kc., 500 watts night, 1 KW day, unlimited time. Site to be determined.

NEW—Orrin P. Kilhoun, Albany, N. Y.—Application for C. P., 1240 kc., 250 watts, unlimited time. Site to be determined.

NEW—J. E. Churchwell, G. O. Russell, H. O. Freeman, Jr., d/h as Panama City Broadcasting Co., Panama City, Fla.—Application for C. P. for new station, 1500 kc., 100 watts, daytime only.

NEW—Brownwood Broadcasting Co., Brownwood, Tex.—Application for C. P. for new station, 1370 kc., 100 watts, daytime only. Site to be determined.

NEW—Southern Broadcasting Corp., New Orleans, La.—Application for C. P. for new station, 1200 kc., 100 watts, shares-WJBW. Site to be determined. Facilities of WBNO.

NEW—Radio Enterprises, Inc., Hot Springs, Ark.—Application for C. P. for new station, 1310 kc., 100 watts, daytime. Site to be determined.

NEW—Cadillac Broadcasting Co., a Michigan corporation, Dearborn, Mich.—Application for C. P. for new station, 1140 kc., 500 watts, daytime only.

NEW—Asheville Daily News (Harold M. Thomas, Owner), Asheville, N. C.—Application for C. P. for new station, 1370 kc., 100 watts, unlimited time.

WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—Application for renewal of license, 560 kc., 1 KW night, 5 KW day, unlimited time.

WBNO—The Coliseum Place Baptist Church, New Orleans, La.—Application for renewal of license, 1200 kc., 100 watts, shares time with WJBW equally; temporary license granted pending outcome of hearing.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KBTM, Jonesboro, Ark.; KDON, Del Monte, Calif.; WFAM, South Bend, Ind.; WHBY, Green Bay, Wis.; WIBU, Poynette, Wis.; WMFG, Hibbing, Minn.; WTAL, Tallahassee, Fla.

The following stations' licenses were extended on a temporary basis for a period of 1 month, pending receipt and/or action on application for renewal of licenses:

WMFN, Clarksdale, Miss.; WSON, Birmingham, Ala.; and WWAE, Hammond, Ind.

KGDE—Charles L. Jaren, Fergus Falls, Minn.—Granted renewal of license on a temporary basis only subject to whatever action may be taken by the Commission upon pending application for renewal.

KVOS—KVOS, Inc., Bellingham, Wash.—Granted renewal of license on a temporary basis only subject to whatever action may be taken by the Commission upon pending application for renewal.

KWEA—International Broadcasting Corp., Shreveport, La.—Granted renewal of license on a temporary basis only subject to whatever action may be taken by the Commission upon pending application for renewal.

WRBL—WRBL Radio Station, Inc., Columbus, Ga.—Granted renewal of license on a temporary basis only to conform to the Commission's action of April 3, 1936, with reference to this station's application for renewal, for the period ending July 14, 1936.

WATL—J. W. Woodruff and S. A. Cisler, Jr., d/b as Atlanta Broadcasting Co., Atlanta, Ga.—Present license further extended on a temporary basis only for the period June 1 to July 1, 1936, subject to such action as may be taken upon the pending application for renewal.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Present license further extended on a temporary basis only for the period June 1 to July 1, 1936, subject to such action as may be taken upon the pending application for renewal.

WWL—Loyola University, New Orleans, La.—Special experimental temporary authority, heretofore issued stations

KWKH and WWL, further extended for the period June 1 to July 1, 1936, subject to the same conditions as contained in the existing authorities to said stations, pending consideration of the pending petition of station WLWL and petitions in opposition thereto.

MISCELLANEOUS

KPPC—Pasadena Presbyterian Church, Pasadena, Calif.—Modification of license to increase power to 100 watts issued to KPPC in conformity with Commission's action of February 8, 1936, inasmuch as applicant has now complied with the proviso contained therein.

NEW—Bell Broadcasting Co., Temple, Tex.—Denied petition asking the Commission to reject the application of Eugene DeBogory (tem-Bel Broadcasting Co.), as in cases of default for a C. P. to operate a new broadcast station at Temple, Tex., on the frequency 1310 kc., 100 watts, daytime only.

NEW—F. N. Pierce, Taylor, Tex.—Denied motion for a continuance of hearing on application for a permit for the establishment of broadcast station at Taylor, Tex., to operate on 1310 kc., 100 watts, daytime only.

WRBC, Inc., Youngstown, Ohio.—Granted request for a continuance of hearing now scheduled for June 2, 1936, on application for permit to erect a new station at Youngstown, Ohio, to operate on 890 kc., 1 KW.

Fresno Broadcasting Co., Fresno, Calif.—Denied petition for order to retake depositions in support of application for a permit to erect new broadcast station at Fresno.

KFPL—C. C. Baxter, Duhlin, Tex.—Granted application for renewal of license, also two applications for modification of C. P. authorizing equipment changes, the removal of the transmitter, and operation with power of 200 watts LS and 100 watts night, approval of the transmitter site, and extension of time within which to complete construction.

KOMA—National Radio Mfg. Co., Oklahoma City, Okla.; KTAT—KTAT Broadcasting Co., Fort Worth, Tex.; WACO—Central Texas Broadcasting Co., Inc., Waco, Tex.—Referred to docket section requests that a date for hearing of applications for authority to voluntarily assign licenses to Hearst Radio, Inc., be fixed for the month of June with instructions to name date as the conditions of the docket will permit.

A. W. Hayes, Erie, Pa.—Denied motion requesting the Commission to advance the date of oral argument from September 10 to June 4, 1936, on application for a permit to erect a station to operate on 1270 kc., 500 watts night, 1 KW LS.

Plain Dealer Pub. Co., Monroe F. Rubin and Ruth Ruhin (through their attorneys), Cleveland, Ohio.—Granted applications for transfer of control of the licenses of stations WHK and WJAY of Cleveland, Ohio, to the U. B. Company, a subsidiary of the Plain Dealer Publishing Co. Reconsidered action of December 10, 1935, when applications were designated for hearing. WHK operates on 1390 kc., 1 KW night, 2½ KW day, unlimited time. WJAY operates on 610 kc., 500 watts, daytime.

Red River Valley Broadcasting Corp. of Sherman, Tex.—Reconsidered action of April 24, 1936, in designating for hearing application to erect new station to operate on 1310 kc., 100 watts daytime only, and granted same without a hearing.

John E. Fetzer, Saginaw, Mich.—Granted petition for withdrawal of application, without prejudice, for permission to establish a broadcast station at Saginaw, Mich.

Central Broadcasting Co., Eau Claire, Wis.—Granted motion to strike exceptions of Midway Broadcasting Co. to Examiner's Report No. 1-218. Order granting the request of Midway Broadcasting Co. for oral argument was cancelled and the application of the Central Broadcasting Co. for a permit to establish a broadcast station at Eau Claire to operate on 1050 kc., 250 watts, daytime, was placed on the calendar for final action by the Broadcast Division.

California Sales Contract Co., San Francisco, Calif.—Granted request to withdraw application for C. P. to operate the station at San Francisco on a frequency of 1280 kc., 500 watts, 1 KW LS, unlimited time. Application dismissed with prejudice.

Steffens Ice & Ice Cream Co., Wichita, Kans.—Denied motion to withdraw application for permit for a new station at Wichita, Kans., and have the same dismissed without prejudice.

APPLICATIONS RECEIVED

First Zone

- WSYR-WSYU—Central New York Broadcasting Corp., Syracuse, 570 N. Y.—License to use old composite transmitter as an auxiliary transmitter (250 watts).
- WJAR—The Outlet Co., Providence, R. I.—License to cover construction permit (B1-P-333) as modified for changes in equipment, move of transmitter, and increase in power; install directional antenna.
- WCAX—Burlington Daily News, Burlington, Vt.—Authority to 1200 transfer control of corporation from Bertha Jackson to Mary Jackson Forbes and from Mary Jackson Forbes to Bertha R. Wells Jackson, 109 shares of common stock. Amended to request the transfer of 109 shares of common stock from Bertha Jackson to Mary Jackson Forbes only.
- NEW—Continental Radio Co., Washington, D. C.—Construction 1230 permit for a new station to be operated on 1230 kc., 1 KW, unlimited time.
- WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—Modification of license to change hours of operation from daytime to daytime until 7:30 p. m., using 100 watts power at night. Amended to change requested hours of operation from daytime until 7:30 p. m. to unlimited time.
- NEW—Continental Radio Co., Washington, D. C.—Construction 1310 permit for a new station to be operated on 1310 kc., 100 watts, 250 watts day, unlimited time, contingent upon WOL being granted frequency of 1230 kc.
- WNBC—William J. Sanders, New Britain, Conn.—Construction 1380 permit to make changes in equipment and increase power from 250 watts to 1 KW. Amended to install directional antenna for night and day use, change requested power from 1 KW to 250 watts, 1 KW day, and hours of operation from daytime to unlimited time.
- NEW—New England Radio Corp., Bridgeport, Conn.—Construction 1420 permit for a new station to be operated on 1370 kc., 100 watts, daytime. Amended to change frequency from 1370 kc. to 1420 kc.

Second Zone

- NEW—The Pottsville Broadcasting Co., Pottsville, Pa.—Construction 580 permit for a new station to be operated on 580 kc., 250 watts, daytime.
- WCMI—The Ashland Broadcasting Co., Ashland, Ky.—Construction 1310 permit to make changes in equipment and increase power from 100 watts to 100 watts, 250 watts daytime.
- WIBM—WIBM, Inc., Jackson, Mich.—License to cover construction permit (B2-P-976) for changes in equipment.
- WRAK—WRAK, Inc., Williamsport, Pa.—Construction permit to 1370 make changes in equipment (antenna) and move transmitter from 244 West Fourth Street, Williamsport, Pa., to 1631 W. 3rd, Williamsport, Pa. Amended to change proposed transmitter site from 1631 W. 3rd Street to 1561 W. 4th Street, Williamsport, Pa., and install a new transmitter.
- WKBZ—Karl L. Ashbacher, Muskegon, Mich.—Construction permit 1500 to move transmitter from Occidental Hotel, Western Ave. at Third Street, Muskegon, Mich., to Forest Ave. at Creston Street, Muskegon, Mich., and install a vertical antenna.
- NEW—R. Morris Pierce, Portable.—Construction permit for a new general experimental station to be operated on 25700, 27100, 31100, 35600, 37100, 41000, 86000-400000 * kc. and above, 100 watts. Amended to delete 31100 and 37100 kc. and add 31600 and 38600 kc. * Also 401000 kc.

Third Zone

- WDAE—Tampa Times Co., Tampa, Fla.—Modification of license 550 to change frequency from 1220 kc. to 550 kc.
- WREC—WREC, Inc., Memphis, Tenn.—Modification of license to 600 increase power from 1 KW, 2½ KW day, to 1 KW, 5 KW day.
- WPTF—WPTF Radio Co., Raleigh, N. C.—Extension of special 680 experimental authorization to operate from local sunset to 8 p. m., PCT, on 1 KW power for period from 8-1-36 to 2-1-37.
- WPTF—WPTF Radio Co., Raleigh, N. C.—Extension of special 680 experimental authorization to use W. E. 6-B transmitter as

an auxiliary using 1 KW power, during special authorization to operate from local sunset to 8 p. m., PCT, for period 8-1-36 to 2-1-37.

- KRLD—KRLD Radio Corp., Dallas, Tex.—Extension of special 1040 experimental authorization to operate simultaneously with WTIC for period 8-1-36 to 2-1-37.
- KFXR—Exchange Ave. Baptist Church of Oklahoma City, Oklahoma City, Okla.—Construction permit to install new equipment.
- KFJZ—Fort Worth Broadcasters, Inc., Fort Worth, Tex.—License 1370 to cover construction permit (B3-P-1015) for new equipment and increase in power.
- NEW—Dallas Broadcasting Co., Dallas, Tex.—Construction permit 1500 for a new station to be operated on 1500 kc., 100 watts, daytime. Amended to change name from A. Earl Cullum, Jr., to Dallas Broadcasting Co.

Fourth Zone

- KWBG—The Nation's Center Broadcasting Co., Inc., Hutchinson, 550 Kans.—Construction permit to make changes in equipment; increase power from 100 watts to 250 watts; change frequency from 1420 kc. to 550 kc.; move transmitter from 101 E. Avenue "A", Hutchinson, Kans., to Hutchinson, Kans.; and make changes in antenna, using directional antenna at night.
- NEW—Harry G. Kipke, Ann Arbor, Mich.—Construction permit 630 for a new station to be operated on 630 kc., 500 watts, daytime.
- NEW—National Battery Broadcasting Co., St. Paul, Minn.—Construction 920 permit for a new station to be operated on 920 kc., 1 KW, unlimited time. Amended to make changes in equipment.
- KGBZ—KGBZ Broadcasting Co., York, Nebr.—Authority to install 930 automatic frequency control.
- NEW—Walker Jamar, Duluth, Minn.—Construction permit for a 1200 new station to be operated on 1500 kc., 100 watts, unlimited time. Amended to change requested frequency of 1500 kc. to 1200 kc. and omit request for KGFK's facilities.
- WHLB—Head of the Lakes Broadcasting Co., Virginia, Minn.—1370 Modification of construction permit (B4-P-329) for extension of completion date.
- WEHS—WEHS, Inc., Cicero, Ill.—Modification of license to 1420 change specified hours as specified on license from Central Standard Time to Eastern Standard Time. Amended to change specified hours.

Fifth Zone

- KOB—New Mexico College of Agriculture and Mechanic Arts, 1180 Albuquerque, N. Mex.—Voluntary assignment of license from New Mexico College of Agriculture and Mechanic Arts to Albuquerque Broadcasting Co. (no stockholders' liability).
- KSUN—Copper Electric Co., Inc., Lowell, Ariz.—Construction 1200 permit to make changes in equipment, install a vertical antenna, and increase power from 100 watts to 100 watts, 250 watts day.
- NEW—Wyoming Radio Corp., Cheyenne, Wyo.—Construction 1210 permit for a new station to be operated on 1210 kc., 100 watts, unlimited time.
- NEW—The News Press Publishing Co., Santa Barbara, Calif.—1280 Construction permit for a new station to be operated on 1410 kc., 500 watts, unlimited time. Amended to change requested frequency from 1410 kc. to 1280 kc.
- KCRJ—Charles C. Robinson, Jerome, Ariz.—Authority to install 1310 automatic frequency control.
- KBPS—Benson Polytechnic School, Portland, Ore.—Authority to 1420 install automatic frequency control.

Puerto Rican Zone

- NEW—Puerto Rico Advertising Co., Mayaguez, P. R.—Construction 1370 permit for a new station to be operated on 1370 kc., 100 watts, 250 watts day, specified hours. Amended to change name from Emilio Defillo Ramirez to Puerto Rico Advertising Co., make changes in antenna, change specified hours, and transmitter and studio sites from Ensanche Martinez, Mayaguez, P. R., to site to be determined, Mayaguez, Puerto Rico.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

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PAYNE CONFIRMED

George Henry Payne, of New York, was confirmed on Monday as a member of the Federal Communications Commission for a term of 7 years from July 1. It will be recalled that Mr. Payne has been a member of the Commission since the new body was organized, and the law provides that all terms shall be for a period of 7 years after the first term expires.

RADIO BILL SIGNED

President Roosevelt has signed S. 2243, the bill which repeals the Davis amendment. The bill was originally introduced in the Upper House by Senator Wheeler of Montana. As it became law it reads exactly as quoted in NAB REPORTS dated June 4 (Vol. 4, No. 27).

APPEAL FILED IN MONOCACY CASE

The Monocacy Broadcasting Company has filed an appeal in the United States District Court of Appeals for the District of Columbia, from a decision of the Supreme Court of the District of Columbia in which the latter court upheld a decision of the Federal Communications Commission.

In this case the Communications Commission granted a construction permit to the Monocacy Company for the erection of a new broadcasting station at Rockville, Md., but a protest was filed against the grant. The protest was later withdrawn but the Commission set the case for hearing. The Monocacy Company asked the District Supreme Court to enjoin the Commission against holding the hearing but the Court in a recent decision refused to hold in favor of the broadcasting company. Appeal has now been taken to the higher court but argument will not be held until the autumn.

PLAN FOR JUNE 15 CONFERENCE

The Federal Communications Commission has announced a tentative plan for the June 15 engineering hearing. James W. Baldwin, Managing Director, and Dr. Charles B. Aiken, Special Technical Consultant, will appear on behalf of the NAB. The plan as announced by the FCC follows:

The following general plan for the conduct of the informal engineering hearing beginning June 15, 1936, was approved by the Commission. Since all the notices which are due have not as yet been received by the Commission, the general order of witnesses cannot be given. However, this will be done at as early a date as possible.

The hearing will take place in the government auditorium located at Constitution Avenue between 12th and 13th Streets, between the Department of Labor Building and the Interstate Commerce Commission Building.

Opening statement by Chairman of Federal Communications Commission, outlining scope and procedure of hearing.

Testimony—Chief Engineer of Commission. General review of past developments, present practices and future probabilities.

Testimony—Dr. J. H. Dellinger. Statement of requirements of government departments.

General Testimony Relating to Broad Questions of Public Interest and General Allocation Policies.

- Witnesses in behalf of organizations operating in all phases and services in the industry.
- Witnesses in behalf of organizations operating in more than one phase or service in the industry.
- Witnesses in behalf of organizations operating in only one phase or service in the industry, in following order:
 - Operating associations.
 - Radio manufacturing associations.
 - Other trade associations.
 - Individual services.

Specific Testimony (See Notice of Hearing)

- E. K. Jett—General Status of Radio Spectrum.
- A. D. Ring—Present Status of Apparatus Limitations.
- L. P. Wheeler—General Frequency Propagation Characteristics.
- A. Witnesses in behalf of organizations operating in all phases and services in the industry who may desire to cover all subjects at one time.
- Witnesses in behalf of organizations operating in more than one phase or service in the industry who may desire to cover all subjects at one time.
- Witnesses in behalf of organizations operating in only one phase or service in the industry in the order given in the following paragraphs 5 to 11, inclusive. Within each service outlined in the following paragraphs 5 to 11, inclusive, the order of witnesses will be as follows:
 - Operating associations.
 - Radio manufacturing associations.
 - Other trade associations.
 - Individual services.
- Broadcast Service
 - Broadcast stations (550-1500 kc.).
 - Visual broadcast.
 - Television broadcast.
 - Facsimile broadcast.
 - Special broadcast (1500-1600 kc.).
 - International broadcast.
 - Relay broadcast.
 - High frequency broadcast.
 - Experimental broadcast.

FOURTEENTH ANNUAL NAB CONVENTION

STEVENS HOTEL, CHICAGO, ILLINOIS

JULY 5, 6, 7, 8, 1936

- (h) Other classes not now recognized in the Rules and Regulations.
- 6. *Fixed Services*
 - (a) Point-to-point telegraph stations.
 - (b) Point-to-point telephone stations.
 - (c) General and special experimental stations in the fixed services.
 - (d) Other fixed services not now licensed by the Commission.
- 7. *Coastal, Marine Relay and Ship Services.*
 - (a) Coastal harbor and ship (harbor) stations.
 - (b) Coastal telephone and ship (telephone) stations.
 - (c) Coastal telegraph, marine relay and ship (telegraph) stations.
 - (d) General and special experimental stations operating in the maritime service.
 - (e) Other classes not now licensed by the Commission.
- 8. *Aviation Services*
 - (a) Aircraft stations.
 - (b) Airport stations.
 - (c) Aeronautical stations.
 - (d) Aeronautical point-to-point stations.
 - (e) Airway radio obstruction marker stations.
 - (f) General and special experimental stations in the aviation service.
 - (g) Other classes not now licensed by the Commission.
- 9. *Emergency Services*
 - (a) Municipal police stations.
 - (b) State police stations.
 - (c) Zone and interzone police stations.
 - (d) General and special experimental stations operating as police stations.
 - (e) Marine fire stations.
 - (f) Special emergency stations.
 - (g) Other general and special experimental stations operating in the emergency service.
 - (h) Other emergency services not now licensed by the Commission.
- 10. *Amateur Service*
- 11. *Miscellaneous Services*
 - (a) Geophysical.
 - (b) Motion picture.
 - (c) General and special experimental stations not operating in any of the aforementioned services.
 - (d) Other classes not identified with a particular service now licensed by the Commission.

DENIAL OF NEW STATION RECOMMENDED

Carl S. Taylor has applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Dubois, Pa., to use 780 kilocycles, 250 watts and daytime operation.

Examiner R. H. Hyde, in Report No. I-235 has recommended that the application be denied. He found that "the evidence relating to the application * * * particularly with reference to the experience and financial qualifications of the applicant and the type of programs to be rendered, does not afford reasonable assurance that the granting of the application would serve public interest, convenience or necessity."

TEXAS BROADCASTERS OPPOSE HIGH POWER

Resolution of Texas Broadcasters Association

WHEREAS, it is the understanding of this organization that certain applications are now pending before the Federal Communications Commission and others are contemplated, wherein licenses or permits are being sought authorizing the establishment of radio broadcasting stations with transmission power of five hundred (500) kilowatts; and

WHEREAS, such stations on account of their excessive power cover the entire United States; and

WHEREAS, on account of the excessive cost to establish such stations they can only be established by large accumulations of capital and in small numbers compared with the present number of stations of lesser power now being successfully operated; and

WHEREAS, such powerful stations tend to monopolize the radio broadcasting industry to the detriment and injury of the approximate six hundred thirty (630) independent broadcasting

stations now established and representing to the owners and operators thereof valuable investments; and

WHEREAS, there is no necessity for stations of such excessive power as the country could be properly and efficiently furnished with broadcasting service without the issuance of any further license for such super-power stations.

THEREFORE, BE IT RESOLVED by the Texas Broadcasters Association, in general meeting assembled at Fort Worth, Texas, that in view of the facts related above and the certainty of the economic injury and ultimate economic destruction of the numerous presently established independent broadcasting stations which will result in the establishment of even a limited number of stations of such tremendous power, that Texas Broadcasters Association earnestly and strenuously objects to and protests the granting by the Federal Communications Commission of any other or further licenses or permits for stations of power in excess of fifty (50) kilowatts; and

BE IT FURTHER RESOLVED that the Secretary of this organization be instructed to furnish a certified copy of this Resolution to each of the members of the Federal Communications Commission with request that they and each of them refuse to grant any other or further such permits or licenses.

T. FRANK SMITH,
Chairman.

ATTEST:

JAMES R. CURTIS,
Secretary.

POWER INCREASE DENIAL RECOMMENDED

Broadcasting station KFOX, Long Beach, Cal., operating on a frequency of 1250 kilocycles, unlimited time, has applied to the Federal Communications Commission to increase its daytime power to 5,000 watts. It now operates with 1,000 watts day and night.

Examiner Ralph L. Walker in Report No. I-233 recommends that the application be denied. The Examiner found that:

"The granting of this application would permit the applicant station to approximately double its present good service area during daytime hours. By far the greater part of the population which would be served is located in the Los Angeles area wherein no need exists for additional program service. No such need is shown for additional program service in the area east and southeast of Long Beach as would warrant increasing the broadcast service now provided in the Los Angeles area."

MOUNTAIN STATES RADIO REVENUE

Total receipts of the 42 broadcast stations in the Mountain states from sales of radio time during 1935 amounted to \$1,760,684 according to a statement of the Bureau of the Census, Department of Commerce, in the fourth report of the new census of business series on the broadcasting business.

TWO NEW STATIONS RECOMMENDED

Four applications have been filed with the Federal Communications Commission for stations to be erected in California, two of which were to be located at Sacramento, one at Santa Rosa and one at Santa Cruz. All applications were for 1310 kilocycles, unlimited time and two at 100 watts, 250 watts LS, one for 100 watts and one for 250 watts.

Examiner Melvin H. Dalberg in Report No. I-234 recommended that the application of William B. Smullin for a station at Sacramento be denied; that the application of the Press Democrat Publishing Company, for a station at Santa Rosa be denied; that the application of B. A. Thompson, for a station at Santa Cruz be granted; and that the application of Howard N. Mitchell, for a station at Sacramento be granted. He found that the operation of the proposed stations would not cause interference with existing facilities.

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

Pictorial Paper Package Corp., Aurora, Ill. (2-2181, Form A-2)
Inland Steel Company, Chicago, Ill. (2-2182, Form E-1)
Sunray Oil Corp., New York City. (2-2183, Form A-2)
Tilo Roofing Company, Stratford, Conn. (2-2184, Form A-2)
Consolidated Aircraft Corp., San Diego, Calif. (2-2186, Form A-2)

L. C. Smith & Corona Typewriters, Inc. (2-2190, Form A-2)
 The Gabriel Company, Cleveland, Ohio. (2-2191, Form A-2)
 Illinois Zinc Company, Chicago, Ill. (2-2192, Form A-2)
 Duro-Test Corp., New York City. (2-2195, Form A-1)
 George H. Frederick Distilleries, Inc., Harrison, Ohio. (2-2196, Form A-1)
 Comstock-Dexter Mines, Inc., Prescott, Ariz. (2-2198, Form A-1)
 King-Seeley Corp., Ann Arbor, Mich. (2-2200, Form A-2)
 Temblor Oil Company, Boston, Mass. (2-2191, Form A-1)
 Wieboldt Stores, Inc., Chicago, Ill. (2-2202, Form A-2)
 Oklahoma Natural Gas Company, Tulsa, Okla. (2-2203, Form A-1)
 Oklahoma Natural Gas Company, Tulsa, Okla. (2-2204, Form A-1)
 Securities Acceptance Corp., Omaha, Nebr. (2-2205, Form A-2)
 The Standard Products Company, Cleveland, Ohio. (2-2206, Form A-1)
 Driver-Harris Company, Harrison, N. J. (2-2207, Form D-1A)
 Driver-Harris Company, Harrison, N. J. (2-2208, Form A-2)
 Williams Oil-O-Matic Heating Corp., Bloomington, Ill. (2-2209, Form A-2)
 The Arundel Corporation, Baltimore, Md. (2-2210, Form A-2)
 Hal Price Headley et al., Lexington, Ky. (2-2211, Form F-1)
 San Antonio Milam Building, Inc., San Antonio, Texas. (2-2212, Form E-1)
 Bradshaw Mines, Inc., Prescott, Ariz. (2-2213, Form A-1)
 New Park Mining Company, Salt Lake City, Utah. (2-2215, Form A-1)
 North American Acceptance Corp., Chicago, Ill. (2-2216, Form A-1)
 Snowden Colorado Mines, Inc., Denver, Colo. (2-2217, Form A-1)
 Seasoned Investments, Inc., Philadelphia, Pa. (2-2218, Form A-1)
 Metropolitan Investments, Inc., Philadelphia, Pa. (2-2219, Form A-1)
 Summit Gold Mining Corp., Vancouver, B. C. (2-1576, Form A-1)

CHANGES RECOMMENDED FOR WQDM

Broadcasting Station WQDM, St. Albans, Vt., applied to the Federal Communications Commission to change its frequency from 1370 to 1390 kilocycles, to increase its power from 100 to 1,000 watts, and for certain specified hours of operation.

Examiner Melvin H. Dalberg, in Report No. I-236, has recommended that the application be granted. He found that there exists a need for additional daytime radio service in the area proposed to be served. Also, "it has been demonstrated that there will be a considerable increase in advertising patronage to the applicant station should the present application be granted." The Examiner found also that no interference would result with any other existing station if the application were granted.

NEW CALIFORNIA STATION RECOMMENDED

Miles J. Hansen applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Fresno, Calif., to use 1420 kilocycles, 100 watts power, and unlimited time on the air. Julius Brunton & Sons Company also applied to the Commission for the erection of a new station at Fresno to use 980 kilocycles, 250 watts and daytime operation.

Chief Examiner Davis G. Arnold, in Report No. I-237, recommends that the application of Miles J. Hansen be dismissed with prejudice on motion of the counsel for the Commission and that the application of Brunton & Sons be granted. Hansen was not ready when his case was called and asked for continuance.

The Examiner states that there is need for additional daytime radio service at Fresno and that the operation of the new proposed station would not cause interference with any existing station.

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following companies. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

No. 2825. Use by **Cushing Refining & Gasoline Co., Cushing, Okla.**, of false and misleading advertising to prejudice the public against "Ethyl" gasoline and to build up a preference for its own competitive product is alleged in a complaint issued against that company. The respondent corporation has branch offices in Minneapolis.

"Ethyl" gasoline, which is produced by adding the chemical known as tetraethyl lead, or "Ethyl," to gasoline made by the distillation or "cracking" processes, has never been manufactured or sold by the respondent corporation, the complaint charges. Tetraethyl is said to be the only chemical used commercially for mixture with gasoline for the purpose of eliminating the "knocking" encountered in high compression motors when fueled with the usual straight run gasoline.

Advertising in newspapers and other publications, and in radio broadcasts, the respondent corporation is alleged to unfairly disparage and to discourage the use of "Ethyl" gasoline by making representations which cause purchasers to believe that gasoline treated with tetraethyl lead is dangerous, poisonous, injurious to the life or health of users, and that the respondent's product is safe and superior to gasoline chemically treated.

The complaint alleges that mixing tetraethyl lead with gasoline produces a high grade anti-knock motor fuel which functions in an exceedingly efficient manner, is entirely safe when used as such, is no more poisonous or dangerous than any other gasoline, and is not narcotic in effect.

Although the respondent corporation allegedly represents that all of its gasoline is made by a new method, the complaint charges that only about one-third of it is produced by the new "cracking" process, the balance being made by straight distillation, one of the oldest methods known in the petroleum refining industry.

Among purchasers of gasoline, the complaint alleges, one of the controlling influences is the popular opinion as to the value, desirability, effectiveness and safety of "Ethyl" as compared with other grades, and the respondent corporation, by its representations, is said to unfairly divert trade to itself and to other sellers of straight or "cracked" gasoline from competitors who sell "Ethyl."

No. 2827. Charging unfair competition in the sale of wood fiber wall and counter coverings made to resemble tile and marble, a complaint has been issued against **Marsh Lumber Co.**, trading as **Marsh Wall Tile Co.**, 535-611 Tuscarawas Ave., **Dover, Ohio**, alleging violation of the Federal Trade Commission Act.

Wall coverings for use in houses or other buildings, and counter coverings for soda fountains and bars, were made by the respondent company by a process of exploding pine wood chips with high pressure steam, treating the resulting mass with oil, welding it together and compressing it into sheets by subjection to high pressure in steam heated hydraulic presses, according to the complaint. This material was glazed with lacquer and processed so as to produce the appearance of tile or marble, respectively, it is alleged.

The complaint charges that purchasers observing the respondent company's installations of wall and counter coverings containing graining and other outward appearances of marble and markings imitating mortar joints in tile construction, were led to believe that such installations were actually tile or marble and not a wood product.

No. 2828. Charging unfair competition in the sale of furs, fur coats and fur trimmed garments, a complaint has been issued against **Mandre, Inc.**, 1400 Broadway, **New York City**, and **Louis C. Rosenblatt, Arthur J. Rosenblatt and H. Edelman**, officers of the corporation. The complaint also names as respondents the same firm and individuals trading as **M. Brooks & Co.**, 1109 G St., N. W., **Washington**. The New York firm is a manufacturer and dealer and the Washington company a dealer.

Mandre, Inc., according to the complaint, shipped to **M. Brooks & Co.**, **Washington**, and to other dealers, furs, coats and pieces marked as "Hudson Seal," "Russian Leopard," "Kidskin," "Mink," and by other similar designations, these words appearing in bold, black letters and followed by small type conveying the words "dyed coney," "dyed muskrat," or "dyed marmot."

The respondents also are alleged to have advertised in magazines, newspapers and folders, printing the advertised name of a garment, such as "Imported French Seal Coats," in large type followed by explanatory words like "dyed coney" in small type and in parentheses. In some instances the advertised name of the fur was not accompanied by qualifying words.

These labels and advertisements are alleged to have been false, deceptive and misleading, as the coats labeled and advertised with names of high priced furs were in fact made from the skins of rabbits, muskrats, groundhogs and other inferior skins cured, treated and dyed to resemble higher quality skins like seals, panthers, leopards and others.

No. 2829. **Harold L. Rothschild**, trading as **Coronado Manufacturing Co.**, 500 Robert St., **St. Paul, Minn.**, has been named respondent in a complaint alleging unfair competition in the sale of a line of cosmetics and toilet preparations under the brand name "Coronet."

In the financial and business opportunity columns of newspapers, the respondent is said to advertise for men with capital to invest to act as his managers or representatives, and to falsely represent in such advertisements the size of his business, the length of time it has been established, and the profit to be derived from money invested in it.

In order to induce applicants who answer these advertisements to enter into an agreement to purchase his "Coronet" merchandise for resale, the respondent, the complaint alleges, makes further representations which tend to mislead such applicants into the belief that there is a substantial demand for "Coronet" products and that they will be given exclusive territories where they will have no competition; that they will be furnished additional supplies of "Coronet" products on a profit-sharing plan if they fulfill the terms of the agreement; that managers and other representatives of the respondent have made substantial profits selling his goods, and that any man, without experience, can do the same, and that money invested will be refunded when unsold merchandise is returned.

No. 2830. A complaint charging unfair competition in violation of section 5 of the Federal Trade Commission Act has been issued against **Udga Incorporated**, Foot-Schulz Building, **St. Paul, Minn.**, and **William and Mary Fraser**, engaged in the sale of "Udga Treatment" tablets, offered as a remedy for various stomach disorders, including those caused by hyperacidity. The Frasers are said to own virtually all of the capital stock of Udga Incorporated.

In newspaper and magazine advertisements and through the use of purported testimonial letters sent to prospective customers, the respondents are alleged to make representations tending to create the belief that "Udga Treatment" has a curative value for all the stomach ailments specified, when, according to the complaint, the product has no therapeutic or curative value and cannot remedy such ailments.

No. 2831. False and exaggerated claims on the part of **Buno Co., Inc.**, 507 Green St., **Philadelphia**, as to the remedial or curative qualities of "Buno", advertised and sold as a competent treatment for skin and scalp ailments, are alleged in a complaint issued against that company.

Advertising over the radio and in newspapers, magazines and circulars, the respondent company is said to represent that its product in all cases keeps the skin clear and healthy, gives instant relief from sunburn and insect bites, and is an effective remedy for dandruff, falling hair, eczema, athlete's foot, psoriasis, and all skin eruptions. The complaint charges that the product will not, in all cases, cure or effectively relieve the skin and scalp diseases named.

By reason of the respondent company's practices, held to constitute unfair competition in violation of Section 5 of the Federal Trade Commission Act, trade is alleged to be unfairly diverted to the respondent from competitors who do not misrepresent their products.

No. 2832. False and misleading representations in the sale of packaged mineral salts and other kindred products, are alleged in complaint charging **Roxie Thorson**, of **Soap Lake, Wash.**, trading as **Thorson's Soap Lake Products Co.**, with unfair methods of competition in violation of the Federal Trade Commission Act.

Selling "Thorson's Soap Lake Salts", "Thorson's Soap Lake Liniment" and other products obtained from the waters of Soap Lake, the respondent is alleged to have advertised that her products will prevent and cure or are beneficial in the treatment of many diseases such as stomach and kidney troubles, rheumatism, skin diseases, pyorrhea, high blood pressure and arthritis.

The complaint charges that the respondent's representations are exaggerated, misleading and untrue, and that in fact the use of these packaged products will not prevent and cure, nor are they beneficial in the treatment of the various diseases mentioned.

No. 2833-2834. Unfair competition through the use of a game of chance to promote the sale of candy is alleged in complaints against two **Seattle, Wash.**, corporations, **Imperial Candy Co.**, 800 Western Ave., and **Rogers Candy Co.**, 4547 University Way.

The complaints charge each company sells to wholesale and retail dealers assortments of candy so packed and assembled as to involve the use of a lottery scheme when the candy is resold to consumers. While the respondent companies' sales plans and as-

sortments of candy vary in certain details, each features a method whereby the purchaser of a chance on a punch board or push card may win as a prize a large piece or box of candy or other article of merchandise, according to the complaints.

Use of the lottery method by the respondent companies is said to constitute a practice contrary to public policy and to cause diversion of trade to the respondents from competitors who do not resort to the same or similar schemes in selling their products.

Stipulations

The Commission has issued the following cease and desist orders and stipulations:

No. 01376. **Charles Endorf**, 404 North Wells St., **Chicago**, trading as **Enco Products**, agrees to stop advertising that "Protecto Remedies" are made in a laboratory under supervision of registered pharmacists or compounded in accordance with the most advanced medical practices; that they are a competent or adequate remedy for relief of pain in certain ailments of women; that they are safe, non-irritating and non-poisonous, and other representations.

No. 01377. **S. Cheifetz** and **M. A. Jacobs**, trading as **Lenox Sales Co.**, 303 Fourth Ave., **New York City**, selling cosmetics and novelties, admit that their commodities are not offered free to persons responding to their advertisements, as was alleged, but are sold to the general public at regular market values or are given in payment for services rendered. The respondents advertised "Free Gifts," and "How to get watches, cameras, cocktail sets, 7-piece bed sets and many other gifts, without any cost to you." They agree to cease advertising that any article or premium is a gift or is free, if the receipt of such article is contingent on the recipient's furnishing money or giving services.

No. 01378. **Wroblewski Laboratories, Ltd.**, 55 Keap St., **Brooklyn**, agrees to discontinue advertising that "Kalwaryjskie Wino Lecznice" is a competent treatment or effective remedy for stomach trouble, headaches, sluggishness, blotchy skin and other ailments; that its use will prevent loss of health and vivacity; that the wine is a remedy for colds, and other representations.

No. 01379. **Madam White Cosmetics, Inc.**, 2526 Nicollet Ave., **Minneapolis**, in the sale of "Madam White Cosmetics," agrees to ban representations that sales agents for these products make in times of depression more money than the average professional person in normal times; that there is in "your community" a large list of permanent customers who will not buy any cosmetics except Madam White's, and that a \$15.95 demonstration set is sent "actually free" to sales persons, when, in fact, a cash deposit is required to obtain it.

No. 01380. **E. Haldeman-Julius**, trading as **Haldeman-Julius Publications**, and **The American Freeman**, **Girard, Kans.**, in selling subscriptions to the *American Freeman* magazine and a booklet entitled "The Rhythm Method of Natural Birth Control," agrees to discontinue advertising that the booklet gives a complete description of the Ogino-Knaus method; that this method has been officially approved by the Catholic Church; that the booklet is not for sale or that it may be procured only through subscription to the *American Freeman* magazine, and other similar representations.

No. 01381. **Marshak Maltmolak Co., Inc.**, 705 Driggs Ave., **Brooklyn**, agrees to cease sponsoring advertisements to the effect that Marshak's Improved Malted Milk will improve the appetite, unless these assertions are expressly limited to cases in which the lack of appetite is due to a Vitamin B deficiency; that this malted milk, because of the iron content, or for any other reason, constitutes a competent treatment or effective remedy for anemia, or will prevent illness of children from developing to any "stage of anemia," unless the allegation is limited to cases of simple nutritional anemia caused by deficiency of iron in the diet. The respondent admitted in its stipulation that most serious cases of anemia arise from conditions other than a deficiency of iron in the daily diet.

No. 01382. **The Wyeth Chemical Co.**, 15 Exchange Place, **Jersey City, N. J.**, selling "Freezone" for the removal of corns, agrees to ban the representation that this product will remove corns immediately, relieve pain of corns instantly, and remove corns without soreness or irritation. In its stipulation, the respondent company admits that removal of corns by any method is not totally devoid of soreness or irritation, and that repeated applications of its preparation and a certain amount of time are necessary to eliminate corns.

No. 01383. **E. L. Knowles, Inc.**, 222 Hancock St., **Springfield, Mass.**, agrees to cease asserting that its product, "Rub-ine," will give quick relief from stubborn aches and pains; has un-

usual penetrating powers, and is an effective agent for the treatment of stiff muscles or muscular lameness, unless this latter assertion is limited to conditions due to exposure or exercise. The respondent will also cease representing that "Ruh-ine" is a competent remedy for aching feet, athlete's foot, mosquito bites, ivy poisoning, and other specified ailments.

No. 01384. The Rite Product Co., 123 South State St., Salt Lake City, Utah, agrees to quit making the representation that its product, "Stop-Rite," will make old automobile brakes new or as good as new; that it is more effective than new brake lining, and will eliminate squeaks, squeals, brake adjustments, and prevent slipping, grabbing and drum scoring. The respondent also agrees to stop alleging that its product will make brakes serviceable for 20,000 miles or any other definite distance in excess of the mileage that has been demonstrated by reliable scientific tests.

Two individuals selling cosmetics and household articles in interstate commerce have entered into stipulations to cease and desist from unfair advertising practices.

No. 1675. Wayne Heckman, trading as Moon Glow Perfume Co., 709 West Wayne St., Maumee, Ohio, agrees to stop use of advertising phrases which imply that a wrist watch will be given as a prize to those who "simply sell 12 bottles of our American Girl Perfume at 25 cents a bottle and remit," when in fact, according to the stipulation, the salesman, to obtain the wrist watch, must make further sales efforts or pay additional money.

Heckman also stipulates that he will not advertise "A free gift for your customers," implying that valuable articles are to be given away, when in fact their cost is included in the price paid by the customer for perfume, and, to make use of an alleged gift, the customer must spend additional money, although this requirement is not disclosed in the advertisement.

No. 1676. Engaged as a wholesaler of household utilities, cosmetics, drugs and similar commodities, Joseph Auster, trading as General Sales & Drug Co., 720 West Madison St., Chicago, agrees to discontinue publishing fictitious, exaggerated representations of selling value in his catalogues and price lists. He will also stop asserting that he manufactures the merchandise he sells, and will discontinue using the word "extracts" in a manner implying that the products referred to are extracts, when this is not true.

No. 1678. Stehli Silks Corporation, 1372 Broadway, New York City, silk manufacturer, has entered into a stipulation to discontinue false and misleading advertising in the sale of its products.

The stipulation sets out that the respondent corporation advertised under its trade name or under the words "Stehli Silks" certain rayon products resembling silk and designated "Laughing Water" and "Sugar and Spice," but that the true character of the materials so designated was not disclosed in such advertisements.

Under the stipulation, the respondent corporation will cease using the word "Silks," independently or as part of its trade name, in advertising matter in which fabrics described and offered for sale are not composed of silk.

No. 1679. N. Wallach & Sons, Inc., 239 Canal St., New York City, agrees to desist from use of the word and figures "585 Fine" in branding dental products not containing 585/1000 of gold content, and from use of the brand "22 Karat" to designate products not made of 22 karat gold. The respondent corporation stipulates it will not use any of the words or figures specified in any manner tending to deceive purchasers as to the quantity or quality of the gold content of its products.

No. 1680. L. D. Bader, trading as L. D. Bader & Son Candy Co., 567 East South St., Akron, Ohio, signed an agreement to discontinue any plan for selling his candy products which involves use of a lottery or scheme of chance, whereby an article is given as a prize in consideration of the purchase of any other article. The respondent also will cease transporting in interstate commerce advertising matter for use of dealers in soliciting the sale of his candy products by means of a lottery method.

No. 2613. The New York State Wholesale Confectionery Associations, Inc., with headquarters in Syracuse, eight local or regional associations, and the **Empire State Candy Club, Inc.,** a candy brokers' and agents' organization with headquarters in Utica, have been served with an order to cease and desist from combination and conspiracy in restraint of trade and certain other practices in the sale of candy in interstate commerce.

The eight local or regional associations, occupying an important position in the national candy trade, particularly in the Eastern States, are: Rochester Area Wholesale Confectioners Association, Rochester, N. Y.; Capital District Wholesale Confectioners Association, Inc., Troy, N. Y.; Mohawk Valley Wholesale Confectioners Association, Utica, N. Y.; Central New York Wholesale Confectionery

Distributors, Inc., Syracuse, N. Y.; Northern New York Wholesale Confectioners Association, Inc., Watertown, N. Y.; Hudson Valley Candy Distributors Association, Newburgh, N. Y.; Southern Tier Candy Distributors Association, Wellsboro, Pa.; and Greater Buffalo Wholesale Confectioners Association, Buffalo, N. Y.

The order directs the State and regional association respondents to cease and desist from combining, conspiring or uniting in a common course of action among themselves or with others, to prevent competing dealers in confectionery, candy or allied products from obtaining such products directly from the manufacturers; from publishing so-called "white lists" containing the names of "recognized" dealers, members, or respondent associations, including only so-called legitimate, regular or "recognized" dealers, brokers, distributors or wholesalers; conspiring or uniting to fix uniform prices at which members of the associations or others should sell, and using any other cooperative or coercive means to suppress competition in price, or in the sale and distribution of their products in New York, Pennsylvania, or any other area.

No. 2730. An order to discontinue false representations in connection with the sale of cosmetic preparations has been entered against Reta Terrell Sloan, trading as Reta Terrell, with her principal place of business at 513 Oakdale Ave., Chicago, and a branch at 50 East 10th St., New York City.

The order directs the respondent to cease advertising in newspapers, magazines, radio broadcasts, or in any other way, that her cosmetic products, among other things, serve as a food for, nourish, or restore elasticity to the skin, muscles, or tissues; eliminate dryness from the skin and remove wrinkles therefrom, and penetrate the skin beyond the epidermis so as to reach the underlying muscles and tissues.

FEDERAL COMMUNICATIONS COMMISSION ACTION

No meeting of the Broadcast Division of the Commission was held on its regular meeting day, Tuesday. It will be held later this week.

HEARING CALENDAR

Monday, June 15

Informal Engineering Conference

Re: the allocation of frequencies above 30,000 kc. and the review of present frequency allocations.

APPLICATIONS RECEIVED

First Zone

WSPR—Quincy A. Brackett, Lewis B. Breed, & Edmund A. La-1140 port, d/h as Connecticut Valley Broadcasting Co., Springfield, Mass.—License to cover construction permit (B1-P-469) for a new station.

WGNY—Peter Goelet, Chester Township, N. Y.—Construction 1210 permit to install new equipment, move transmitter from Robert Goelet Estate, Chester Township, New York, to at or near Newburgh, New York, and move studio to site to be determined, Newburgh, New York.

WOCL—A. E. Newton, Jamestown, N. Y.—Construction permit 1210 to make changes in equipment; to comply with Rule 132 and increase power from 50 watts to 100 watts.

WEBR—Howell Broadcasting Co., Inc., Buffalo, N. Y.—Voluntary 1310 assignment of license from Howell Broadcasting Co., Inc., to WEBR, Incorporated.

WBNX—Standard Cahill Co., Inc., New York, N. Y.—Modification 1350 of construction permit (B1-P-608) for new equipment, increase in power and move of transmitter, requesting approval of directional antenna for day and night use and 1 kilowatt power at present transmitter site.

W8XX—Howell Broadcasting Co., Inc., Portahle-Mohile—Assignment of license from Howell Broadcasting Co., Inc., to WEBR, Inc.

W2XIS—Standard Cahill Co., Inc., Bronx, N. Y.—Construction permit for a general experimental station to be operated on 31600, 35600, 38600, 41000 kc., 200 watts.

W8XY—Howell Broadcasting Co., Inc., Portahle-Mohile—Assignment of license from Howell Broadcasting Co., Inc., to WEBR, Inc.

W10XIP—Bamberger Broadcasting Service, Inc., Portable-Mobile—Modification of construction permit to make changes in equipment. Amended: To show increase in power to 10.5 watts and extend commencement and completion dates.

W10XIP—Bamberger Broadcasting Service, Inc., Portable-Mobile—License to cover above.
 NEW—Eugene Meyer & Co., d/b as The Washington Post, Washington, D. C.—Construction permit for a new general experimental station to be operated on 26100 kc., 100 watts.

Second Zone

WDBJ—Times-World Corporation, Roanoke, Va.—Authority to 930 transfer control of corporation from J. B. Fishburn to Members of Family, 400 shares common stock.
 WHIS—Daily Telegraph Printing Co., Bluefield, W. Va.—Modification of license to change power from 250 watts, 500 watts day to 500 watts, 1 KW day.
 WCHV—Community Broadcasting Corp., Charlottesville, Va.—1420 Authority to transfer control of corporation from W. B. Brown to other parties. Amended: Authority for relinquishment of control by W. B. Brown.
 NEW—Associated Radiocasting Corp., Portable-Mobile—Construction permit for a new broadcast pickup station to be operated on 1622, 2058, 2150, 2790 kc., 200 watts.
 NEW—Associated Radiocasting Corp., Portable-Mobile—License to cover above.
 NEW—Smerda's Music House, Inc., Cleveland, Ohio—Construction permit for a new general experimental station to be operated on 31600, 35600, 38600, 41000 kc., 35 watts.
 W8XHG—Radio Air Service Corp., Portable-Mobile—License to cover construction permit for a new general experimental station to be operated on 31100, 34600, 37600, 40600 kc., 10 watts.

Third Zone

WFLA-WSUN—Clearwater Chamber of Commerce & St. Petersburg Chamber of Commerce, Clearwater, Fla.—Modification of license to change night time field intensity from 10 millivolts to 50 millivolts per meter.
 KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Voluntary assignment of license from Hot Springs Chamber of Commerce to Radio Enterprises, Inc.
 NEW—Bayou Broadcasting Co., Houston, Texas—Construction 1210 permit for a new station to be operated on 1210 kc., 100 watts, unlimited time. Amended: To change hours of operation from unlimited time to daytime.
 WJDX—Lamar Life Insurance Co., Jackson, Miss.—Authority to 1270 determine operating power by direct measurement of antenna.
 KGFF—KGFF Broadcasting Co., Inc., Shawnee, Okla.—Modification of construction permit (B-P-735) for new equipment, increase in power and move of transmitter, requesting changes in authorized equipment, approval of transmitter site at Highland and Bryan, Shawnee, Oklahoma, approval of antenna and extension of commencement and completion dates.
 WABG—Memphis Commercial Appeal, Inc., Portable-Mobile—License to cover construction permit for a new broadcast pickup station to be operated on 1606, 2020, 2102, 2760 kc., 35 watts.

Fourth Zone

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Construction 630 permit to change hours of operation from share-WOS, KFRU night, simultaneous day to unlimited time, using directional antenna and to make changes in antenna.

WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—1230 Construction permit to make changes in equipment.
 KGNO—The Dodge City Broadcasting Co., Inc., Dodge City, 1340 Kans.—Construction permit to install new equipment and comply with Rule 132.
 WMIN—Edward Hoffman, St. Paul, Minn.—Modification of construction permit (B4-PB-3310) to make changes in authorized equipment, for approval of antenna and to change proposed transmitter site from 80 E. 6th St. to corner Syndicate St. and St. Anthony Ave., Lot 10, Block 4, Midway Industrial Division, St. Paul, Minn.
 WGRC—North Side Broadcasting Corp., New Albany, Ind.—1370 Modification of construction permit (B4-P-494) for a new station, requesting approval of antenna, change requested studio site from Vincennes and Spring Sts. to 10th and Spring Sts., New Albany, Ind., and for approval of transmitter site at McCullough Pike, near Silver Creek, New Albany, Ind.
 NEW—Robert Raymond McCulla, Oak Park, Ill.—Construction 1500 permit for a new station to be operated on 1500 kc., 100 watts, unlimited. Amended to change time from unlimited to daytime. (Amendment accepted 5-29-36 with prejudice, hearing postponed 6 months.)
 NEW—Peoria Broadcasting Co., Portable-Mobile—License to cover construction permit for a new general experimental station.
 NEW—Peoria Broadcasting Co., Portable-Mobile—Construction permit for a new general experimental station to be operated on 31100, 34600, 37600, 40600 kc., 25 watts.

Fifth Zone

KEHE—Evening Herald Publishing Co., Los Angeles, Calif.—780 Modification of construction permit (B5-P-599) for changes in equipment and move of transmitter and studio, requesting approval of antenna and approval of transmitter site near Baldwin Hills, Los Angeles, Calif.
 KCRJ—Charles C. Robinson, Jerome, Ariz.—Construction permit 1310 to install a new transmitter and antenna system and change hours of operation from specified hours to daytime.
 KGIR—KGIR, Inc., Butte, Mont.—Construction permit to install 1340 new equipment, also vertical antenna, and move transmitter and studio from 121 West Broadway, Butte, Mont., to west of city, Butte, Mont.
 KVL—KVL, Incorporated, Seattle, Wash.—Construction permit 1370 to make changes in equipment, change frequency from 1370 kc. to 1070 kc., power from 100 watts to 250 watts and hours of operation from Share-KRKO to daytime only. Amended: Antenna system to be determined subject to Rule 131.
 NEW—Bottled Gas Corporation of California, San Diego, Calif.—1420 Construction permit for a new station to be operated on 1420 kc., 100 watts, unlimited time.
 NEW—Jesse G. Bourus, Everett, Wash.—Construction permit for 1500 a new station to be operated on 1500 kc., 100 watts, 250 watts day, unlimited time. Consideration under Section 307 (b).
 NEW—R. E. Moore & Mrs. K. E. Moore, d/b as Raymond Moore, Los Angeles, Calif.—Construction permit for a new experimental visual broadcasting station to be operated on 42000-560000 kc., 240 watts.
 NEW—Intermountain Broadcasting Corp., Portable-Mobile—Construction permit for a new broadcast pickup station to be operated on 1606, 2020, 2102, 2760 kc., 75 watts.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

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EFFECTIVE DATE OF RULES POSTPONED

The Broadcast Division of the Federal Communications Commission has postponed the effective date of Rules 970 to 1075 inclusive. In this connection the Commission has made the following official statement:

It appears that at the informal engineering conference held at the offices of the Commission on June 8, 1936, with reference to rules and regulations pertaining to relay broadcast, international broadcast, visual broadcast, high frequency broadcast, and experimental broadcast stations, a number of interested parties had not received these rules and regulations in sufficient time to enable them to determine whether or not their rights were materially affected.

While the expressions of the various persons represented at the conference were, with one exception, unanimously in favor of the adopted change in Rule 229 concerning the assignment of frequencies to services, the detailed Rules 970 to 1075 inclusive, applying to the aforementioned services, had not been received in sufficient time to warrant definite decision at the conference.

Consequently, the Broadcast Division this date suspended the effective date of Rules 970 to 1075 inclusive, for one month, so that instead of these rules becoming effective July 1, 1936, in accordance with the previous decision of the Division, they will become effective August 1, 1936.

In the meantime, interested parties are invited to submit to the Commission in writing prior to July 20, 1936, any constructive suggestions they may desire to make with respect to the efficacy of the proposed rules and regulations mentioned herein.

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities and Exchange Commission under the Securities Act:

- John Gribbel, et. al., Philadelphia, Pa. (2-2221, Form F-1).
- Associated American Underwriters Corp., Dover, Del. (2-2222, Form A-1).
- North Western Refrigerator Line Co., Chicago, Ill. (2-2224, Form A-2).
- Naph-Sol Refining Co., North Muskegon, Mich. (2-2225, Form A-1).
- Atlantic Realty Company, Atlanta, Ga. (2-2226, Form A-1).

NOTICE

A few of the members have failed to furnish names of Delegate or Alternate for the NAB Convention. Please return cards at once that our records may be complete.

- Phoenix Brass Fittings Co., Irvington, N. J. (2-2227, Form A-2).
- American Power Cycle Corp., Frederick, Md. (2-2228, Form A-1).
- Seaboard Finance Corp., Washington, D. C. (2-2230, Form A-1).
- Industrial Securities Corp., Middletown, Conn. (2-2233, Form A-2).
- Consolidated Biscuit Company, Mt. Vernon, Ill. (2-2234, Form A-2).
- Atlantic Oil Investment Corp., Tulsa, Okla. (2-2235, Form A-1).
- Income Estates of America, Inc., Philadelphia, Pa. (2-2236, Form C-1).
- California Comstock Gold Mines, Ltd., San Bernardino, Cal. (2-2237, Form A-1).
- Otter Tail Power Company, Fergus Falls, Minn. (2-2238, Form A-2).
- Franklin Rayon Corp., Providence, R. I. (2-2239, Form A-2).
- Sunshine Consolidated Inc., Kellogg, Idaho (2-2240, Form A-1).
- Grand National Films, Inc., New York City (2-2241, Form A-1).
- American Cereal Food Corp., Clinton, Mass. (2-2242, Form A-1).
- Quaker State Oil Refining Corp., Oil City, Pa. (2-2244, Form A-2).
- Muskegon Piston Ring Co., Muskegon, Mich. (2-2245, Form A-2).
- Graham-Page Motors Corp., Detroit, Mich. (2-2246, Form A-2).

CAUTION NECESSARY IN PERFORMANCE OF SONG ENTITLED "BLUE EYES"

The following letter received by the Managing Director from E. C. Mills, General Manager of the ASCAP deserves your careful attention:

"In connection with a matter passing over my desk, I just this moment had occasion to give some information on the title 'BLUE EYES.' Thought you just might be interested to see how many different copyrighted compositions there are under this single title, and I, therefore, enclose a list of those of which we have a record.

"Only those checked are presently included in the ASCAP repertoire."

The list follows:

FOURTEENTH ANNUAL NAB CONVENTION

STEVENS HOTEL, CHICAGO, ILLINOIS

JULY 5, 6, 7, 8, 1936

Blue Eyes

<i>Composer</i>	<i>Author</i>	<i>Publisher</i>
Glenn W. Ashleigh		✓ McKinley Music Co.
Glenn W. Ashleigh (Arr-Henry Sawyer)		✓ McKinley Music Co.
Paul Shultz Baker	Paul Shultz Baker	Paul S. Baker (Unpub.)
Billy Barnes	Billy Barnes	William G. Barnes (Unpub.)
J. Bauer	J. Bauer	Jack Bauer (Pub.)
Carl Bendel	J. B. Robertson	J. B. Robertson (Pub.)
Reginald Benyon		Herman Darewski Music Pub. Co.
Bigelow	Bigelow	Dorothie Bigelow (Unpub.)
K. Boyer	K. Boyer	Katie Boyer (Unpub.)
J. M. Bradford		F. B. Haviland Pub. Co.
Franz Breyer		Thos. Goggan & Bros.
James L. Brown		Robert Y. Ireland (Unpub.)
R. A. Browne	D. P. Arnold	D. P. Arnold (Unpub.)
Raymond A. Browne	L. Bria	L. Bria (Unpub.)
F. R. Caban		Francisco R. Caban (Unpub.)
Luther A. Clark	Mrs. Bryan Burgess	Bessie Burgess (Pub.)
Sylvester Long Cross		Ben Konieczka (Unpub.)
G. F. Dabney/Earl Burnett (Arr-E. Burnett)		Gene F. Dabney (Unpub.)
F. Delmar Williamson	A. T. W. McCaul	Cary & Co.
J. De Sabato	J. De Sabato	Joseph De Sabato (Unpub.)
J. J. DeSanders	J. J. DeSanders	John Jerold DeSanders (Unpub.)
Cal De Voll	Mrs. B. Davis	Mrs. Barney Davis (Pub.)
L. Denza	Daniel Dore	John Franklin Music Co.
Arthur Dightman		Arthur Dightman (Unpub.)
E. B. Duffan	E. B. Duffan	Edward Brock Duffman (Unpub.)
Verna L. Dunagan		V. L. Dunagan (Pub.)
Raymond Ellis	Raymond Ellis	Raymond Ellis (Unpub.)
J. Fernsson		Union Musical Sepanola
John Alden Finckel		Martha Newman (Unpub.)
Leo Friedman	L. Bottger	Lulu Bottger (Pub.)
Leo Friedman	M. J. Henvis	M. Jane Henvis (Pub.)
Leo Friedman	C. S. Linden	C. S. Linden (Pub.)
W. Gable	W. Gable	William Gable (Unpub.)
Jerome Gible (Arr-Robert Gible)	Percy Heath	F. P. Heath (Unpub.)
B. Goetze	B. Goetze	Billy Goetze (Unpub.)
M. F. Goldie	M. F. Goldie	Marion F. Goldie (Pub.)
George Graff, Jr.	Luther Bates	Luther Bates (Unpub.)
David Gwin		David Gwin (Unpub.)
Spike Hamilton	Gus Kahn	George Hamilton (Pub.)
H. L. Hampton	H. L. Hampton	Harry L. Hampton (Unpub.)
William R. Hart		William Hart-Marvin Duerr (Unpub.)
Marvin Duerr		Chicago Music Pub. Co.
Roy Harvey	Roy Harvey	Harms, Inc.
Silvio Hein	Geo. Hobart/Edward Paulton	Co-operative Music Co.
Emil Held		Clarice Kaltt (Pub.)
Edouard Hesselberg		Howard Barton Hinkel (Unpub.)
H. B. Hinkel	C. Klatt	Carl S. Hinnant (Unpub.)
C. Hinnant (Arr-M. Davis)	H. B. Hinkel	Patterson McGuire (Unpub.)
Stuart Hoppin		Hobbs, Myers & Fairbank Music Co. (Unpub.)
William Howard Hobbs	Charles Myers/Iva Fairbank	Nellie Sullivan Howser (Unpub.)
E. S. S. Huntington	N. S. Howser	Flavious E. Ullrey (Unpub.)
E. S. S. Huntington	F. E. Ullrey	Harold Kirdahey & N. Cardegno (Unpub.)
E. S. S. Huntington	Harold Kirdahey/N. Cardegno	Leon Jacobs & Harold Squires (Unpub.)
L. Jacobs	L. Jacobs	Leon Jacobs & Harold Squires (Pub.)
L. Jacobs/H. R. Squires	L. Jacobs	Edgar S. Jessup (Unpub.)
E. S. Jessup	E. S. Jessup	Edward J. Uebele (Pub.)
Clifton Keith	E. J. Uebele	Quirin Kellner (Pub.)
O. W. Kellner	O. W. Kellner	John Cheever Kelly (Unpub.)
J. C. Kelly		T. B. Harms Co. (From "Blue Eyes")
Jerome Kern	Graham John	T. B. Harms Co.
Jerome Kern (Arr-H. M. Higgs)		T. B. Harms Co.
Jerome Kern (Arr-Max Irwin)		Harms, Inc.
I. B. Kornblum	Z. Myers	John Krachtus (Pub.)
John Krachtus		Osborne W. Lane (Pub.)
O. W. Lane	O. W. Lane	Enoch
G. Lane		Violet E. Stallcup (Unpub.)
Lynn Lange	Lynn Lange	Elsie Lirette (Pub.)
E. Lirette	E. Lirette	William Edward Boyle (Unpub.)
Paul Luke	W. E. Boyle	Ogren & Uhe Inc.
Walter McCray	Margaret Haughawout	Basil C. McCubbin (Unpub.)
B. C. McCubbin	B. C. McCubbin	Brunswick-Balke-Collender Co. (Unpub.)
Wm. MacKenzie/Richard Slevin		F. Yakish (Pub.)
Madden Music Co.	Florence Yakish	Earl C. Mikesell (Unpub.)
E. C. Mikesell	E. C. Mikesell	Alvin Miller & John Marinak (Unpub.)
A. Miller/J. Marinak	A. Miller/J. Marinak	Carl Moskowitz (Unpub.)
C. Moskowitz		Katherine Nador (Unpub.)
Katherine Nador	Katherine Nador	Edna Newhouse (Unpub.)
E. Newhouse	Bernie L. Anderlini	

Blue Eyes—(Continued)

Composer

Horatio Nicholls
Raymond Nielson
Ivor Novello
H. Oblinger
I. Parham
M. R. Pawley
A. G. Plunkett
Louis Retter
John Rich
A. Leopold Richard
A. Leopold Richard
A. Leopold Richard
Justin Ring
W. Ryan
John F. Ryan
Dave Ringle
O. St. Lys
D. A. Sarli
Mae Tadrosky Schmidt
Genevieve Scott
W. C. E. Seeboeck (Arr-N. L. Frey)
W. C. E. Seeboeck
Premo Bonfanti
Reginald Somerville
D. T. Stackhouse
A. V. Stock
Leo Matthew Trauth
Tyler & Fisk
Egbert Van Alstyne
Burrell Van Buren
Arr-Louis Vitak
Horace C. Vokoun
J. C. Wallace
R. A. Warner
Leslie F. Watson
E. J. Watson
Edlyn Braren Welch
L. V. Wiedemann
Edward Wunderlich
Maurice Zbriger

Author

Godfrey Williams
G. R. Dixon
John Yorke
Harry Kelly
W. C. Vincent
M. R. Pawley
A. G. Plunkett
Mrs. A. J. Billings
W. Lee
C. M. Wyler
F. W. Ryan
Joseph Volpe
Dave Ringle
O. St. Lys
D. A. Sarli
Raymond D. Gadd
Violet Sipe
Ella Brown
Mary Carolyn Davies
A. V. Stock
Walter Gene Armour
Gene Littlefield
Lee Onidas
E/M. Gray
J. A. MacLeod
J. C. Wallace
R. A. Warner
E. J. Watson
Morten Eugene Weldy
L. V. Wiedemann
M. E. Christian

Publisher

✓ Lawrence Wright Music Co.
(F. V. Haviland, U. S. A.)
G. R. Dixon (Unpub.)
✓ Boosey & Co.
Harry Oblinger (Unpub.)
Wm. C. Vincent-Inez Parham (Unpub.)
Marcia Ragsdale Pawley (Unpub.)
Annie Greenway Plunkett (Pub.)
✓ Leo Feist Inc.
John Rich (Unpub.)
Mrs. A. J. Billings (Pub.)
Mrs. F. C. Evans (Pub.)
C. Melville Wyler (Pub.)
Franklin-Barrett Co.
Frank W. Ryan (Pub.)
Joseph Volpe (Unpub.)
✓ Dave Ringle Music Pub.
Odette St. Lys (Unpub.)
Domenic A. Sarli (Unpub.)
Mae Tadrosky Schmidt (Unpub.)
R. D. Gadd (Pub.)
✓ Theo. Presser Co.
Mabel B. Seeboeck (Renewal)
Premo Bonfanti (Unpub.)
Elkin & Co., Ltd.
D. Trueman Stackhouse (Unpub.)
Albert Vincent Stock (Unpub.)
Leo Matthew Trauth (Unpub.)
Eugene E. Littlefield (Pub.)
✓ L. B. Curtis Music Pub.
Eda Milne Gray (Unpub.)
Georgi & Vitak Music Co.
Fine Arts Pub. Co.
John Carl Wallace (Unpub.)
Robert A. Warner (Unpub.)
✓ White-Smith Music Pub. Co.
Edward Judson Watson (Unpub.)
✓ Willis Music Co.
Louise Vahle Wiedemann (Unpub.)
M. E. Christian (Pub.)
Maurice Zbriger (Unpub.)

CORRECTED BROADCAST STATION LIST

Following is an official list made public by the Federal Communications Commission containing alterations and corrections (underlined) to the edition of January 1 for the month of May:

Call Letters	Main Studio Location	Name of Licensee	Power	Frequency (kc)	Time Designation	Quota Night	Units Day
KBIX	Muskogee, Okla.	Oklahoma Press Publishing Co. <i>C. P. covered by license</i> <i>Strike out effective 2-11-36</i>	100w	1500	U	...	...
KCMO	Kansas City, Mo.	Lester E. Cox, Thos. L. Evans & C. C. Payne <i>Strike out S. A. Charlotte Duncan, Adm. & Co-contracting parties, Lester E. Cox & Thos. L. Evans</i>	100w	1370	S. H.	0.05	0.05
KFRC	San Francisco, Calif.	Don Lee Broadcasting System	1kw <i>5kw-LS</i>	610	U	0.5	0.85
KFRU	Columbia, Mo.	KFRU, Inc.	500w 1kw-LS	630	Simultaneous D-WGBF, S-WGBF, night	0.15	0.5
*							
KGFK	Moorhead, Minn. <i>C. P. Minnesota Point, Duluth, Minn.</i>	Red River Broadcasting Co., Inc. <i>Strike out pending issues being determined by Court of Appeals, District of Columbia.</i>	100w	1500	U	0.1	0.1
KGHL	Billings, Mont.	Northwestern Auto Supply Co., Inc.	1kw <i>2½kw-LS</i> S. A.-780-Exp. Effective 7-28-36—780 <i>C. P. 5kw-LS—780</i>	950	U	0.5	0.85
*KGBZ	York, Nebr.	KGBZ Broadcasting Co.	1kw <i>2½kw-LS</i>	930	S-KMA	0.25	0.37
		<i>Date of deletion extended to 6-17-36</i>					
KMA	Shenandoah, Iowa	May Seed and Nursery Co.	1kw <i>2½kw-LS</i> <i>Effective 6-17-36</i>	930	S-KGBZ ... U	0.5	0.75

Call Letters	Main Studio Location	Name of Licensee	Power	Frequency (kc)	Time Designation	Quota Night	Units Day
KPPC	Pasadena, Calif.	Pasadena Presbyterian Church	100w	1210	S-KFXM	0.01	0.01
KRRV	Sherman, Texas	Red River Valley Broadcasting Corp.	100w	1310	D (C. P. only)	...	...
KTSA	San Antonio, Tex.	KTSA Broadcasting Co.	1kw 5kw-LS	550	U	0.5	0.85
KUTA	Salt Lake City, Utah	Jack Powers, Frank C. Carman, David G. Smith and Grant Wrathall, d/b as Utah Broadcasting Co.	100w Effective 9-8-36	1500	U (C. P. only)	...	...
KVOL	Lafayette, La.	Evangeline Broadcasting Co.	100w	1310	U	...	...
WAML	Laurel, Miss.	New Laurel Radio Station	100w	1310	S. H.	0.02	0.07
WAPO	Chattanooga, Tenn.	W. A. Patterson Effective 9-8-36	100w	1420	D (C. P. only)	...	...
WBAA	West Lafayette, Ind.	Purdue University	500w 1kw-LS	890	S. H.	...	0.16
WYLB	Lima, Ohio	Herbert Lee Blye Effective 9-29-36	100w	1210	D (C. P. only)	...	...
WBNX	New York, N. Y. T-Cliffside Park, N. J.	Standard Cahill Co., Inc. Effective 9-15-36 C. P. 1kw	250w	1350	S-WAWZ	0.4	0.35
WCOP	Boston, Mass.	Massachusetts Broadcasting Corp.	500w	1120	D	...	0.3
WDWS	Champaign, Ill.	Champaign News-Gazette, Inc. Effective 8-18-36	100w	1370	D (C. P. only)	...	...
WEOA	Evansville, Ind.	Evansville on the Air, Inc. C. P. covered by license	100w	1370	U	...	...
WFBM	Indianapolis, Ind. T-nr. Millersville	Indianapolis Power and Light Co.	1kw 5kw-LS	1230	U	0.5	0.85
WGBF	Evansville, Ind.	Evansville on the Air, Inc.	500w	630	Simultaneous D. S-KFRU, WOS, night L-KFI	0.15	0.3
WHKC	Columbus, Ohio	Associated Radiocasting Corp. Call letters changed from WAIU—Effective 7-1-36	500w	640	U	0.15	0.3
WICC	Bridgeport, Conn.	Southern Connecticut Broadcasting Corp.	500w 1kw-LS	600	U	0.3	0.5
WJJD	Chicago, Ill. T-Des Plaines	WJJD, Inc.	20kw	1130	L-KSL	0.17	1.3
WKY	Oklahoma City, Okla.	WKY Radiophone Co. C. P. 5kw-LS	1kw	900	U	0.5	0.85
WKZO	Kalamazoo, Mich.	WKZO, Inc. Strike out C. P. 250w-1kw-LS	1kw	590	D	...	0.5
WLIN	Middlesboro, Ky.	Lincoln Memorial University	100w	1210	U (C. P. only)	...	...
WMFN	Clarksdale, Miss. C. P. Grenada, Miss.	Attala Broadcasting Corp.	100w	1210	U	...	...
WPAX	Thomasville, Ga.	H. Wimpy Strike out C. P. 250w	100w	1210	D	...	0.1
WPRP	Ponce, Puerto Rico	Julio M. Conesa C. P. covered by license	100w 250w-LS	1420	S. H.	...	...
WQAN	Scranton, Pa.	The Scranton Times (Co-partnership) E. J., Wm. R., Elizabeth R. Lynett, and Edw. J. Lynett, Jr.	250w	880	S-WGBI	0.04	0.03
WREC	Memphis, Tenn. T-nr. Rugby Park	WREC, Inc. Strike out S. A. 1kw-2½kw-LS—Exp.	1kw 2½kw-LS	600	U	0.5	0.75
WSGN	Birmingham, Ala.	The Birmingham News Co.	100w 250w-LS	1310	U	0.1	0.2
WSPD	Toledo, Ohio T-Perrysburg	Toledo Broadcasting Co.	1kw 5kw-LS	1340	U	0.5	0.85
WSPG	Portland, Maine	Portland Broadcasting System, Inc. Effective 6-16-6	500w	640	L-KFI (C. P. only)	0.15	0.3
WTAR	Norfolk, Va.	WTAR Radio Corp. C. P. 1kw	500w 1kw-LS	780	U	0.5	0.5
WWAE	Hammond, Ind.	Hammond-Calumet Broadcasting Corp.	100w	1200	S-WFAM	0.09	0.06
WWJ	Detroit, Mich. T-Oak Park	The Evening News Assn., Inc.	1kw 5kw-LS	920	U	0.5	0.85

QUOTA FACILITIES AS OF JUNE 5

The repeal of the Davis amendment became effective on June 5 when the bill was signed by the President. Following are the quota facilities by zones as of that date:

First Zone—Night

State	Due	Assigned	Units Over or Under	Percent Over or Under
Conn.	2.13	1.92	— 0.21	— 10
Del.	0.32	0.20	— 0.12	— 38
D. C.	0.64	0.60	— 0.04	— 6
Maine	1.06	1.14	+ 0.08	+ 7
Md.	2.16	1.98	— 0.18	— 8
Mass.	5.63	5.51	— 0.12	— 2
N. H.	0.62	0.43	— 0.19	— 31
N. J.	5.36	4.105	— 1.255	— 23
N. Y.	16.69	18.77	+ 2.08	+ 12
R. I.	0.91	1.10	+ 0.19	+ 21
Vt.	0.48	0.56	+ 0.08	+ 17
Total	36.00	36.315	+ 0.315	+ 1

First Zone—Day

State	Due	Assigned	Units Over or Under	Percent Over or Under
Conn.	3.85	3.45	— 0.40	— 10
Del.	0.57	0.33	— 0.24	— 42
D. C.	1.16	0.90	— 0.26	— 22
Maine	1.91	1.72	— 0.19	— 10
Md.	3.91	4.10	+ 0.19	+ 5
Mass.	10.17	7.45	— 2.72	— 127
N. H.	1.11	0.80	— 0.31	— 28
N. J.	9.67	5.055	— 4.615	— 48
N. Y.	30.14	22.02	— 8.12	— 27
R. I.	1.65	1.20	— 0.45	— 27
Vt.	0.86	0.86	— 0.00	— 0
Total	65.00	47.885	— 17.115	— 26

Second Zone—Night

State	Due	Assigned	Units Over or Under	Percent Over or Under
Ky.	3.38	3.95	+ 0.57	+ 17
Mich.	6.25	5.05	— 1.20	— 19
Ohio	8.58	9.83	+ 1.25	+ 15
Pa.	12.43	12.38	— 0.05	— 0
Va.	3.13	4.85	+ 1.72	+ 55
W. Va.	2.23	2.19	— 0.04	— 2
Total	36.00	38.25	+ 2.25	+ 6

Second Zone—Day

State	Due	Assigned	Units Over or Under	Percent Over or Under
Ky.	6.10	4.25	— 1.85	— 30
Mich.	11.28	7.09	— 4.19	— 37
Ohio	15.50	12.86	— 2.64	— 17
Pa.	22.45	14.95	— 7.50	— 33
Va.	5.64	6.54	+ 0.90	+ 16
W. Va.	4.03	4.30	+ 0.27	+ 7
Total	65.00	49.99	— 15.01	— 23

Third Zone—Night

State	Due	Assigned	Units Over or Under	Percent Over or Under
Ala.	3.32	2.65	— 0.67	— 20
Ark.	2.32	2.77	+ 0.45	+ 19
Fla.	1.84	3.65	+ 1.81	+ 98
Ga.	3.64	4.46	+ 0.82	+ 22
La.	2.63	5.40	+ 2.77	+ 105
Miss.	2.52	1.32	— 1.20	— 48
N. Car.	3.97	4.45	+ 0.48	+ 12
Okla.	3.00	3.51	+ 0.51	+ 17
S. Car.	2.18	1.30	— 0.88	— 40
Tenn.	3.28	6.05	+ 2.77	+ 84
Texas	7.30	11.14	+ 3.84	+ 53
Total	36.00	46.70	+ 10.70	+ 30

Third Zone—Day

State	Due	Assigned	Units Over or Under	Percent Over or Under
Ala.	5.99	4.60	— 1.39	— 23
Ark.	4.19	4.95	+ 0.76	+ 18
Fla.	3.32	5.40	+ 2.08	+ 63
Ga.	6.58	5.10	— 1.48	— 22
La.	4.75	5.60	+ 0.85	+ 18
Miss.	4.55	2.42	— 2.13	— 47
N. Car.	7.17	4.95	— 2.22	— 31
Okla.	5.42	5.65	+ 0.23	+ 4
S. Car.	3.93	3.20	— 0.73	— 19
Tenn.	5.92	7.75	+ 1.83	+ 31
Texas	13.18	14.12	+ 0.94	+ 7
Total	65.00	63.74	— 1.26	— 2

Fourth Zone—Night

State	Due	Assigned	Units Over or Under	Percent Over or Under
Ill.	10.14	11.41	+ 1.27	+ 13
Ind.	4.30	3.65	— 0.65	— 15
Iowa	3.28	5.75	+ 2.47	+ 75
Kansas	2.50	2.49	— 0.01	— 0
Minn.	3.41	4.18	+ 0.77	+ 23
Mo.	4.82	5.23	+ 0.41	+ 9
Nebr.	1.83	1.96	+ 0.13	+ 7
N. Dak.	0.90	1.40	+ 0.50	+ 56
S. Dak.	0.92	0.86	— 0.06	— 7
Wisc.	3.90	3.50	— 0.40	— 10
Total	36.00	40.43	+ 4.43	+ 12

Fourth Zone—Day

State	Due	Assigned	Units Over or Under	Percent Over or Under
Ill.	18.30	16.77	— 1.53	— 8
Ind.	7.77	6.54	— 1.23	— 16
Iowa	5.93	8.63	+ 2.70	+ 46
Kansas	4.51	4.12	— 0.39	— 9
Minn.	6.15	5.77	— 0.38	— 6
Mo.	8.70	9.74	+ 1.04	+ 12
Nebr.	3.30	5.65	+ 2.35	+ 71
N. Dak.	1.63	2.10	— 0.47	— 29
S. Dak.	1.66	2.13	+ 0.47	+ 28
Wisc.	7.05	6.72	— 0.33	— 5
Total	65.00	68.17	+ 3.17	+ 5

Fifth Zone—Night

State	Due	Assigned	Units Over or Under	Percent Over or Under
Ariz.	1.32	1.37	+ 0.05	+ 4
Calif.	17.18	19.97	+ 2.79	+ 16
Colo.	3.13	4.16	+ 1.03	+ 33
Idaho	1.35	1.60	+ 0.25	+ 18
Mont.	1.62	2.15	+ 0.53	+ 32
Nev.	0.27	0.30	+ 0.03	+ 11
N. Mex.	1.28	1.13	— 0.15	— 12
Ore.	2.89	4.12	+ 1.23	+ 42
Utah	1.54	3.30	+ 1.76	+ 114
Wash.	4.73	7.73	+ 3.00	+ 63
Wyo.	0.68	0.40	— 0.28	— 41
Total	36.00	46.68	+ 10.68	+ 30

Fifth Zone—Day

State	Due	Assigned	Units Over or Under	Percent Over or Under
Ariz.	2.38	1.69	— 0.69	— 29
Calif.	31.02	24.18	— 6.84	— 22
Colo.	5.66	5.25	— 0.41	— 7
Idaho	2.43	2.25	— 0.18	— 7
Mont.	2.94	3.05	+ 0.11	+ 4
Nev.	0.49	0.30	— 0.19	— 39
N. Mex.	2.31	2.95	+ 0.64	+ 28
Ore.	5.21	6.19	+ 0.98	+ 19
Utah	2.78	3.30	+ 0.52	+ 19
Wash.	8.54	9.94	+ 1.40	+ 16
Wyo.	1.24	0.40	— 0.84	— 68
Total	65.00	59.50	— 5.50	— 8

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

No. 2835. E. G. and M. W. Zellers, trading as Zellers Laboratories, Orrton Ave. and Noble St., Reading, Pa., are named respondents in a complaint alleging misrepresentations in advertising in connection with the sale of medicines and remedies for diseases in fowls.

The respondents, the complaint charges, make representations in trade magazines, circulars and other advertising matter, to the effect that their "Zellers Kamala Nicotine Tabs" are a powerful and effective agency for ridding fowls of worms, releasing medication at the seat of infection and producing results in less than six hours.

They are also alleged to represent that "Zellers Fowl Tone Formula No. 1" contains the elements essential to the development of future egg layers, is a special tonic for building up disease resistance, and that it and the preparation "Carbo-Zel Tablets" are ideal antiseptics and effective treatments for certain poultry diseases, including intestinal flu, coccidiosis, cholera, and brooder pneumonia; and that "Zellers Fowl Tone Formula No. 2" is scientifically prepared to combat the ravages of small worms and is an excellent tonic.

No. 2836. Charging unfair competition through exaggeration of the earnings of salespersons, a complaint has been issued against **American Products Co.,** manufacturer of food and toilet products and household cleaners, and **Zanol Products Co.,** its selling agent and subsidiary, both of 3265 Colerain Ave., Cincinnati.

Advertising in newspapers and other periodicals and through circular letters, the American Products Co., it is said, has sought to obtain sales representatives for its products. In one advertisement the respondent is alleged to have said that the company "will pay you up to \$42.50 a week," and "will furnish a car to producers." Advertising a profit-sharing plan, the respondent is alleged to have asserted that it had brought money to thousands of men and women.

The complaint alleges that the respondents' representations are false and misleading, and that the so-called representatives, procured in response to advertisements, are in fact retailers, and no car is furnished to them except as a subsequent bonus given when a representative shall have purchased from the respondent at wholesale prices in a period of one year, not less than \$2,500 worth of goods.

The Zanol Products Co. is also charged with making assertions in advertising calculated to represent large earnings to be gained by potential representatives and to induce such persons to sell the respondents' goods. In fact, according to the complaint, the average earnings of such representatives under normal conditions is but a small percentage of the amount advertised, and consistent earnings in the due course of business in the amounts as advertised would be impossible.

No. 2837. Unfair competition through the use of lottery schemes in connection with the sale of candy is alleged in a complaint issued against **Ostler Candy Co.,** 143 South State St., Salt Lake City, Utah.

The complaint charges the respondent company arranges its candy in assortments so as to involve a game of chance when the candy is sold to the ultimate purchaser. Push cards and other schemes in which the element of chance enters are used to attract customers, according to the complaint.

The respondent company's sales plans are said to be contrary to public policy, and to divert trade to the respondent from competitors who do not use similar methods in the sale of candy.

No. 2838. Misleading representations in the sale of cosmetics are alleged in a complaint issued against **Bourjois, Inc.,** and its selling agent and subsidiary, **Barbara Gould Sales Corp.** The **Bourjois Company** operates a factory at Rochester, N. Y., and both corporations have offices at 35 West 34th St., New York City.

Use of the trade name "Barbara Gould Irradiated Skin Food" is alleged to have a tendency to deceive buyers into believing that the respondents' products give nourishment to and act as food for the skin, when in fact, according to the complaint, this preparation does not possess such properties.

Other representations made by the respondents are alleged to have a capacity to deceive buyers into believing that there are glands in the body known as "youth glands" which will be restored and revived by application of the respondents' products.

No. 2839. Imitation of the product of a competitor, in violation of Section 5 of the Federal Trade Commission Act, is alleged in a

complaint issued against **Louis Schear and Jack Schrader, trading as Schear and Schrader, 239 Fourth Ave., New York City,** engaged in wholesaling novelties.

The complaint sets out that S. S. Adams, trading as S. S. Adams Co., also is a dealer in novelties, including a game designated "Hindu Cones," which he designs, manufactures and sells at the wholesale price of \$21 a gross. Soon after Adams introduced "Hindu Cones" on the market, the complaint alleges, the respondents began selling a similar product, the container of which bears the trade name "Hindu Cones" and the same language as that on Adams' package, the principal difference being the color of the containers.

The insert instructing purchasers how to operate the cones in the respondents' container is an exact duplicate of that in Adams' package, according to the complaint, and the name "Adams" appears in the instructions. The wholesale price of the respondents' product is \$15 a gross less than the price at which Adams sells his cones, the complaint charges.

No. 2840. Misrepresentation of the therapeutic value of "NoDoz Awakeners," a pharmaceutical preparation said to be compounded of caffeine citrate and sugar of milk, is charged in a complaint issued against **NoDoz Laboratories, Inc.,** 307 Mitau Building, Sacramento, Calif., manufacturer and seller of this product.

The complaint charges that the respondent corporation's representations in various publications, in other forms of printed matter, and in radio broadcasts, tend to lead purchasers into believing that use of the preparation, among other things, keeps motorists awake and enables them to avoid accidents while driving; that it overcomes alcoholic depression; conquers mental dullness and adds energy to one's capacity for work or pleasure without apparent fatigue, and preserves a clear head under the most difficult circumstances.

These representations, as well as the respondent's alleged claims that "NoDoz Awakeners" are a pure vegetable concentrate and are used by more than one million automobile drivers, are false or exaggerated, the complaint charges.

Stipulations

The Commission has issued the following cease and desist orders and stipulations:

No. 01386. Elizabeth Arden Sales Corporation, Elizabeth Arden, Inc., and Florence N. Lewis, trading as Elizabeth Arden, 681 Fifth Ave., New York City, agree to cease representing that either "Venetian Eyelash Grower" or "Ardena Eyelash Grower" is a stimulant to the eyelashes or encourages the growth of eyelashes or eyebrows. Use of the words "Grower" or "Venetian" as part of the trade names designating the products will be stopped.

No. 01387. Bromo Aspirin Manufacturing Co., Inc., 5111 Chester Ave., Philadelphia, selling "Bromo Aspirin Capsules," will discontinue advertising that this product is a competent remedy for colds, coughs, or grippie; that it will prevent pneumonia, influenza, grippie or complications of colds, and that it reaches the cause of any ailment.

No. 01388. R. E. Paul, trading as Wayne Manufacturing Co., 5249 Western Ave., Detroit, in the sale of his "Wayne Checkwriter," agrees to cease representing that the device, advertised to sell for \$12.50, accomplishes more than machines costing hundreds of dollars, and that he makes to persons answering his advertisements a special offer different from his usual and customary offer.

The respondent will discontinue representing that the maker of a check cannot recover from the bank on which such check is drawn any overpayment made as a result of an alteration of the check.

In advertising for salesmen he agrees not to make unmodified claims of earnings in excess of the average earnings made by his active, full-time salesmen under normal business conditions.

No. 01389. Under a stipulation entered into, the **National Art School, Inc., 3601 Michigan Ave., Chicago,** has agreed to cease false and misleading advertising in the sale of a correspondence course in coloring photographs and miniatures in oil by a process described as the "Koehne Method."

The respondent corporation will cease advertising that a talent for art is not necessary to enable a student to master the course; that completion of the course can be accomplished in 12 weeks, and that it enables one to earn a steady income and to do work that commands the highest prices; and that the "Koehne Method" transforms photographic prints into works of art comparable to originals worth hundreds of dollars.

No. 01390. The Tonsiline Co., Canton, Ohio, entered into an agreement to cease advertising that "Tonsiline" affords quick re-

lief for sore throat, or that it is a competent treatment for that ailment, unless such representations are limited to sore throat due to colds or to the inhalation of dust or fumes. The respondent company will cease representing that the product is the "National Sore Throat Remedy."

No. 01391. Initial It, Inc., 500 North Dearborn St., Chicago, stipulates that in the sale of leather articles such as purses and bill folds it will cease representing that its "Ritzi 2-Way Bag" or any other article offered to salesmen as a sample outfit is "free," if such salesmen are required to make a cash deposit to procure the bag, or required to sell a definite amount of merchandise to have the cash deposit returned. The respondent corporation admits that in advertising matter it exaggerated the prospective sales and earnings of salesmen, and agrees to discontinue such practice.

No. 01392. National Oil Products Co., Harrison, N. J., engaged in the sale of a poultry and animal feed designated "Nopco Double X," will cease and desist from representing, among other things, that the product alone, when added to feed, produces a balanced diet; that it improves any feed having an adequate supply of vitamins A and D; that it eliminates soft shelled eggs or blood spots, regardless of cause; and that it is "guaranteed" for results.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, June 22

HEARING BEFORE AN EXAMINER

(Broadcast)

- KRE—First Congregational Church of Berkeley, Berkeley, Calif.—Voluntary assignment of license, 1370 kc., 100 watts, 250 watts LS, unlimited time.
- NEW—Jack E. Brantley, Mrs. Jack E. Brantley, and Jack E. Brantley, Jr., Savannah, Ga.—C. P., 1310 kc., 100 watts, unlimited time.
- NEW—W. T. Knight, Jr., Savannah, Ga.—C. P., 1310 kc., 100 watts, unlimited time.
- NEW—Ted R. Woodard, Kingsport, Tenn.—C. P., 1210 kc., 100 watts, daytime.
- NEW—Jonas Weiland, Kinston, N. C.—C. P., 1200 kc., 100 watts, 250 watts LS, unlimited time.
- NEW—John Perkins Rabb, Lenoir, N. C.—C. P., 1370 kc., 100 watts, daytime.
- WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—Modification of license, 1310 kc., 100 watts, 250 watts LS, daytime until 7:30 p. m. Present assignment: 1310 kc., 250 watts, daytime.

Tuesday, June 23

HEARING BEFORE AN EXAMINER

(Broadcast)

- KCMO (formerly KWKC)—Charlotte Duncan, Administratrix, Lester E. Cox, Thomas L. Evans, Kansas City, Mo.—C. P., 1370 kc., 100 watts, specified hours.
- NEW—The Tribune Co., Tampa, Fla.—C. P., 550 kc., 1 KW, 5 KW LS, unlimited time.
- NEW—Black River Valley Broadcasts, Inc., Watertown, N. Y.—C. P., 1420 kc., 100 watts, 250 watts LS, unlimited time.
- NEW—Metro Broadcasting Co., Los Angeles, Calif.—C. P., 820 kc., 250 watts, limited with WHAS.

Wednesday, June 24

HEARING BEFORE AN EXAMINER

(Broadcast)

- WHFC—WHFC, Inc., Cicero, Ill.—C. P., 1420 kc., 100 watts, 250 watts LS, specified hours. Present assignment: 1420 kc., 100 watts, specified hours.
- WKBI—WKBI, Inc., Cicero, Ill.—Modification of license, 1420 kc., 100 watts, 250 watts LS, specified hours. Present assignment: 1420 kc., 100 watts, specified hours.
- WEHS—WEHS, Inc., Cicero, Ill.—Modification of license, 1420 kc., 100 watts, 250 watts LS, specified hours. Present assignment: 1420 kc., 100 watts, specified hours.

WJBL—Commodore Broadcasting, Inc., Decatur, Ill.—Modification of license, 1370 kc., 100 watts, unlimited time. Present assignment: 1200 kc., 100 watts, share-WJBC.

NEW—A. W. Mills, Gallup, N. Mex.—C. P., 1310 kc., 100 watts, unlimited time.

Thursday, June 25

HEARING BEFORE AN EXAMINER

(Broadcast)

- NEW—Mrs. C. A. S. Heaton, Las Vegas, Nev.—C. P., 1420 kc., 100 watts, unlimited time.
- NEW—Cache Valley Broadcasting Co., Logan, Utah.—C. P., 1370 kc., 100 watts, unlimited time.
- NEW—Harold Johnson and Leland M. Perry, d/b as Johnson & Perry, Cedar City, Utah.—C. P., 1310 kc., 100 watts, unlimited time.
- NEW—E. Anthony & Sons, Inc., Pawtucket, R. I.—C. P., 1200 kc., 100 watts, 250 watts LS, unlimited time (request facilities of WNRI).
- WNRI—S. George Webb, Newport, R. I.—Modification of C. P., 1200 kc., 100 watts, 250 watts LS, unlimited time.
- WTHT—The Hartford Times, Inc., Hartford, Conn.—Modification of C. P., 1200 kc., 100 watts, unlimited time (request facilities of WNRI).

Friday, June 26

HEARING BEFORE AN EXAMINER

(Broadcast)

- NEW—C. A. Rowley, Ashtabula, Ohio.—C. P., 940 kc., 250 watts, daytime.
- WHAZ—Rensselaer Polytechnic Institute, Troy, N. Y.—Modification of license, 1300 kc., 1 KW, S-WFAB, WEVD, WBBR. Present assignment: 1300 kc., 500 watts, S-WFAB, WEVD, WBBR.

APPLICATIONS GRANTED

- KGKB—East Texas Broadcasting Co., Tyler, Tex.—Granted C. P. to make changes in equipment and move transmitter locally 1½ miles from court house on North Dixie Highway, Tyler, Tex.
- KRSC—Radio Sales Corp., Seattle, Wash.—Granted C. P. to make changes in equipment.
- WMMN—A. M. Rowe, Inc., Fairmont, W. Va.—Granted modification of C. P. to install new equipment and extend commencement date to 2 months after grant and completion date to 6 months thereafter.
- WMC—Memphis Commercial Appeal, Inc., Memphis, Tenn.—Granted modification of C. P. to extend completion date from 7-19-36 to 1-19-37.
- KHQ—Louis Wasmer, Inc., Spokane, Wash.—Granted modification of C. P. to make changes in transmitter (tubes); install vertical radiator to comply with Rule 131, exact transmitter site and height of antenna to be determined; increase day power from 2 KW to 5 KW; extend commencement date to 60 days after grant and completion date to 6 months thereafter.
- WRR—City of Dallas, Texas, Dallas, Tex.—Granted modification of C. P. to install new equipment; also granted license to cover installation of new equipment and vertical radiator, and move transmitter locally; 1280 kc., 500 watts, unlimited time.
- WLAK—Lake Region Broadcasting Co., Lakeland, Fla.—Granted license to cover C. P. authorizing erection of new station; 1310 kc., 100 watts, unlimited.
- WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Granted license to cover C. P. authorizing installation of new equipment and increase in day power to 250 watts; 1210 kc., 100 watts night.
- WCBI—Scranton Broadcasters, Inc., Scranton, Pa.—Granted license to cover C. P. authorizing installation of new equipment and increase in power from 250 watts to 500 watts; 880 kc., S-WQAN.
- KGFW—Central Nebraska Broadcasting Corp., Kearney, Nebr.—Granted consent to the transfer of control of The Central Nebraska Broadcasting Corp. from the present stockholders to Clark Standiford and Kate S. Fisher; 1310 kc., 100 watts, unlimited.

- WHBB—Dr. Wm. J. Reynolds and Wm. J. Reynolds, Jr., Selma, Ala.—Granted consent to voluntary assignment of license to W. J. Reynolds, Jr., J. C. Hughes and J. S. Allen, d/b as Selma Broadcasting Co.
- KELD—T. H. Barton, El Dorado, Ark.—Granted consent to voluntary assignment of license to Radio Enterprises, Inc.
- WNBC—William J. Sanders, New Britain, Conn.—Granted consent to voluntary assignment of license to State Broadcasting Corp.
- KGGM—New Mexico Broadcasting Co., Albuquerque, N. Mex.—Granted consent to the transfer of control of the New Mexico Broadcasting Co., Inc., licensee of KGGM, to Mrs. A. R. (Goldie) Hebenstrait to A. R. Hebenstrait.
- KJR—Fisher's Blend Station, Inc., Seattle, Wash.—Granted C. P. to install new equipment and move transmitter to site of station KOMO.
- WCOL—WCOL, Inc., Columbus, Ohio.—Granted C. P. to make changes in equipment.
- WSYR—WSYU—Central New York Broadcasting Corp., Syracuse, N. Y.—Granted license to use old composite transmitter as an auxiliary transmitter; 570 kc., 250 watts, for emergency purposes only.
- KFJI—KFJI Broadcasters, Inc., Klamath Falls, Ore.—Granted license to cover C. P. authorizing installation of new equipment; 1210 kc., 100 watts, unlimited time.
- WNYC—City of New York, Dept. of Plant and Structures, New York City.—Granted license to cover C. P. (auxiliary) to be used for emergency purposes only, to be used while moving main transmitter; 810 kc., 1 KW.
- KSLM—Oregon Radio, Inc., Salem, Ore.—Granted authority to make changes in automatic frequency control equipment.
- WMC—Memphis Commercial Appeal, Inc., Memphis, Tenn.—Granted modification of C. P. approving new transmitter site $\frac{3}{4}$ mile northwest of 5 Points Intersection U. S. Highway No. 70 and Macon Road, near Memphis; install new directional antenna; extend commencement date to this date and completion date to 1-19-37.
- KUOA—KUOA, Inc., Fayetteville, Ark.—Granted C. P. to move transmitter and studio to John Brown University, Siloam Springs, Ark., a distance of approximately 25 miles; install new equipment and vertical radiator; increase day power from 1 KW to 2½ KW.
- KERN—The Bee Bakersfield Broadcasting Co., Bakersfield, Calif.—Granted C. P. to install new equipment and erect a new vertical radiator.
- KHBC—Honolulu Broadcasting Co., Ltd., Hilo, T. H.—Granted license to cover C. P. authorizing erection of new station to operate on 1400 kc., 250 watts, unlimited time.
- WJBC—Wayne Hummer and H. J. Dee, d/b as Kaskaskia Broadcasting Co., Bloomington, Ill.—Granted voluntary assignment of C. P. from Wayne Hummer and H. J. Dee, d/b as Kaskaskia Broadcasting Co., to Arthur Malcom McGregor and Dorothy Charlotte McGregor. (C. P. authorized changes in equipment and increase in day power from 100 watts to 250 watts; 1200 kc., 100 watts night, S-WJBL.)
- KFVD—Los Angeles Broadcasting Co., Inc., Los Angeles, Calif.—Granted voluntary assignment of license from Los Angeles Broadcasting Co., Inc., to Standard Broadcasting Co. (1000 kc., 250 watts night, 250 watts day, limited time).
- WRAK—WRAK, Inc., Williamsport, Pa.—Granted C. P. to move transmitter locally, install new equipment and new vertical radiator.
- WBNX—Standard Cahill Co., Inc., New York City.—Granted modification of C. P. approving exact transmitter site and directional antenna system; 1350 kc., 250 watts, S-WAWZ. (Granted C. P. on May 1, effective September 15, to increase power to 1 KW, employing directional antenna both day and night.)
- KDON—Richard Field Lewis, Del Monte, Calif.—Granted consent to voluntary assignment of license to the Monterey Peninsula Broadcasting Co., a California corporation.
- KFXR—Exchange Avenue Baptist Church of Oklahoma City, Okla.—Granted C. P. to make changes in equipment.
- KWYO—Big Horn Broadcasting Co., Inc., Sheridan, Wyo.—Granted C. P. to make changes in equipment, install new vertical radiator, move transmitter locally, and increase day power from 100 to 250 watts.
- WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—Granted C. P. to make changes in equipment.
- WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Granted C. P. to install new equipment, move transmitter locally, install new vertical radiator, increase power to 1 KW, unlimited time.
- KGNO—The Dodge City Broadcasting Co., Inc., Dodge City, Kans.—Granted C. P. to install new equipment.
- WHLB—Head of the Lakes Broadcasting Co., Virginia, Minn.—Granted modification of C. P. to extend completion date to 9-26-36.
- WNYC—City of New York, Dept. of Plant and Structures, New York City.—Granted modification of C. P. to extend completion date from 6-1-36 to 180 days thereafter.
- KFPL—C. C. Baxter, Dublin, Tex.—Granted modification of C. P. extending commencement date to 6-16-36 and completion date to 12-16-36.
- KCRJ—Charles C. Robinson, Jerome, Ariz.—Granted authority to install automatic frequency control.
- Standard Radio, Inc., Hollywood, Calif.—Granted authority to transmit electrical transmissions to foreign countries, namely stations CBNS, CKAG, CFRN and CKPC and any other Canadian stations which may desire these programs.
- WELI—Patrick J. Goode, New Haven, Conn.—Granted consent to voluntary assignment of license to City Broadcasting Corp.
- KFJZ—Fort Worth Broadcasters, Inc., Fort Worth, Tex.—Granted license to cover C. P. authorizing installation of new equipment and increase in day power from 100 watts to 250 watts.
- WIBM—WIBM, Inc., Jackson, Mich.—Granted license to cover C. P. which authorizes changes in equipment and installation of new radiating system.
- KFKA—The Mid-Western Radio Corp., Greeley, Colo.—Granted license to cover C. P. authorizing local move of station and installing new antenna system.
- WREC—WREC, Inc., Memphis, Tenn.—Granted modification of license to increase day power from 2½ KW to 5 KW; 600 kc., 1 KW night, unlimited time, using two-unit directional antenna system.
- KBPS—Benson Polytechnic School, Portland, Ore.—Granted authority to install automatic frequency control.
- WOEH (requested)—National Broadcasting Co., Inc., Portable-Mobile (New York City).—Granted C. P. (temporary broadcast pickup), frequencies 1606, 2020, 2102, 2760 kc., 100 watts. Also granted license covering same.
- NEW—Edwin H. Armstrong, New York, N. Y. (site to be determined).—Granted C. P. (exp. gen. exp.), frequencies 86500 and 111000 kc., 40 KW, time of operation variable.
- W8XAR—Westinghouse Electric and Manufacturing Co., near Saxonburg, Pa.—Granted renewal of special experimental station license in exact conformity with existing license, for the period June 23 to September 23, 1936.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KABR, Aberdeen, S. Dak.; KAST, Astoria, Ore.; KBPS, Portland, Ore.; KCMC, Texarkana, Ark.; KERN, Bakersfield, Calif.; KFGQ, Boone, Iowa; KFIZ, Fond du Lac, Wis.; KGFI, Corpus Christi, Tex.; KGIW, Alamosa, Colo.; KFJM, Grand Forks, N. Dak.; KFJZ, Fort Worth, Tex.; KGAR, Tucson, Ariz.; KGFF, Shawnee, Okla.; KGFL, Roswell, N. Mex.; KGGC, San Francisco, Calif.; KICA, Clovis, N. Mex.; KIDW, Lamar, Colo.; KIUN, Pecos, Tex.; KLUF, Galveston, Tex.; KMAC, San Antonio, Tex.; KNEL, Brady, Tex.; KNOW, Austin, Tex.; KONO, San Antonio, Tex.; KORE, Eugene, Ore.; KOTN, Pine Bluff, Ark.; KPLC, Lake Charles, La.; KPQ, Wenatchee, Wash.; KRE, Berkeley, Calif.; KRKO, Everett, Wash.; KRLH, Midland, Tex.; KRNR, Roseburg, Ore.; KWYO, Sheridan, Wyo.; KXO, El Centro, Calif.; WAGF, Dothan, Ala.; WAZL, Hazleton, Pa.; WBTM, Danville, Va.; WCBM, Baltimore, Md.; WCBS, Springfield, Ill.; WCNW, Brooklyn, N. Y.; WDAS, Philadelphia, Pa.; WEED, Rocky Mount, N. C.; WEHS, Cicero, Ill.; WGL, Fort Wayne, Ind.; WHBB, Selma, Ala.; WHBQ, Memphis, Tenn.; WHDL, Olean, N. Y.; WHEF, Koscusko, Miss.; WIBM, Jackson, Mich.; WILM, Wilmington, Del.; WKBB, East Dubuque, Ill.; WKBI, Cicero, Ill.; WKBV, Richmond, Ind.; WKBZ, Muskegon, Mich.; WLAP, Lexington, Ky.; WLBK, Kansas City, Kans.; WLEU, Erie, Pa.; WMAS, Springfield, Mass.; WMBC, Detroit, Mich.; WMBH, Joplin, Mo.; WMFD, Wilmington, N. C.; WMFO, Decatur, Ala.; WNBK, Binghamton, N. Y.; WOC, Davenport, Iowa; WPAR, Parkersburg, W. Va.; WPFB, Hattiesburg, Miss.; WQDM, St. Albans, Vt.; WRAK, Williamsport, Pa.; WRDW, Augusta, Ga.; WRGA, Rome, Ga.; WRJN, Racine, Wis.; WSVS, Buffalo, N. Y.;

WSYB, Rutland, Vt.; WTMV, East St. Louis, Ill.; KFRO, Longview, Tex.; KGKL, San Angelo, Tex.; KWBG, Hutchinson, Kans.; WAGM, Presque Isle, Maine; WDNC, Durham, N. C.; WELL, Battle Creek, Mich.; WMSD, Sheffield, Ala.; WPAD, Paducah, Ky.

SET FOR HEARING

WGCM—WGCM, Inc., Mississippi City, Miss.—Application for modification of C. P. to extend commencement date from 1-28-36 to 30 days after grant and completion date from 7-28-36 to 180 days thereafter.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Special experimental authorization to install directional antenna, change hours of operation from limited to unlimited time for period ending August 1, 1936. To be heard by the Broadcast Division.

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Application for modification of license to increase night power from 1 to 5 KW. To be heard before the Broadcast Division.

KGW—Oregonian Publishing Co., Portland, Ore.—Application for modification of license to increase night power from 1 to 5 KW. To be heard before the Broadcast Division.

KHSL—Golden Empire Broadcasting Co., Chico, Calif.—Application for modification of license, already in hearing docket, amended to read: change frequency from 960 kc. to 1260 kc.; increase time of operation from 250 watts daytime to unlimited time.

NEW—The Constitution Publishing Co., Atlanta, Ga.—Application for C. P. for new station, 590 kc., 1 KW, unlimited time. Site to be determined.

NEW—Harriett N. Alleman and Helen W. MacLellan, d/b as Cape Cod Broadcasting Co., Barnstable Township, Mass.—Application for C. P. for new station, 1210 kc., 100 watts night, 250 watts day, unlimited time. Site to be determined.

NEW—L. Martin Courtney, Toledo, Ohio.—Application for C. P. for new station, 1420 kc., 100 watts, unlimited time. Site to be determined.

NEW—Harry G. Lowe and Clara A. Lowe, DuBoise, Pa.—Application for C. P. for new station, 1210 kc., 100 watts, daytime.

NEW—Sweetwater Broadcasting Co., Sweetwater, Tex.—Application for C. P. for new station, 1310 kc., 100 watts, daytime. Site to be determined.

NEW—The Escanaba Daily Press Co., Escanaba, Mich.—Application for C. P. for new station, 1500 kc., 100 watts, daytime.

NEW—Thomas M. Hammond, d/b as Ventura Broadcasting Co., Ventura, Calif.—Application for C. P. for new station, 1210 kc., 100 watts, daytime.

NEW—John C. Looney, d/b as High Fidelity Broadcasting Service, Milton, Mass.—Application for C. P., exp.-exp. broadcast, 1570 kc., 1 KW, unlimited and variable time.

NEW—Eugene Meyer & Co., d/b as The Washington Post, Washington, D. C.—Application for C. P. for new station, 630 kc., 250 watts night, 500 watts day, unlimited time. Site to be determined. (Requests facilities of WMAL.)

WMBQ—Metropolitan Broadcasting Corp., Brooklyn, N. Y.—Application for C. P. to install new equipment, move transmitter and studio locally, and install new radiating system.

WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—Application for C. P. to install new transmitter, erect new vertical radiator, increase night power from 5 to 25 KW and day power from 5 to 10 KW.

WHAS—The Courier-Journal Co. and The Louisville Times Co., Louisville, Ky.—Special experimental authority to increase power from 50 KW to 500 KW, exact type of antenna and type of equipment to be determined; transmitter site to be determined in Oldham County, Ky. (Case to be heard before the Broadcast Division September 24, 1936, together with others applying for 500 KW, i.e., KNX, WHO, WJZ, and WGN.)

WMBQ—Metropolitan Broadcasting Corp., Brooklyn, N. Y.—Application for renewal of license for the regular period.

WKBB—Sanders Brothers Radio Station, E. Dubuque, Ill.—Application for C. P. to move transmitter to Julien Township, Iowa, studio to Hotel Julien, Dubuque; install new radiator, exact transmitter site and type of antenna to be determined.

NEW—The News Press Publishing Co., Santa Barbara, Calif.—Application for C. P., already in hearing docket, amended to request: 1280 kc., 500 watts, unlimited time, site and type of antenna to be approved.

WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—Application for modification of license, already in hearing

docket, amended to read: change hours of operation from 250 watts daytime to 100 watts night, 250 watts day, unlimited time.

NEW—Walker Jamar, Duluth, Minn.—Application for C. P., already in hearing docket, amended to read: operation on 1200 kc., 100 watts, unlimited time, the site to be approved.

APPLICATIONS DENIED

KPRC—Houston Printing Co., Houston, Tex.—Denied special temporary authority to operate with power of 5 KW nighttime for period not to exceed 30 days in order to take measurements and show results obtained by this increased power.

KCMO—Lester E. Cox, Thos. L. Evans and C. C. Payne, Kansas City, Mo.—Denied special temporary authority to operate unlimited time for a period of 30 days.

WELI—Patric J. Goode, New Haven, Conn.—Denied special temporary authority to operate from 7:30 to 11 p. m., EST, June 22, in order to broadcast banquet of the New Haven Advertising Club.

APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were dismissed at request of applicants:

KPOF—Pillar of Fire (a corporation), Denver, Colo.—Applied for modification of license, 880 kc., 500 watts, 1 KW LS, shares with KFKA.

NEW—Farmers Educational and Cooperative Union of America, North Dakota Division, Bismarck, N. Dak.—Applied for C. P., 550 kc., 1 KW, 5 KW LS, unlimited time.

The following applications, heretofore set for hearing, were dismissed with prejudice, inasmuch as requests of applicants for withdrawal of the applications were received less than 30 days prior to the hearing scheduled thereon:

NEW—Jesse H. Jay, Miami Beach, Fla.—Applied for C. P., 1500 kc., 100 watts, unlimited.

WKBZ—Marl L. Ashbacker, Muskegon, Mich.—Modification of license, 1200 kc., 100 watts, 200 watts LS, unlimited time.

NEW—Wolverine Broadcasting Co., Ann Arbor, Mich.—Applied for C. P., 800 kc., 1 KW, daytime.

NEW—The Steffen Ice and Ice Cream Co., Wichita, Kans.—Applied for C. P., 1210 kc., 100 watts, unlimited.

MISCELLANEOUS

WLLH—Merrimac Broadcasting Co. Inc., Lowell, Mass.—Reconsidered action of April 24, 1936, granting authority to construct a "booster" station at Lawrence, Mass., to operate synchronously with station WLLH at Lowell, Mass., and set the application for a hearing because of a protest by Hildreth & Rogers Co., applicants for a new broadcast station at Lawrence, Mass. Effective date of the Commission's action to which the protest is directed postponed to the date of the Commission's decision after the hearing.

NEW—C. G. Hill, George D. Walker, and Susan H. Walker, Winston-Salem, N. C.—Denied motion asking Commission to advance the date for oral argument on application for a C. P. to erect a broadcast station at Winston-Salem, N. C., now scheduled for September 17, 1936, to an early date in June, 1936, as the June Docket is now congested.

NEW—Mile High Radio Corp., Denver, Colo.—Denied petition asking Commission to reconsider action of May 14, 1936, in designating for hearing the application for C. P. to authorize erection and operation of a new broadcast station at Denver, Colorado. This applicant specifies 1420 kc., 100 watts, unlimited time.

WOWO—Main Auto Supply Company, Ft. Wayne, Ind.—Granted request to postpone hearing on application to increase power from 10 KW to 25 KW now scheduled for June 29, 1936, to a date to be fixed by the Commission. This applicant has also pending before the Commission an application to transfer control of the station to the Westinghouse Electric and Manufacturing Company.

WCRW—Clinton R. White, Chicago, Ill.—Reconsidered action of May 21, 1936, designating application for renewal of license for hearing; removed the application for renewal from the hearing docket and granted a regular renewal of license.

KRE—First Congregational Church, Berkeley, Calif.—Overruled petition asking Commission to reconsider and grant without hearing application for the voluntary assignment of its license to the Central California Broadcasters Inc. Applica-

- tion to proceed to hearing as originally docketed. Station operates on 1370 kc., 100 watts night, 250 watts daytime.
- NEW—Jefferson Broadcasting Co., Birmingham, Ala.—Granted authority to take depositions limited to financial ability in re application for new broadcast station to operate on 1200 kc., 100 watts night, 250 watts daytime, unlimited. Denied petition to amend application and to continue the hearing.
- NEW—Donald A. Wike and H. E. Studebaker, Baker, Oregon—Granted request for order to take depositions in re application for C. P. to establish a new broadcast station at Baker, Oregon, to operate on 1370 kc., 100 watts night, 250 watts daytime, unlimited time.

ORAL ARGUMENTS

The following cases were set for oral argument to be held October 1, 1936:

- NEW—Ex. Rep. No. 1-219: J. Laurance Martin, Tucumcari, N. Mex.
- NEW—Ex. Rep. No. 1-213: Edwin A. Kraft, Fairbanks, Alaska.
- NEW—Ex. Rep. No. 213: John A. Stump, Fairbanks, Alaska.
- KLO—Ex. Rep. No. 1-221: Interstate Broadcasting Corp., Ogden, Utah.

APPLICATIONS RECEIVED

First Zone

- WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn. 1060 —Extension of special experimental authorization to change frequency from 1060 kc. to 1040 kc., hours of operation from share-WBAL to simultaneous KRLD (unlimited), for period from 8-1-36 to 2-1-37.
- WSAY—Brown Radio Service & Laboratory (Gordon P. Brown, 1210 owner), Rochester, N. Y.—Application to reinstate construction permit requesting authority for a new station to be operated on 1210 kc., 100 watts, daytime, which expired 6-1-36.

Second Zone

- WLW—The Crosley Radio Corp., Cincinnati, Ohio.—Extension of 700 special experimental authorization to operate with power of 500 KW day and night, using directional antenna at night, for period from 8-1-36 to 2-1-37.
- WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.— 1370 Construction permit to make changes in equipment, change frequency from 1370 kc. to 1390 kc.; increase power from 100 watts, 250 watts day, to 500 watts, 1 KW day; and install directional antenna. Amended to use directional antenna both day and night.
- NEW—Farnsworth Television, Inc., of Pennsylvania, Springfield, Pa.—Construction permit for a new experimental visual broadcasting and synchronized sound track for 6000-86000 kc. band on specific frequencies of 62750 kc. for visual broadcasting and 66000 kc. for synchronized sound track. Visual power 4 KW, sound track power 1 KW. Amended to delete request for specific frequencies and request bands 42000-56000 and 60000-86000 kc.

Third Zone

- NEW—W. Hanes Lancaster and J. W. Birdwell, d/b as Johnson 1200 City Broadcasting Co., Johnson City, Tenn.—Construction permit for a new station to be operated on 1200 kc., 100 watts, 250 watts day, unlimited time.
- KFXR—Exchange Avenue Baptist Church of Oklahoma City, 1310 Oklahoma City, Okla.—Voluntary assignment of license from Exchange Avenue Baptist Church to Plaza Court Broadcasting Co.

- KPDN—Pampa Daily News, Inc., Pampa, Tex.—Voluntary assign- 1310 ment of license from Pampa Daily News, Inc., to R. C. Hoiles.
- KGFF—KGFF Broadcasting Co., Inc., Shawnee, Okla.—Modifica- 1420 tion of construction permit (B3-P-735) for new equipment, increase in power, and move of transmitter, requesting extension of completion date from 6-29-36 to 8-29-36.
- WRDW—Augusta Broadcasting Co., Augusta, Ga.—Authority to 1500 transfer control of corporation from J. J. Powell, Louise Powell, and A. E. Groom to Arthur Lucas, William K. Jenkins, and Frank J. Miller, 80 shares common stock.

Fourth Zone

- WBBM—WBBM Broadcasting Corp., Chicago, Ill.—Extension of 770 special experimental authorization to operate synchronously with KFAB from local sunset (KFAB local sunset) to midnight, for period from 8-1-36 to 2-1-37.
- WHBU—Anderson Broadcasting Corp., Anderson, Ind.—License 1210 to cover construction permit (B4-MP-297) for new equipment.
- KGBX—Springfield Broadcasting Co., Springfield, Mo.—License to 1230 use 1230 kc., 500 watts, unlimited time. Directional antenna night, as authorized under B4-SA-198, for permanent authority.
- NEW—Falls City Broadcasting Corp., Falls City, Nebr.—Con- 1310 struction permit for a new station to be operated on 1310 kc., 100 watts, unlimited time. Antenna to be determined.
- KWK—Thomas Patrick, Inc., St. Louis, Mo.—Modification of con- 1350 struction permit (B4-P-848) for new equipment and move of transmitter, requesting changes in authorized equipment and extension of commencement and completion dates.
- KSLM—Oregon Radio, Inc., Salem, Ore.—Construction permit to 1370 install a new transmitter.
- KCMO—Lester E. Cox, Thomas L. Evans and C. C. Payne, Kansas 1370 City, Mo.—Modification of license to change hours of operation from specified hours to unlimited time, and change studio site from Werby Bldg., 39th and Main Sts., to Commerce Trust Bldg., 10th and Walnut Sts., Kansas City, Mo.
- NEW—C. F. Gaarenstroom, Fairmont, Minn.—Construction per- 1420 mit for a new station to be operated on 1420 kc., 100 watts, 250 watts day, unlimited time.
- W9XJM—WCBS, Inc., Portable-Mobile.—License to cover con- struction permit for a new general experimental station.
- NEW—Zenith Radio Corporation, Portable-Mobile—Construction permit for a new general experimental station to be operated on 31600, 35600, 38600, 41000, 86000-400000, 401000 kc. and above, 100 watts.
- NEW—Zenith Radio Corporation, Portable-Mobile—Construction permit for a new general experimental station to be operated on 31600, 35600, 38600, 41000, 86000-400000, 401000 kc., 100 watts.

Fifth Zone

- NEW—KLZ Broadcasting Co., Denver, Colo.—Construction per- 1210 mit for a new station to be operated on 1210 kc., 100 watts, 250 watts day, unlimited time.
- NEW—W. E. Whitmore, Hobbs, N. M.—Construction permit for 1210 a new station to be operated on 1210 kc., 100 watts, unlimited time.
- NEW—Chauncey W. Hammond, Oakland, Calif.—Construction 1280 permit for a new station to be operated on 1280 kc., 500 watts, 1 KW day, unlimited time.
- KXL—KXL Broadcasters, Portland, Oregon—Consent to transfer 1420 control of corporation from H. B. Read to T. W. Symons, Jr., and E. B. Craney, 222 shares common stock.

Alaskan Zone

- KINY—Edwin A. Kraft, Juneau, Alaska—Construction permit to 1430 install new equipment, new antenna, change frequency from 1310 kc. to 1430 kc. and power from 100 watts to 250 watts.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

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ENGINEERING CONFERENCE

The informal engineering conference which has been in progress before the full membership of the Federal Communications Commission since June 15 is continuing.

The testimony of James W. Baldwin, Managing Director, and Dr. Charles B. Aiken, technical consultant for the Association in this case, will be printed in a special edition of NAB REPORTS and mailed to the membership this week.

FITZGERALD HEADS COPYRIGHT BUREAU

Edward J. Fitzgerald, of Long Island City, N. Y., and recently connected with broadcasting stations WLW and WSAI, Cincinnati, as General Music Director, has been appointed Director of the new Bureau of Copyrights of the National Association of Broadcasters by James W. Baldwin, Managing Director, effective June 23.

Mr. Fitzgerald will give his immediate attention to (1) the making available to broadcasters of a complete and accurate catalog or index of active musical compositions, and (2) creation of a standard library of musical compositions taken, for the most part, from the public domain of music. Both these projects were contained in the Copyright Plan which has been approved by the Board of Directors.

Mr. Fitzgerald, who is 38 years old, graduated from the Boston Latin School in 1915, following which he had four years' schooling at the New England Conservatory of Music.

From 1922-1929 he was an arranger of music, a writer of special vaudeville material and popular songs for Leo Feist, Inc., Copley Plaza Orchestras, and Jerome Remick & Company.

From 1929-1933 he was president and managing director of Eddie Fitzgerald, Inc., of Boston. The company was engaged in the business of devising, writing, selling and producing advertising style shows, vaudeville units and commercial radio broadcasts, including the Stetson Shoe Company style show, the Kelvinator Choirs, the Jordan Marsh Company broadcasts, the Colt Shoe Company broadcasts and others.

From January 1934 to May of this year Mr. Fitzgerald was associated with stations WLW and WSAI, Cincinnati, as program idea man and arranger of music. Later he became a member of

the Audition Board and the Program Planning Board and in August 1934 he was named General Music Director, in which capacity he supervised the work of some 150 musicians and vocalists.

CONGRESSIONAL RADIO ACTION

The second session of the Seventy-fourth Congress which adjourned on June 20 enacted only two radio bills into law which affect the broadcasting industry. On the other hand, it failed to enact the Duffy copyright bill, which held special interest for broadcasters. The Pure Food and Drug Bill was given a great deal of consideration in the closing hours but failed of enactment.

Of the two radio bills which became law during the second session, one repealed the Davis amendment and the other dealt with engineers, directors of divisions and accountants of the Federal Communications Commission and their salaries.

In connection with the end of this Congress it is to be borne in mind that the slate is now clean and that the session of Congress which convenes on January 5 next will start with no bills before it on any subject.

Following is a list of all of the Senate and House radio bills and resolutions which were left without final action having been taken on them during the two sessions of the Seventy-fourth Congress just adjourned:

Senate

S. 4—Copeland, Vandenberg, Murphy bill "to prevent the promotion of fraud through interstate communication."

S. 5—Copeland pure food and drug bill.

S. 541—Capper bill "to prohibit the transportation in interstate commerce of advertisements of intoxicating liquors."

S. 820—Neely bill "relating to costs in radio proceedings before the Federal Communications Commission."

S. 3047—Copyright bill.

S. 3261—Walsh bill to have foreign government radio programs approved by State Department.

House

H. R. 55—Rudd bill "to amend the Radio Act of 1927" to provide educational, religious and other facilities.

H. R. 197—Buckbee bill "to prohibit untrue, deceptive, or misleading advertising through the use of the mails or in interstate or foreign commerce."

H. R. 3252—Sauthoff bill "to prohibit the use of the mails, certain periodicals, and broadcasting stations, having a range covering more than one State, to the advertising of loans for which interest in excess of 15 per cent per annum is charged."

H. R. 8404—Culkin bill "to prohibit advertising of alcoholic beverages in interstate commerce."

H. R. 8475—Monaghan bill "to amend the Communications Act of 1934 by establishing a Radio Commission."

H. R. 8852—McKeough bill to have foreign radio programs approved by the State Department.

H. R. 9229—Scott bill "to amend section 326 of the Communications Act of 1934," dealing with censorship.

FOURTEENTH ANNUAL NAB CONVENTION

STEVENS HOTEL, CHICAGO, ILLINOIS

JULY 5, 6, 7, 8, 1936

H. R. 9230—Scott bill "to amend section 315 of the Communications Act of 1934" laying aside time for political and other uncensored broadcasts.

H. R. 9231—Scott bill "to add section 315 (a) to the Communications Act of 1934" making it obligatory for stations to keep certain records.

H. R. 12646—Rayburn bill "to amend section 318 of the Communications Act of 1934," making provisions for operators.

H. J. Res. 220—Sirovich resolution "providing for the establishment of an executive department to be known as the 'Department of Science, Art, and Literature.'"

H. Res. 52—Dies censorship bill.

H. Res. 370—Scott resolution providing for the establishment of a "Broadcasting Research Commission."

H. Res. 394—Connery resolution asking for an investigation of the Communications Commission.

BROADCAST REVENUE IN EAST SOUTH CENTRAL STATES

The Bureau of the Census, Department of Commerce, has announced that total receipts of the 34 broadcast stations in the east south central states, including Alabama, Kentucky, Mississippi and Tennessee, from sales of radio time during 1935 amounted to \$2,140,634. These receipts include revenue from 9 stations in Alabama, 6 in Kentucky, 7 in Mississippi, and 12 in Tennessee.

NEW RADIO EMPLOYMENT AGENCY

The Cleveland Vocational Bureau has been established in Cleveland with headquarters in the Schofield Building, whose purpose is to act as a radio employment agency. Stanley Babington, a former Cleveland broadcaster, is in charge.

According to the announcement the new Bureau will act as a clearing house for the registration of artists, announcers, engineers, salesmen and studio personnel of all types. It is stated that only applicants with previous radio experience will be considered.

EFFECTIVE DATE OF RULE 177 POSTPONED

A protest has been received from Oswald Schuette on behalf of the Short Wave Institute of America, Inc., against Rule 177 which deals with the rebroadcasting of programs of broadcast and other stations. The Rule is now effective July 1, 1936. Because of the fact that the effective date of other rules recently adopted to be effective July 1, 1936, has been postponed to August 1, and in order also to allow time for study of the protest, it was decided that the effective date of Rule 177 be also postponed to August 1, 1936.

MIDDLE ATLANTIC BROADCAST REVENUE

Total receipts of 82 broadcast stations in the Middle Atlantic States from sale of radio last year amounted to \$11,422,747, according to the Bureau of the Census, Department of Commerce, in the fifth report on the new census of business series on the broadcasting business.

The report includes all broadcast stations in the three states of New Jersey, New York and Pennsylvania which sold time and were in operation December 31, 1935.

FRANK A. NOBLE

Elmer G. Behler, manager of Radio Station KGEK, Sterling, Colorado, is anxious to locate Frank A. Noble. He is about 45 or 50 years old, with black hair, and 5 feet 7 inches tall. Further information can be obtained from Mr. Behler.

PAT FREDERICKS

W. W. Behrman, Radio Station WBOW, Terre Haute, Indiana, is desirous of learning the whereabouts of one Pat Fredericks. Mr. Behrman requests that members notify him by wire, collect, should they be able to assist him in locating Fredericks.

LEW BYRD

Charles A. Baker, Radio Station KFJR, Portland, Ore., will appreciate information as to the whereabouts of Lew Byrd. Mr. Byrd is about 45 years old. For further information communicate with Mr. Baker.

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following companies. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

No. 2841. George H. Lee Co., 12th and Harney Streets, Omaha, Nebr., distributor of a poultry medicine, is charged with unfair competition in violation of the Federal Trade Commission Act, in a complaint. Medicinal qualities of the respondent company's product were misrepresented, according to the complaint.

No. 2842. Trade representations unfair to competitors are alleged in a complaint issued against **Federal Enameling & Stamping Co.**, of McKees Rocks, Penna., and Pittsburgh, manufacturers of porcelain enamel kitchen utensils sold under the trade name "Federalware."

Advertising in metropolitan newspapers, radio announcements and in other ways, the respondent company is alleged to have represented its products as chip proof, stainless, and as thirty-six times more durable than ordinary enamelware. The articles are said to have been advertised as having covers or lids of chromium, and as being capable of saving their cost to the ultimate purchaser in one year or less through saving of fuel.

These representations were not true, according to the complaint, and had a tendency to deceive the public, as there is a preference for products of this class which do have the qualities advertised.

No. 2843. Alleging unfair methods of competition in the sale of "Italy Brand Table Oil," intended for use in salads, cooking and baking, a complaint has been issued against **Chicago Macaroni Co.**, wholesale grocers, trading as **A. Morici and G. Matalone Co.**, 2148 Canalport Ave., Chicago.

Labels on containers describe the table oil as being composed of "fifteen per cent imported olive oil and eighty-five per cent of other vegetable oils" and bear statements in the Italian language and pictorial representations characteristic of Italy, it is charged.

These representations allegedly tend to cause purchasers to believe that the olive oil ingredient in the respondent corporation's product is produced in or imported from Italy, is packed by A. Morici and G. Matalone Co., and that this company is an Italian concern engaged in importing olive oil from Italy.

No. 2844. A complaint has been issued charging **Basic Foods, Inc.**, and **Curtis Howe Springer**, its president, of **Somerset, Pa.**, with unfair trade representations in the sale of food, herb and drug products known as "Dr. Springer's Antediluvian Tea" and "Dr. Springer's Re-Hib."

The complaint charges the respondent with misleadingly advertising that a majority of people suffer from constipation and over-acidity; that most aches and pains result from congestion of glands and organs, and that "Dr. Springer's Antediluvian Tea" acts beneficially upon the glands and organs of the body and that "Re-Hib" is beneficial in treating all cases of over-acidity, so called "heartburn," and stomach ailments.

According to the complaint, the product "Antediluvian Tea" is primarily a laxative, and does not act beneficially upon the glands and organs; and "Re-Hib" is not beneficial as a corrective for all cases of over-acidity or heartburn and should not be taken except upon a doctor's prescription.

The complaint also charges that although the respondent's advertising indicates that its products are submitted to Federal agencies for approval, there is in fact no such agency with authority to approve or censure in advance of shipment such products or the advertising literature relative thereto.

No. 2846. A complaint has been issued against **Frances Brown**, 4626 Lancaster Ave., Philadelphia, trading as **American Bank Machinery Company**, charging unfair competition in the business of repairing and rebuilding perforating and check endorsing machines, and in selling and supplying new parts.

Practices of the respondent are alleged to deceive owners of perforating and check endorsing machines made by old established concerns, causing such owners to deliver such machines to the respondent for repair and installation of new parts in connection therewith, rather than to the original manufacturer or to others engaged in repair or such installation work. This practice, according to the complaint, results in diversion of trade from competitors to the respondent.

According to the complaint, the respondent, through her salesmen, solicited repairing and rebuilding jobs, asserting that the respondent was representative for the old line companies, American Perforating Company and Cummins Perforator Company, both of Chicago. Other representations made in the course of these sales

efforts were, according to the complaint, that the respondent did all repair work for these two companies; that American Perforator Company and the respondent were one and the same concern; that the American and Cummins companies were out of business, and that the respondent manufactured and repaired machines sold by National Perforator Company, Inc., of Philadelphia.

Stipulations

The Commission has issued the following cease and desist orders and stipulations:

No. 01385. A. C. Carlton, trading as Putinize Laboratories, 369 Pine St., San Francisco, agrees to cease representing that "Putinize," an eye lotion, overcomes or prevents any condition of the eyes, keeps them brilliant and restores their natural luster, that it is preferred by stars of the stage and screen, and that it is a tonic or antiseptic containing no harmful ingredients. The respondent stipulates he will discontinue use of the word "laboratories" in his trade name until he maintains a laboratory where scientific tests are conducted. He admits that repeated application of certain ingredients such as those contained in "Putinize" may cause corneal ulcers.

No. 01393. Pompeian Co., 60 Orange St., Bloomfield, N. J., will discontinue advertising that use of certain Pompeian cosmetic preparations stops dryness of the skin, prevents blotches or scalliness reduces pores, and that any specified ingredients or chemicals not contained in Pompeian beauty products are "damaging." It is admitted by the respondent that reliable or scientific proof has not been established for its claims that skin troubles increase as the use of cosmetics increases.

These assertions will be stopped, as well as the representation that the respondent corporation's chemists have banished every harmful chemical used in cosmetics, and that any offer to purchasers is limited to a stated number unless delivery is refused to all above such number.

No. 01394. Fabrix, Inc., 325 W. Huron St., Chicago, is engaged in the sale of rubber mats and machinery for manufacturing such mats. In its stipulation the corporation admits there is no evidence that the mats manufactured under a license granted by it are in greater demand than other mats, and will discontinue such representation in advertising, as well as claims that the mats surpass United States Government specifications and, inferentially or otherwise, that they have been purchased by the Government. The respondent corporation also will cease making unmodified representations that earnings from the sale of mats produced by its machines are in excess of the average earnings of the respondent's licensees under normal business conditions.

No. 01395. The Reese Chemical Co., Inc., 10617 Frank Ave., Cleveland, stipulates that in the sale of a medicinal preparation designated "Thoxine" it will cease advertising that the product will drive colds or fevers out of the system; that it is an effective remedy for sore throat, unless such representation is clearly limited to sore throat due to colds or the inhalation of dust or fumes, and that it is a competent treatment for coughs unless this claim is confined to coughs resulting from colds or minor throat ailments. The stipulation prohibits the respondent corporation from making assertions that "Thoxine" is a "famous" doctor's prescription, and that it contains no harmful drugs and is "safe," unless such representation makes clear that the product is safe when taken according to directions.

No. 01396. Modern Health Products, Inc., 1428 North Twenty-fourth Street, Milwaukee, selling an herbal preparation, "Swiss Kriss," agrees to stop advertising it as a product that will conquer or eliminate intestinal poisons, unless the assertion is limited to temporary conditions due to inadequate elimination. The respondent stipulates that it will discontinue other similar representations such as that its product is a tonic, is a "modern" laxative or a "secret" of the Swiss people.

No. 01397. Chocolate Products Co., 415 Beethoven Place, Chicago, selling "Stillicious," a chocolate drink, agrees to cease making representations by inference or direct statement to the effect that the daily drinking of a quart of this liquid will promote radiant physical health, magnetism and charm, and that only in "Stillicious" chocolate may one get the yeast Vitamins B and G.

No. 01398. G. Muller, trading as Rowland Weil & Co., 135 Bergen Avenue, Jersey City, N. J., will ban advertisements to the effect that its "Mullax Tablets" are a competent treatment or remedy for constipation, unless this representation is confined to the relief of temporary constipation. Among other assertions to be discontinued in the respondent's advertising are that the preparation is a tonic or vegetable product and that it has any effect on intestinal muscles.

No. 2521. I. Teich and A. Makower, trading as Tee and Emm Knitting Mills, 32 Orchard Street, New York City, have been ordered to discontinue representing that they manufacture the knitted goods they sell in interstate commerce.

Use by the respondents of the words "Knitting Mills," "Mills" or "Manufacturers" in their trade name, on letterheads, labels, invoices, or in any other manner, to represent that they own or operate a factory or mill in which their products are knitted or manufactured, is prohibited under the order to cease and desist.

No. 2684. The K-W Graphite Corporation, of 3246 Holmes St., Kansas City, Mo., has been ordered to cease and desist from misrepresentations in the sale of motor oil.

Among the representations to be discontinued are that "K-W Motor Graphite" increases motor life and efficiency by any specific percentage; that motors in which it is used require less gasoline than those in which it is not used; and that use of this substance reduces friction by any stated percentage.

The respondent company is also ordered to stop alleging that only one oil change in each 3,000 miles or any specified mileage is necessary when K-W Graphite is used, and that its use effects any definite saving on oil bills.

The respondent's product is described as a concentrated solution of oil and graphite, used for addition to fuels and crank-case oils for combustion engines and machinery.

FTC DISMISSES COMPLAINT

No. 2547. The Federal Trade Commission has dismissed a complaint alleging unfair competition on the part of Harold C., Ellen J., and Louis E. Brooks, of Marshall, Mich., trading as Brooks Rupture Appliance Company and Brooks Appliance Company. The complaint had charged the respondents with unfair representations in the sale of an appliance sold for use in treating rupture.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, June 29

HEARING BEFORE THE BROADCAST DIVISION

Western Broadcast Company, Los Angeles, Calif.—Authority to transfer control of corporation.; 1050 kc., 50 KW, unlimited time.

Western Broadcast Company, Los Angeles, Calif.—Renewal of license; 1050 kc., 50 KW, unlimited time.

HEARING BEFORE AN EXAMINER (Broadcast)

NEW—Eastern States Broadcasting Corp., Bridgeton, N. J.—C. P., 1210 kc., 100 watts, daytime.

WJAC—WJAC, Inc., Johnstown, Pa.—C. P., 1310 kc., 100 watts, 250 watts LS, share-WFBG. Present assignment: 1310 kc., 100 watts, share-WFBG.

KYA—Hearst Radio, Inc., San Francisco, Calif.—C. P., 1230 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 1230 kc., 1 KW, unlimited time.

Tuesday, June 30

HEARING BEFORE AN EXAMINER

NEW—Power City Broadcasting Corp., Niagara Falls, N. Y.—C. P., 630 kc., 250 watts, daytime.

NEW—The Niagara Falls Gazette Publishing Co., Niagara Falls, N. Y.—C. P., 630 kc., 250 watts, daytime.

KUJ—KUJ, Inc., Walla Walla, Wash.—C. P., 1250 kc., 250 watts, unlimited time. Present assignment: 1370 kc., 100 watts, unlimited time.

KRLC—H. E. Studebaker, Lewiston, Idaho.—C. P., 1390 kc., 250 watts, unlimited time. Present assignment: 1420 kc., 100 watts, unlimited time.

NEW—Donald A. Wike and H. E. Studebaker, d/b as Wike & Studebaker, Baker, Ore.—C. P., 1370 kc., 100 watts, 250 watts LS, unlimited time.

NEW—Comer Thomas, Bellingham, Wash.—C. P., 1420 kc., 100 watts, unlimited time.

WCBD—WCBD, Inc., Waukegan, Ill.—Authority to transfer control of corporation; 1080 kc., 5 KW, limited time, S-WMBI.

WCBD—WCBD, Inc., Waukegan, Ill.—Modification of license to move studio; 1080 kc., 5 KW, limited time.

Wednesday, July 1

HEARING BEFORE AN EXAMINER (Broadcast)

NEW—The Tribune Co., Tampa, Fla.—C. P., 550 kc., 1 KW, 5 KW LS, unlimited.

APPLICATIONS GRANTED

WMIN—Edward Hoffman, St. Paul, Minn.—Granted modification of C. P. authorizing change in type of equipment to be installed and approval of transmitter location.

WJDX—Lamar Life Ins. Co., Jackson, Miss.—Granted authority to determine operating power by direct measurement of antenna input in compliance with terms of Rule 137.

WSPR—Quincy A. Brackett, Lewis B. Breed and Edmund A. LaPorte, co-partners, d/b as Conn. Valley Broadcasting Co., Springfield, Mass.—Granted license to cover C. P. authorizing erection of new station, 1140 kc., 500 watts, limited time.

WHIS—Daily Telegraph Printing Co., Bluefield, W. Va.—Granted modification of license to increase power from 250 watts night, 500 watts day, to 500 watts night, 1 KW day.

KCMO—Lester E. Cox, Thomas L. Evans and C. C. Payne, Kansas City, Mo.—Granted modification of license to move studio locally, change hours of operation from specified to unlimited.

WDNC—Durham Radio Corp., Durham, N. C.—Granted consent to transfer of control of Durham Radio Corp. from the present stockholders to The Durham Herald Company; 1500 kc., 100 watts, unlimited time.

WDBJ—Times-World Corp., Roanoke, Va.—Granted consent to transfer of control of the Times-World Corp., a newspaper organization and licensee of station WDBJ, from J. B. Fishburn to various members of his family.

WMEX—The Northern Corp., Boston, Mass.—Granted renewal of license for the period ending January 1, 1937; 1500 kc., 100 watts night, 250 watts day, unlimited.

KDB—Santa Barbara Broadcasters, Ltd., Santa Barbara, Calif.—Granted renewal of license for period ending January 1, 1937; 1500 kc., 100 watts, unlimited time.

KSLM—Oregon Radio, Inc., Salem, Ore.—Granted renewal of license, 1370 kc., 100 watts, unlimited time, for period ending January 1, 1937.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Granted renewal of license, 1210 kc., 100 watts daytime, for period ending 12-1-36.

KGFF—KGFF Broadcasting Co., Inc., Shawnee, Okla.—Granted modification of C. P. to make changes in equipment and approval of new transmitter site and antenna system. Also to extend completion date from June 29 to August 29, 1936.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Granted modification of C. P. to install new equipment and extend completion date from August 10, 1936, to 120 days thereafter.

WAYX—E. F. Sapp and S. F. Sapp, d/b as Waycross Broadcasting Co., Waycross, Ga.—Granted modification of C. P. approving radiator transmitter and studio sites and equipment.

WEEI—The Edison Electric Illuminating Co. of Boston, Boston, Mass.—Granted consent to voluntary assignment of license from The Edison Electric Illuminating Co. of Boston to WEEI Broadcasting Corp.

KOB—New Mexico College of Agriculture and Mechanic Arts, Albuquerque, N. Mex.—Granted consent to voluntary assignment of license from New Mexico College of Agriculture and Mechanic Arts to the Albuquerque Broadcasting Co.

KFRU—KFRU, Inc., Columbia, Mo.—Granted consent to the transfer of control of corporation from Luther L. Hill to Star Times Publishing Company.

SET FOR HEARING

WJAS—Pittsburgh Radio Supply House, Pittsburgh, Pa.—Application for modification of license to increase power from 1 KW night, 5 KW day, to 5 KW, unlimited time. (To be heard by Broadcast Division.)

NEW—Old Colony Broadcasting Corp., Brockton, Mass.—Application for C. P. for new station, 680 kc., 250 watts daytime, time to be determined.

NEW—Amended to read: Voice of Corsicana Assn., Corsicana, Tex.—Application for C. P. amended to read: 1310 kc., 100 watts, daytime only.

NEW—Chauncey W. Hammond, Oakland, Calif.—Application for C. P., 1280 kc., 500 watts night, 1 KW day, unlimited time, site to be determined.

NEW—Harry G. Kipke, Ann Arbor, Mich.—Application for C. P. for new station, 630 kc., 500 watts, daytime only, site and type of antenna to be determined.

NEW—R. E. Chinn, Moorhead, Minn.—Application for C. P. for new station, 1500 kc., 100 watts, unlimited time, site to be determined.

NEW—Amended to read: Dallas Broadcasting Co., Dallas, Tex.—Application for C. P., 1500 kc., 100 watts, daytime only, site to be determined.

NEW—New England Radio Corp., Bridgeport, Conn.—Application for C. P. amended to read: 1420 kc., 100 watts, daytime only, site to be determined.

WHAT—Independence Broadcasting Co., Inc., Philadelphia, Pa.—Amended to read: C. P. requesting approval of new transmitter site; make changes in equipment; change frequency from 1310 kc. to 1220 kc.; increase power from 100 watts to 1 KW; and increase operating time from sharing with WTEL to unlimited, using directional antenna system.

APPLICATION DISMISSED

The following application, heretofore set for hearing, was dismissed at request of applicant:

NEW—George F. Bissell, Pittsfield, Mass.—C. P. for new station, 1200 kc., 100 watts, daytime.

APPLICATION DENIED

The following application, heretofore set for hearing, was denied as in cases of default for failure to file an appearance and statement of facts in accordance with Rule 104.6(c):

NEW—John Perkins Rabb, Lenoir, N. C.—C. P. for new station, 1370 kc., 100 watts, daytime.

ACTION ON EXAMINERS' REPORTS

NEW—Ex. Rep. No. 1-68: George B. Bairey, Valley City, N. Dak.—Granted C. P. for new broadcast station to operate on 1500 kc., 100 watts, unlimited time. Examiner M. H. Dalberg sustained. Order effective July 14, 1936.

KVI—Ex. Rep. No. 1-210: Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—Granted C. P. to move transmitter location; install new equipment; and increase power from 1 KW to 1 KW night, 5 KW day; 570 kc., unlimited time. Examiner R. L. Walker reversed. Order effective July 7, 1936.

WSBM—WSBM, Inc., New Orleans, La.—Granted renewal of license, 1320 kc., 500 watts night, 1 KW day, unlimited time. Examiner Geo. H. Hill sustained. Order effective July 7, 1936.

MISCELLANEOUS

WMT—Iowa Broadcasting Co., Cedar Rapids, Iowa.—Reconsidered and granted application for C. P. to make changes in equipment and increase day power from 2½ to 5 KW.

National Television Corp., New York City.—Denied petition asking Commission to grant special temporary use of the frequency band 2000 to 2100 kc. for period ending July 1, 1936, for television demonstration.

KOB—New Mexico College of Agriculture and Mechanic Arts, Albuquerque, N. Mex.—Granted application for renewal of license and for the assignment of the license to Albuquerque Broadcasting Co., of which T. M. Pepperdy holds all the stock.

KOL—Seattle Broadcasting Co., Seattle, Wash.—Reconsidered and granted application for increase of day power to 5 KW.

Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Granted petition for rehearing of application to construct new broadcast station at Hammond, Ind., to operate on 1480 kc., 5 KW daytime. Denied petition to amend the application in respect to the site and antenna system.

KROW—Educational Broadcasting Corp., Oakland, Calif.—Denied petition to intervene at hearing of application of Earl Yates for C. P. for new broadcast station at Las Cruces, N. Mex., to operate on 930 kc., 1 KW LS.

KIT—Carl E. Haymond, Yakima, Wash.—Denied petition for continuance of hearing of application of KUJ, Walla Walla, Wash., for C. P. to operate on frequency 1250 kc., 250 watts, unlimited time.

NEW—Great Western Broadcasting Assn., Inc., Logan, Utah.—Accepted answer to the appearance and statement of facts filed by Cache Valley Broadcasting Co., Logan, Utah., in re application for new station at Logan to operate on 1200 kc., 100 watts, unlimited time.

KRSC—Radio Sales Corp., Seattle, Wash.—Granted application to increase its power from 100 watts to 250 watts and to operate unlimited time. Reconsidered action of April 3, 1936.

WBCM—James E. Davidson, Bay City, Mich.—Granted request to file brief in opposition to applications of the Saginaw Broadcasting Co. for authority to construct new broadcasting stations at Saginaw, one to operate on 950 kc., 500 watts, day only, the other on 1200 kc., 100 watts night, 250 watts day.

WHDL—Olean Broadcasting Co., Olean, N. Y.—Reconsidered and granted without hearing application for the transfer of the control of station WHDL to the Olean Times Herald. This station operates on 1420 kc., 100 watts day.

NEW—Harold Johnson and Leland M. Perry, d/b as Johnson & Perry, Cedar City, Utah.—Denied petition asking application for a permit for new broadcasting station at Cedar City, Utah, be granted without a hearing. Also denied request for a continuance of hearing to July 25 and request to take depositions in re application.

APPLICATIONS RECEIVED

First Zone

WGR—Buffalo Broadcasting Corp., Buffalo, N. Y.—Construction 550 permit to install new transmitter and antenna and increase power from 1 KW to 1 KW night, 5 KW day.

WEEL—The Edison Electric Illuminating Co. of Boston, Boston, 590 Mass.—Construction permit to install a new transmitter and directional antenna for day and night; increase power from 1 KW to 1 KW night, 5 KW day; move transmitter from Bridge St., Weymouth, Mass., to Mystic Valley Parkway, Medford, Mass.

WTBO—Associated Broadcasting Corp., Cumberland, Md.—Modification of license to change hours of operation from day-time until sunset at Dallas, Tex., to unlimited time, using 800 250 watts power.

WJAR—The Outlet Co., Providence, R. I.—License to cover construction permit (B1-P-333) as modified for changes in equipment, move of transmitter, and increase in power, using directional antenna. Amended re equipment. 890

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Extension 1060 of special experimental authorization to change hours of operation from share with WTIC to daily simultaneous operation on 1060 kc. with KTHS, from 6 a. m. to local sunset at Hot Springs, Ark.; from local sunset to 9 p. m., operate unlimited time on 1060 kc.; from 9 p. m. on will synchronize with WJZ on 760 kc., with power of 2½ KW, using directional antenna, until end of license period from 8-1-36 to 2-1-37.

NEW—Albert O. Fenyvessy, Rochester, N. Y.—Construction permit for a new station to be operated on 1210 kc., 100 watts, daytime. Amended re antenna and to request facilities of WSAY. 1210

WCAD—St. Lawrence University, Canton, N. J.—Voluntary assignment of license from St. Lawrence University to The Brockway Co. 1220

NEW—Clarence C. Dill, Washington, D. C.—Construction permit for a new station on 1310 kc., 100 watts, unlimited, facilities WOL if WOL is granted 1230 kc. Amended: Transmitter site to be determined. 1310

WABY—Adirondack Broadcasting Co., Inc., Albany, N. Y.—Construction permit to install a new transmitter; erect a vertical antenna; increase power from 100 watts to 100 watts, 250 watts day; move transmitter from Strand Theatre Bldg., 110 N. Pearl St., Albany, N. Y., to Baintree and Newton Sts., 500 N. of Albany City line, Colonie, N. Y.; and studio from Strand Theatre Bldg., 110 N. Pearl Street, Albany, N. Y., to 87 State Street, Albany, N. Y. 1370

WNLC—Thames Broadcasting Corp., New London, Conn.—Modification of construction permit (B1-P-549) to make changes in authorized equipment and install a vertical antenna. 1500

WMEX—The Northern Corporation, Boston, Mass.—Construction permit to install new equipment; change frequency from 1500 kc. to 1470 kc., power from 100 watts, 250 watts day, to 5 KW day and night; and move transmitter from Powder Horn Hill, 4½ miles from center of Boston, Chelsea, Mass., to Saugus, Mass.; install directional antenna for day and night use. Amended to change requested transmitter site from Saugus, Mass., to Granite Avenue, Milton, Mass.

W2XIN—Standard Cahill Co., Inc., Portable-Mobile.—License to cover construction permit for a new general experimental station.

Second Zone

NEW—WRBC, Inc., Cleveland, Ohio.—Construction permit for 950 a new station to be operated on 950 kc., 1 KW, unlimited time. Amended to install directional antenna for day and night use; also gives transmitter and studio sites as Cleveland, Ohio (no street address).

WWSW—Walker & Downing Radio Corp., Pittsburgh, Pa.—License 1500 to cover construction permit (B2-P-922) for changes in equipment and move of transmitter.

W3XEO—WCAU Broadcasting Co., Portable-Mobile.—Construction permit for a new general experimental station to be operated on 31100, 34600, 37600, 40600 kc., 50 watts.

W3XEO—WCAU Broadcasting Co., Portable-Mobile.—License to cover above.

W8XFQ—Scranton Broadcasters, Inc., Portable.—License to cover construction permit for a new general experimental station.

Third Zone

WPTF—WPTF Radio Co., Raleigh, N. C.—Special experimental 680 authorization to operate with 5 KW power from sunset at KPO to 11 p. m., EST, using directional antenna after sunset for period to 8-1-36.

WIS—Station WIS, Inc., Columbia, S. C.—License to cover construction permit (3-P-B-3258) for move of transmitter, change in frequency, increase in power, and changes in equipment. 1010

KRGV—KRGV, Inc., Weslaco, Tex.—Authority to install automatic frequency control. 1260

KRGV—KRGV, Inc., Weslaco, Tex.—Construction permit to make changes in equipment, install new antenna, and increase power from 500 watts to 1 KW.

WDAH—Tri-State Broadcasting Co., Inc., El Paso, Tex.—Construction permit to make changes in equipment, install a vertical antenna, and move transmitter from 200 S. El Paso St., El Paso, Tex., to corner Texas and Stanton Sts., El Paso, Tex. 1310

NEW—Isadore Goldwasser, Anniston, Ala.—Construction permit for a new station to be operated on 1420 kc., 100 watts, unlimited time. Amended to change hours of operation from unlimited to daytime. 1420

KRBC—Reporter Broadcasting Co., Abilene, Tex.—Modification of construction permit (B3-P-439) for a new station, requesting changes in authorized equipment, for approval of antenna, change studio site from 151 Cypress St., Abilene, Tex., to 984 Fourth St., Abilene, Tex., and approval of transmitter site at 341 Ambler St., Abilene, Tex. 1420

NEW—C. W. Snider, Wichita Falls, Tex.—Construction permit for a new station to be operated on 1500 kc., 100 watts, unlimited time. Amended to make changes in authorized equipment and change power from 100 watts to 100 watts, 250 watts day. 1500

NEW—A. Frank Katzentine, Miami Beach, Fla.—Construction permit for a new station on 1500 kc., 100 watts, unlimited time.

W4XBW—WDOD Broadcasting Corp., Chattanooga, Tenn.—License to cover construction permit for a new general experimental station.

Fourth Zone

NEW—National Battery Broadcasting Co., St. Paul, Minn.—Construction permit for a new station to be operated on 580 kc., 1 KW power, unlimited time. 580

KFRU—KFRU, Inc., Columbia, Mo.—Authority to transfer control of corporation from Luther Hill to Star Times Publishing Co., 350 shares common stock. 630

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Extension of 770 special experimental authorization to operate synchronously with WMMB from LS at Lincoln, Nebr., to midnight, CST, from 8-1-36 to 2-1-37.

KFNF—KFNF, Inc., Shenandoah, Iowa.—Authority to determine 890 operating power by direct measurement of antenna.

KGBZ—KGBZ Broadcasting Co., York, Nebr.—Construction permit to make changes in equipment. Amended re equipment.

WCAT—South Dakota State School of Mines. Rapid City, S. Dak. 1200 —Construction permit to install a vertical antenna and move transmitter and studio 600 feet from present site, School Campus. East St. Joe Street, Rapid City, S. Dak.

KANS—Charles C. Theis, Wichita, Kans.—Modification of construction permit (B4-P-500) for a new station, requesting changes in authorized equipment, change studio site from 200 S. Broadway, Allis Hotel, Wichita, Kans., to Lassen Hotel, First and Market St., Wichita, Kans., and for approval of transmitter site at Lassen Hotel, First and Market St., Wichita, Kans.

WKBV—Knox Radio Corp., Richmond, Ind.—Modification of 1500 construction permit (B4-P-777) for move of transmitter and changes in antenna, requesting extension of completion date.

W9XIW—WCBD, Inc., Portable-Mobile.—License to cover construction permit for a new general experimental station.

Fifth Zone

KIRO—Queen City Broadcasting Co., Seattle, Wash.—Extension 650 of special experimental authorization to operate on 710 kc., 1 KW, unlimited time, for period from 8-1-35 to 2-1-37.

KFEL—Eugene P. O'Fallon, Inc., Denver, Colo.—Modification of 920 construction permit (B5-P-1107) for changes in equipment, requesting move of transmitter from 5730 West Colfax Avenue, Edgewater, Colo., to 1900 Sheridan Blvd., near Denver, Colo.

KFWB—Warner Bros. Broadcasting Corp., Hollywood, Calif.—950 Modification of construction permit (B5-P-202) for new equipment and increase in power, requesting changes in authorized equipment, approval of antenna system, and move of transmitter from 6425 Hollywood Blvd., Hollywood, Calif., to Moynier Lane and Higuera Road, Hollywood, Calif.

NEW—Peninsula Newspapers, Inc., Palo Alto, Calif.—Construction permit for a new station on 1160 kc., 500 watts power, daytime operation. Amended: Change type of equipment.

NEW—Frank F. Airey, Twisp, Wash.—Construction permit for a 1220 new station to be operated on 1220 kc., 250 watts, daytime.

KIDO—Frank L. Hill and C. G. Phillips, d/b as Boise Broadcast 1350 Station, Boise, Idaho.—Construction permit to install a new transmitter, erect a vertical antenna, and move transmitter from 1.9 miles south of Boise, Idaho, to 4½ miles northwest Boise, Idaho.

NEW—Loyal K. King, d/b as Radio & Television Research Co., 1530 Los Angeles, Calif.—Construction permit for a new experimental broadcast station to be operated on 1530 kc., 1 KW, unlimited time.

W6XKL—Nichols & Warinner, Inc., Portable-Mobile.—License to cover construction permit for a new general experimental station.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

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Testimony of James W. Baldwin, Managing Director, and Dr. Charles B. Aiken, Technical Consultant, on Behalf of the National Association of Broadcasters at the Informal Engineering Conference held by the Federal Communications Commission, June, 1936.

STATEMENT OF JAMES W. BALDWIN MANAGING DIRECTOR

Mr. Chairman and Members of the Commission:

My name is James W. Baldwin. I am Managing Director of the National Association of Broadcasters, the only national trade association in the industry. The Association comprises 396 stations of all sizes and located in every section of the country. These constitute 64 per cent of the stations now in operation and account for more than 80 per cent of the volume of business done within the industry.

Certain of our member stations have noted personal appearances and these, of course, will speak for themselves.

The broadcasters appreciate this opportunity to appear at hearings designed to develop long term planning for the most effective utilization of American radio for the social welfare. A long range viewpoint is particularly necessary now because of the impending development of new services such as facsimile and television broadcasting. In addition to their technical implications, the imminence of such services raises important economic and social questions regarding American broadcasting. These are far reaching in scope. They include not only a forward looking evaluation of the general services of broadcasting as a means of mass communication, but in addition, raise highly fundamental considerations such as the safeguarding of the free flow of ideas and information which is the cornerstone of American democracy.

My purpose today is not to consume your time with a full recital of the important social and economic services rendered by American broadcasting. The 34,000 pages of testimony and exhibits presented before this Commission in the hearings which began October 1, 1934, furnish ample data in this respect. Rather, it is my wish to present a concise but comprehensive picture of the social and economic significance of American broadcasting, to indicate the relation of these factors to the problems which the Commission is now considering and to set forth an estimation of the social and economic principles which must underlie any policy of future development; and I shall leave the technical considerations involved to another witness.

The Commission has asked for information as to "the relative social and economic importance" of broadcasting "including safety of life and protection of property factors." The first radio communication concerned itself with safety of life and protection of property at sea. With the development of aviation this was extended to the airways. Following 1920, radio was used to communicate with large masses of people simultaneously. This gave rise to radio as a means of mass communication; and in a short time broadcasting demonstrated itself to be the most important invention in this field since the printing press.

The first and controlling principle of radio regulation must always be the safeguarding of life and property. However, the highly important and, indeed, unique public service of radio broadcasting as a medium of mass communication must also be given the most careful consideration. This is all the more important because, in times of local and national emergency, a broadcasting system such as the American one, renders service in the way of safeguarding life and property which cannot be duplicated by any other means.

The best indication of the relative social and economic importance of any service is the number of people who regularly receive and utilize its benefits. On January 1, 1936, it was estimated that

22,869,000 families in the United States possessed one or more radio sets.¹ This is the most accurate measure possible of the general extent of service rendered, since the purchase of a radio set is *proof positive* of the desire and the ability to listen. There are no other reasons why a set would be purchased.

Research has shown² that there are approximately 3.3 listeners per set. On this basis, the total potential radio audience in the United States is approximately 75,500,000 persons.

Of the above number of radio families, approximately 3,000,000³ have considered the services of radio broadcasting sufficiently important to have two or more sets in their homes while nearly 3,000,000⁴ automobiles are equipped with radio sets. The total money investment represented by all of the aforementioned sets is in excess of one billion dollars.⁵

Radio is sufficiently important to the American family to have the average set utilized more than four hours daily and to cause more than three-quarters of all radio families to turn on their sets each day of the week. It also should be noted that these sets are useful enough to their owners that on the average more than 90 per cent of them are in working order at any one time.⁶

An idea of the extent to which the use of radio receiving sets has permeated American society can be secured from the following figures: number of families having radios, 22,869,000; number of families having passenger automobiles, 17,650,000;⁷ number of residence telephones, 11,000,000;⁸ number of electrically wired homes, 21,030,000.⁹ It is evident, therefore, that the possession of radio receiving sets is more widespread than is that of any other commonly accepted standard of living factor in American life.

Radio broadcasting reaches all sections of the country and serves all income groups and classes. The distribution of radio sets is continually tending to correspond more closely to the distribution of population.¹⁰

¹ Estimate of the Technical Committee appointed by the Joint Committee of the NAB, AAAA and ANA for that purpose. It comprised some of the country's leading research experts.

² The Crosby surveys, the Columbia and NBC studies, Hettinger, University of Pennsylvania.

³ Radio Today, January, 1936, p. 7.

⁴ Radio Today, January, 1936, p. 7.

⁵ Based on Radio Today figures, the average set price in 1935 was \$57. This seems high. Therefore, arbitrarily assuming an average price of \$35 we get an investment on 22,869,000 sets of \$1,010,415,000.

⁶ The Clancy's and Delancy's, CBS, November, 1934, pp. 21-27.

⁷ Total passenger car registrations, according to the National Automobile Chamber of Commerce were 22,450,000 as of January 1, 1936. The estimate of auto families is that of the R. H. Donnelly Company, long recognized as a standard source of information on this subject.

⁸ A. T. & T. estimates.

⁹ Radio Today, January, 1936.

¹⁰ Distribution of Total Population and Radio Families by Geographical Districts.

Geographical District	% Total * Population	% Radio ** Families
New England	6.6%	7.9%
Middle Atlantic States	21.3%	26.6%
East North Central States	21.4%	23.3%
West North Central States	10.8%	10.8%
South Atlantic States	11.7%	8.8% ***
East South Central States	7.5%	4.4% ***
West South Central States	9.7%	6.6% ***
Mountain States	3.0%	2.7%
Pacific States	8.0%	8.9%

* 1930 Census.

** "Lost and Found" CBS (1935) p. 7 as of January 1, 1935.

*** These sections have limited radio ownership due to limited huying power, high proportion of negroes and tenant farmers.

In 1935, 72 per cent of the families with incomes between two and three thousand dollars annually owned radios, while the proportion of radio families rose to 90 per cent in the case of those having incomes of more than \$10,000 per year.¹¹ During the same year 33.9 per cent of all farm families owned radio sets.

These few figures serve to indicate quite clearly the extent to which radio broadcasting intimately affects the lives of every class and segment of the community. This, however, is but the quantitative aspect of radio broadcasting service. The question now is, "What is the nature of the service rendered to these millions of listeners?"

Perhaps the best way to introduce this subject is to quote from the Report of the President's Research Committee on Social Trends.¹² This Committee, composed of the leading students of American social life, described the effect of radio broadcasting upon the community as follows: "certain it is that the radio tends to promote cultural levelling—residents outside of the large cities who never have seen the inside of an opera house can become familiar with the works of the masters; communities where no hall exists large enough for a symphony concert can listen to the largest orchestras of the country; and the fortunes of a negro comedy pair can provide social talk throughout the nation. Isolation of backward regions is lessened by the new agency of communication, and moreover, by short wave transmission, national as well as local isolation is broken, for events in foreign nations are thereby brought to the United States. The radio, like the newspaper, has widened the horizons of the individual, but more vitally, since it makes him an auditory participant in distant events as they transpire and communicates to him some of the emotional values that inhere in them."

The regular day-to-day service of radio broadcasting as a medium of mass communication is three-fold: to entertain, to inform, and to inspire. Broadcasting renders unique services in each of these three fields which cannot be duplicated by any other means.

Broadcasting also fulfills an important economic function. It facilitates the process of distribution through its activities as an advertising medium. Moreover, the service which it renders makes possible the existence of the radio set manufacturing industry and allied fields of business. Again in times of emergency it becomes an irreplaceable medium of immediate communication with large masses of people; as evidenced in the banking crisis of 1933 and in the floods of this past spring.

It may be said that to entertain is a principal function of radio broadcasting. It is a most worthy one. To take people out of themselves, make them forget their troubles and petty annoyances, aid them in relaxing from the strain of modern life—is a social function of first magnitude. For millions of our people radio is the only source of entertainment. Society instinctively recognizes the importance of this function, and it is not without reason that it always has given particular recognition and tribute to those who entertain it.

The information-service of radio broadcasting is highly varied. In the past several years it has become one of the services most appreciated by listeners. Broadcasting furnishes purely vocational information such as market reports. It supplements the formal instruction furnished by our school system. It has become a most important agency for the dissemination of news. It adds materially to the general cultural background of listeners. In the United States, where free competitive broadcasting exists, it has constituted an instrument of civic education unparalleled in the modern world.

Broadcasting has rendered these services to a wide variety of people. It has provided the farmer with a great deal of highly essential business information which would lose much of its value if not disseminated immediately upon receipt. Commodity prices, crop, market, weather, irrigation and similar reports are examples to point. It provides the farmer with educational material regarding new developments in agricultural methods. The appeal which radio possesses in the use of the human voice enables the presentation of this material in a much more per-

suasive and entertaining manner than possible merely in pamphlet form; so that broadcasting serves to heighten the farmer's curiosity in the various developments and to stimulate his interest in securing further information. Broadcasting also has increased the social consciousness of the farmer and has made him more aware of the problems which he faces. In a comparable degree it serves all classes of our people.

In rendering these services broadcasting has exerted an influence entirely out of proportion with the number of sets available in rural areas. This is accomplished by the gathering of groups to listen to broadcasts which are of special interest to them.¹³

Fifty years from now some social historian will probably write a learned treatise on the effect of the development of radio broadcasting upon the civic and political consciousness of the average American citizen. I do not doubt for a moment but that he will state that this constituted the major contribution on the part of radio. Free, competitive broadcasting in the United States has made radio a political forum for both local and national causes and elections. It has made one big town meeting of the American people, and has in a large measure revived that personal interest in civic problems which is so important to the successful functioning of a democracy. The immediacy of contact, dramatic power and personal appeal of radio make both issues and their pleaders live in a way which can be accomplished by no other medium. Dr. Robert M. Millikan, Chairman of the Executive Council of the California Institute of Technology, summarized the situation aptly when speaking before you at the October, 1934 educational hearing when he said, "The radio is obviously one of the great, new, unifying, educative forces which can be and which should be one of the chief factors in insuring the success of ballot governments the world over."

I have said that a function of radio is to inspire. It is necessary only to refer to the many religious broadcasts carried by all stations to indicate the service which radio is rendering in this field. Also I should mention the inspirational value of good music, good drama and high class entertainment.

Now with regard to the economic services of radio broadcasting. President Roosevelt concluded his message to the broadcasting industry at its convention at Cincinnati in 1934 with the following comment: "I am not unmindful of another benefit which radio gives all the people and to all classes of business, that is a stimulation of buying power and its assistance to commerce generally."

Last year advertisers spent approximately \$87,523,000 for broadcasting facilities alone and probably added another \$25,000,000 for talent and program material. The efficacy of radio as an advertising medium can best be judged by the fact that 1935 volume was 53.3 per cent above the estimated 1933 depression low point and that radio advertising has shown a greater relative gain from its depression low point than has any other major medium.

The use of radio as an advertising medium has resulted in several important benefits. In functioning as an advertising medium it has aided in stimulating mass production through the creation of mass demand, and as such, has assisted in maintaining and increasing employment and in facilitating the processes of commerce. Its advertising function in itself has been a constructive one; for advertising assists the public in developing new and better standards of living.

The support of radio broadcasting by advertisers also has made possible the existence of the radio set manufacturing industry. This industry, comprising several hundred manufacturers, approximately 3,500 wholesalers and nearly 30,000 retail outlets of various types,¹⁴ last year did a business estimated at \$298,600,000.¹⁵

It is estimated that the total volume of business given rise to by radio broadcasting during 1935 was \$700,000,000. This included set sales, tube replacements, electric power charges,¹⁶ repairs and service, broadcasting time sold and talent costs.

Moreover, by means of functioning as an advertising medium, broadcasting has achieved a comparatively high degree of editorial freedom; certainly more than exists in other countries of the world. And let me note specifically that freedom of the air is absolutely essential to all freedom of speech; for the freedom of the press would be materially hampered if the immediacy and

¹¹ Ownership of Radio Sets by Income Classes.

Income Class	% Families having radios	% Total Families
Over \$10,000	90%	3.6%
5—10,000	85%	10.6%
3—5,000	79%	16.7%
2—3,000	72%	30.2%
1—2,000	52%	12.1%
Total	69.4%	100.0%

* "Lost and Found" CBS, 1935, p. 11. The calculations in the second column are based upon this data plus Census of Population Information.

¹² Recent Social Trends in the United States, McGraw-Hill Company, Inc., p. 215.

¹³ "Radio and the Farmer." The Annals of the American Academy of Political and Social Science, January, 1935, pp. 142, 143; Testimony E. E. Kennedy, National Secretary of the Farmers Union before the F. C. C. October, 1934, R. p. 12, 939.

¹⁴ Paul Klugh, RMA, before FCC R., p. 12727.

¹⁵ McGraw-Hill Company.

¹⁶ Radio Today, January, 1936, p. 5.

widespread contact of broadcasting could be utilized selfishly by any political, governmental or other concentrated power.

We now come to the services rendered by broadcasting in the protection of life and property in times of emergency. A noted research organization has estimated that during one of the early broadcasts of President Roosevelt following the banking crisis of 1933, nearly 50,000,000 people were listening. During the course of several broadcasts in that troubled period, the national psychology was changed from one of confusion and fear to one of hope and enthusiasm. I frankly believe that without radio this would have been impossible.

I want to refer briefly to the floods of this last spring. The story of broadcasting stations becoming the sole source of contact between civic authorities and the citizens of numerous communities; of their acting as relays of information between families separated by the disaster; of the manner in which radio broadcasting constituted often the only source of contact with the outside world; of the service rendered in obtaining supplies for those in stricken areas; and their usefulness in giving warnings of impending danger, is more thoroughly illustrative of the part which radio can play in a great disaster than anything in the annals of the medium. Along with other radio services such as Marine, Aviation and Amateur broadcasting has earned the right to be considered as a really great means for the protection of life and property.

So much for the services of radio. The question now arises, in the words of the Commission, as to "the dependence of the service on radio rather than wire lines." There are two kinds of wire lines that can technically be used to carry radio service—the telephone lines and the power lines. Both are controlled by powerful monopolies; one of which is the subject of investigation by this Commission. To divert the service of radio broadcasting from the air to wire lines would be to deny radio service to all who are without telephones or electric lights and to subject those who do have telephones or electric lights to costs which would place wired radio service beyond the reach of the great majority. This would amount to a denial of what ought to be considered one of the necessities of life.

It must be remembered that about 75 per cent of our citizens have incomes of less than three thousand dollars per year and that 91.1 per cent have incomes less than five thousand dollars annually.¹⁷ Most people, therefore, have a limited sum of money to spend on recreation and entertainment. It is estimated that the average person having income of between one and two thousand dollars annually has 5.3 per cent of his total income available for expenditure on recreation and all forms of social activity. On a two-thousand-dollar income this would amount to \$106.00 and to \$79.00 on a \$1,500 income. In the case of families with an income of \$3,000, 7.7 per cent is available for recreation and social activity. This would allow a total of \$225 for motion pictures, books, magazines, picnics, vacations, home entertainment, church functions, club memberships, radio set operation and the like.¹⁸

Studies made by the University of California in November, 1931, indicated that for a worker with a family of five making \$1,631 a year, \$6.00 was available annually for the theatre; \$32.50 for motion pictures and other entertainment; \$6.00 for radio upkeep; \$2.00 for books and periodicals and \$9.00 for the daily newspaper; a total of \$55.50. Likewise it was estimated that a clerical worker with a family of five earning an income of \$2,175 annually had but \$76.56 available for the same items; all the rest of his income being taken for necessities of various sorts. In neither case was there any allowance made for the maintenance of an automobile.¹⁹

It is obvious that people in such circumstances can hardly afford to duplicate the varied offerings of the radio by actual attendance of the theatre, concert hall, lecture forum and similar functions or by subscribing to a large number of varied magazines. It is only logical, therefore, that the services of radio broadcasting should be such an important factor in the lives of these people and that it should render a service which for them could not be duplicated in any other way. The cost of operating a radio set is comparatively low. It is estimated that approximately \$253,000,000 was spent last year for the maintenance and operation of the 28,869,000 receiving sets in use in this country. This would average \$8.75 per set per year or two and two-fifths cents

per day.²⁰ Undoubtedly, the operation of many small sets, is considerably less than that amount.

When one considers that the usual monthly telephone service charge is \$2.50 or \$30.00 per year it is easy to see why radio set ownership exceeds residence telephones to such a great degree. It is also easy to see how wired radio cannot be expected to render service at a charge which can be met by the great majority of present-day receiving set owners, even assuming they would be willing to pay it.

Again wire lines are so often interrupted by storms, floods, fires, etc., that radio broadcasting's present value for the protection of life and property would be destroyed. Moreover, the utilization of wire lines for broadcasting into the homes would in all probability result in fewer programs of local color. This would be the natural and logical result of minimizing competition. And it would place in the hands of too few the responsibilities which accompany the rendition of a service of such great social value as that of broadcasting.

This brings us to the problem of providing additional radio broadcasting facilities which I shall divide into three parts—Aural broadcasting; facsimile broadcasting and television broadcasting.

Aural Broadcasting

Aural broadcasting is today restricted to those channels available in the frequency band beginning at 550 kc and ending with 1600 kc. A total of 654 stations (including approximately 30 construction permits) have been provided for in this band. Notwithstanding this number of stations there is a large percentage of the total area of the United States and a smaller percentage of the total population that is without consistent and reliable day and night service. Doubtless improvements can be made in the allocation of frequencies and in the location and construction of stations so as to extend existing service over greater rural areas. But any such enlarged service must be balanced against possible demands by Mexico for the exclusive use of channels now devoted primarily for broadcasting in the United States. The need for additional facilities exists and such needs are certain to grow with an expansion of broadcasting on the North American continent.

In our proposals we have named certain frequencies below 550 kc for broadcasting. Such use is in agreement with the policy of other nations of the world. The propagation characteristics of these long waves are such as would enable broadcasters to greatly improve the service in rural areas. This will be discussed in detail when we present our technical testimony. Also, in our proposals we have endeavored to provide for sound broadcasting on certain of the high frequencies. We need to know more about them before reaching final conclusions on all their characteristics. Based on the information we have, it is believed they may be utilized for local broadcasting. The specific frequencies requested have been named with the view of making maximum use of receiving sets that may be manufactured for high-frequency reception, with a minimum of interference with other services and consistently with your expressed ideas of "experimentation and evolution."

There is one difference between the proposals of the Radio Manufacturers Association and our own in this regard. We proposed that the frequencies in the bands of 36 to 38 mc and 62 to 64 mc be allocated for aural and facsimile broadcasting. Agreeably with the change which has been made in the RMA proposals, as first submitted, we will discuss when we offer our technical testimony, the feasibility of modifying our proposals so as to ask for 40 to 42 mc instead of 36 to 38 mc. The RMA propose that the frequencies 37 to 42 mc be allocated for aural broadcasting and they have objected to our proposal in respect of 62 to 64 mc because it would interrupt a continuous band for television. Our purpose in asking for the two bands are twofold: First, we do not know where long-distance interference ends. We do know, however, that the probability of troublesome long-distance interference, now or in the future, is very much less on 60 mc than on 40 mc. Adequate opportunity should be given to obtain reliable data concerning operation on the various high frequencies. Secondly, we do not consider it should be objectionable to anyone to provide for sound broadcasting in the television band. We know of no reason why the purchaser of a television set should be limited to the sound broadcasting service receivable on the television channels. Moreover, we know from experience

¹⁷ Statistics of Income for 1933, Bureau of Internal Revenue, U. S. Treasury Department, p. 6.

¹⁸ The American Consumer Market, McGraw-Hill Publishing Company, 1932.

¹⁹ Recent Social Trends, in the U. S. Report of the President's Research Committee on Social Trends. Vol. II, p. 895. McGraw-Hill Book Co., 1933.

²⁰ The dollar volume is found in Radio Today, January, 1936, having been based on the table appearing on page 5 and the chart on page 11.

that in the manufacture of receiving sets, quality of reception is often sacrificed at either end of the receiver band. It is, therefore, highly desirable that provision be made near the middle of the television band for aural broadcasting.

International Broadcasting

A word about international broadcasting. We have proposed a widening of the international bands with but one view in mind. The existing conditions are chaotic. It would seem that this country either should make provision for an international broadcasting service of the highest quality and free from interference or give it up as a bad job. A sufficient number of frequencies, the maintenance of better standards, and more effective international regulations with regard to hours of operation, we believe, can be employed to improve our commerce with the other nations of the world.

Miscellaneous Services

Our proposals also provide for the allocation of frequencies for aural, facsimile and frequency modulation, auxiliary broadcast service such as point-to-point relay for broadcasting, synchronization, mobile voice and facsimile pickup. These will be discussed in detail by another witness.

Facsimile Broadcasting

Facsimile broadcasting is an impending new service. It is a method of record broadcasting. It is a service that can be supplied through the utilization of existing broadcast frequencies and broadcast transmitters. It is our contention that all frequencies allocated for aural broadcasting should be available for facsimile broadcasting as well. There is every reason to believe that facsimile broadcasting can supplement sound broadcasting. It is an economic waste to deny the broadcasters the opportunity to develop this new service through the use of existing broadcasting facilities. Moreover, the utilization of existing broadcast facilities will permit of the kind of competition that has made American broadcasting the greatest in the world. Prevent the development of facsimile on the frequencies that are used today and tomorrow for sound broadcasting and you may guide this new service into monopolistic hands.

Television

Now as to television. Some day we will have television. I do not know when that day will be. But it will come. When

it arrives it will introduce into the American homes a most powerful instrument for good or evil. It can and probably will project the school blackboard into a majority of the homes. Who will control it? Who can control it? Who does now control it?

I appreciate we are concerned here with the technical problem of finding a place in the radio spectrum for its introduction. And we have endeavored to cooperate with other interested parties to suggest bands of frequencies which might be used for television broadcasting. The requirements for a television channel are very great. As far as we know now one television channel will require a path almost six times as wide as that now devoted to all sound broadcasting in the United States. We have been able to suggest a plan of allocation which would provide eight television channels below 100 mc. This is not enough. A great many technical considerations are involved and a discussion of these will be left to another witness.

There are, however, more than technical considerations involved here. The American Broadcasting System is a competitive system. It is a great system because it has been competitive. Men have been spurred on to present better programs and to render a greater public service. It has meant a freedom of the air unmatched anywhere in the world. And our plea today is that you allow television to develop on the same basis. Better we delay the introduction of television than, in enthusiastic haste, inaugurate it and find that through the control of patents, so powerful an instrument is in the hands of too few people. Indeed this expression is but declaratory of the spirit of the Communications Act.

Again, if television is ready to be inaugurated and if you can allocate sufficient frequencies to permit it to grow on the basis of a national competitive service then it seems to me you have a very great responsibility in determining in advance, whether for all practical purposes, the ownership of basic patents, and agreements, if any, between patentees, will permit competition in the construction of television transmitters and receiving sets. We should also know in advance what relationship, if any, may be established between the sending and receiving apparatus. Will there be freedom in the selection of receiving sets or will the use of terminal facilities be controlled in a manner comparable with the telephone? Surely everyone will agree that those who own television patents are entitled to a rich reward for their creative work, but because of the public service inherent in television, patentees should be denied the right to control its use. Keep it free from the hands of monopoly and allow it to develop only on a national competitive basis.

I thank you, Sirs, for your attention.

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STATEMENT OF DR. CHARLES B. AIKEN TECHNICAL CONSULTANT

Dr. Aiken was born in New Orleans in 1902. He has a B. S. degree from Tulane University and an M.S., M.A., and Ph.D. from Harvard. During the summers of 1918-1921 he was a radio marine operator and was assistant operator of Station WAAB, Tulane University, 1922-1923.

In 1926-1928, Dr. Aiken was engaged in the development of apparatus for geophysical exploration and in field work with Mason, Slichter and Hay at Madison, Wisconsin. He was a member of the technical staff of the Bell Telephone Laboratories from 1928 to 1935. From 1930 to 1935 he was supervisor in charge of broadcast receiver development and was also engaged in work on air-craft communication, field strength measurements, centralized radio systems, synchronized and shared channel broadcasting, television receivers, studies of the effect of receiver band width on background noise, volume compression and expansion and various special studies. He was in responsible charge in the design of the Western Electric 10a and 17a radio receivers and of the 1a, 2a and 3a centralized radio systems. He also developed a radio com-

pass for air-craft and a special laboratory model television receiver.

Early in 1934 he became Lecturer in Electrical Engineering at Columbia University. In 1935 he went to Purdue University where he is Associate Professor of electrical engineering in charge of communication and is also technical advisor to the University's broadcast station, WBAA. He obtained temporary leave of absence from the University in order to accept the NAB assignment.

Dr. Aiken is the author of papers dealing with amplifiers, detectors, frequency measurement, shared channel broadcasting, synchronized broadcasting, band width and receiver noise, and radio compass for aircraft. He is a member of the Institute of Radio Engineers, American Institute of Electrical Engineers, Phi Beta Kappa, and Sigma Xi.

SECTION A

General Discussion

It must be admitted that the present American broadcast band is overcrowded, and yet the clamor for new frequency assignments steadily increases. The public has enthusiastically supported the majority of the stations in existence, and would certainly support more. There are many rural parts of the country that need additional service, especially during the day, when signals from a distance cannot be heard. Such regions can be served only by more stations or more power, or both.

Some time ago, the Commission published tables showing the minimum separations that should be allowed between stations of various powers working on the same frequency. One of these applied to night-time operation and the other to day. We have made no exhaustive study of the technical assumptions underlying these tables, and will not, therefore, offer a conjecture as to whether they should be modified to take account of recent developments in receiver design. But it will be of interest to use these tables as an index of overcrowding.

An examination of existing frequency assignments has shown that, of 382 stations not included in the "local" classification, 182 or 47.6% are involved in violations of the minimum distances for night-time operation on the same frequency; while 60 shared channel stations violate the specifications of the day-time table. The night violations involve 38 out of a total of 83 frequencies, while those occurring during the day involve 23 channels. In compiling these figures, no stations operating outside the borders of the United States were considered, nor was the use of directive antennas taken into account. Allowance for the effect of such antennas would modify these figures to only a limited extent.

One of the results of this overcrowding is that the type of interference best described as "flutter" is extremely serious on many channels, particularly at night. In some rural areas reception, which would otherwise be satisfactory, is often entirely ruined by interference of this sort, while in others the quality of service is seriously impaired.

Overcrowding is a serious matter, not only because it tends to stop the growth of a service that has come to be regarded as a public necessity, but also because it means that if a few channels were to be lost to American broadcasting, the effects would be disastrous. That such losses may occur in the next few years seems all too likely. For some time we have been made painfully aware of the fact that certain other North American countries, particularly Mexico, regard their present frequency assignments as hopelessly inadequate and have every intention of insisting upon additional channels. This situation constitutes a very serious threat to the broadcast structure of the United States. If it is not adequately met by an expansion of the broadcast band, it may well result in aggravation of the present difficulties, and in the choking of normal and justified growth.

Another fault to be found with the present system of allocation arises from the fact that broadcasting has been forced to use certain frequencies not well suited to its needs. While aware of the technical shortcomings of these frequencies, the industry has made every effort to utilize them as fully as possible, and, under direction of the Federal Communications Commission, has built up a system unequaled anywhere in the world.

Rural Coverage.—Obviously, rural areas should receive as good service as it is possible to give them. Not only the United States, but Canada and Mexico as well, contain large regions which can best be served by relatively longdistance broadcasting. It would appear therefore, that our needs for longrange transmission are better established than are those of any European nation except Russia. Although faced with the difficult problems raised by the clash of national interests, these nations have succeeded in allocating their broadcast services where they can be most effective, while

the North American nations have completely failed in efforts to secure such allocations.

Expansion of Broadcasting and Development of New Services.—A more satisfactory broadcast structure can be obtained only by the assignment of new groups of frequencies in two widely separated portions of the spectrum. One group below 550 k.c. would do much to improve rural coverage in the United States and Canada, but would be of less use to Mexico because of the relatively high noise levels in low latitudes. Other groups, in the ultra-high frequency range, would do much to improve strictly local services and to relieve serious congestion on shared channels.

Not only should provision be made for the normal growth of aural broadcasting, but it seems likely that facsimile and television must be accommodated before very long. It is at least possible that these newcomers to the broadcast field may prove extremely important, and every opportunity should be provided for experimentation and commercial growth. Should successful services be instituted, they would probably be of tremendous value to the public, and would undoubtedly be stimulants to research and to industrial activity.

General Points of View.—The testimony which is contained in the various sections of this report has been prepared on the basis of several general premises, a mention of which is appropriate at this time.

We believe that all the radio services should now adopt a long-range point of view, and, setting aside considerations of temporary expediency, should try to examine the technical possibilities for future development and growth. Certainly the difficult problems of frequency allocation, and of coordination of the conflicting demands of various services can best be solved by adherence to scientific principles, and by careful evaluation of all of the technical factors involved. Where complete technical data are lacking, as in the case of the ultra-short waves, assignments should be made with the realization that they may have to be changed. Steps should be taken to guard against premature entrenchments that might later be detrimental to the proper balance and high efficiency of all radio communication services. Wherever uncertainties exist a policy of "evolution and experimentation," which has been recommended by the Commission, seems to be the only safe and logical one to follow.

In view of the increasing need for radio channels of different kinds, and the difficulty of coordinating the requirements of the various services, it is contended that all frequency assignments should be used in a highly efficient manner. This means that apparatus capable of furnishing good service, without requiring an unnecessarily wide band, should always be employed. It also means that the minimum power to be allowed a station on a given channel should not be too small, although just what this minimum should be will vary with the frequency and the type of service. In particular, no station of low power should be allowed to occupy a channel which is especially well suited to high-power work, unless that station performs an essential service that cannot be accommodated elsewhere.

Facsimile Broadcasting.—This service requires a frequency channel having a width depending upon the speed of sending. Generally speaking, we may say that a 10 k.c. broadcast channel is entirely adequate for the transmission of facsimile signals.

It is recommended, therefore, that all frequencies which are, or will be, assigned to aural broadcasting be made available for use by facsimile. The use of existing facilities would undoubtedly aid experimentation and the development of a facsimile service for home use.

While midnight to morning would probably be best for experimenting with this new service, it seems likely that there may ultimately be occasion to alternate facsimile and aural broadcasting on some channels, or even to make the former a 24-hour service.

Television.—Should television service be established on a large scale, it would of course be a matter of great interest to the broadcasting industry. It is not within our province to consider all the problems which must be overcome before this can happen, and we shall merely assume that the Commission will try to make provision for visual broadcasting. In keeping with this assumption, we shall recommend certain frequency assignments for television and, in a later section, shall discuss some of the allocation problems which must be dealt with.

International Broadcasting.—Mr. Baldwin has already suggested that it will either be necessary to provide more frequencies for international broadcasting or to admit that the United States cannot compete in this field. The bands at present provided for this service are, as you know, quite narrow. Moreover, because of the peculiar propagation characteristics of short waves, these bands

cannot all be used at the same time with equal success. Consequently, the effective number of channels available is less than the total of assignments in the several bands.

Nor is this all. International broadcasting, by its very nature, is subject to serious long-range interference. The stations of not one, but several, nations must operate simultaneously, and hence the number of the channels available to any one country is necessarily small.

There is now wide distribution of receivers capable of bringing in short wave signals, and popular interest in international broadcasting is increasing. The service rendered to the owners of these sets is frequently spoiled by the congestion in the international bands. So active are the countries of Europe and South America in this type of broadcasting that conditions are tending to become chaotic. In fact, we understand that some South American countries are now building stations without Berne registration and without any regard for international agreements.

It is our feeling that this type of broadcasting should not be abandoned. It is of value in allowing an interchange of interesting programs between the nations of the world and in bringing into American homes reports of important foreign events. Moreover, it furnishes a means of reaching United States citizens living abroad and of giving broadcast service to our territorial possessions. If such services are to continue and are to be allowed a chance for any reasonable growth, there will have to be international agreement for widening of the existing bands. Because of the treaty relations involved, it is entirely beyond our province to suggest specific frequencies for improved allocations, and the recommendations submitted to the Commission on June 1 must be regarded as merely representative of the kind of expansion desired. The recommended bands are still none too liberal in width, and it is possible that the nations of the world may see fit to provide still more frequencies for international service.

Chart of Proposed Allocations.—As a matter of record, our proposals of June 1 are repeated here. It is recommended:

A. That frequency assignments be made as follows:

Frequency	Service
180 to 210 k.c. incl.....	Aural and Facsimile
520 to 1600 k.c. incl.....	Aural and Facsimile
25.6 to 26.6 m.c.....	Aural and Facsimile
36 to 38 m.c.....	Aural and Facsimile
38 to 56 m.c.....	Television
62 to 64 m.c.	Aural and Facsimile
64 to 94 m.c.....	Television
94 to 100 m.c.....	Aural, Facsimile, and frequency modulation
100 to 120 m.c.....	Auxiliary broadcast service such as point-to-point relay for broadcasting, synchronization, mobile voice and facsimile pickup.

B. That a minimum of 25 experimental television channels of 6 m.c. width be set aside in a manner consistent with the needs of other services beginning at about 130 m.c.

C. That the existing international broadcast bands be enlarged as follows:

6 m.c. band to .5 m.c. width
9.5 m.c. band to .3 m.c. width
11.7 m.c. band to .4 m.c. width
15.1 m.c. band to .4 m.c. width
17.75 m.c. band to .3 m.c. width
21.45 m.c. band to .3 m.c. width

As has been said, the proposals for international broadcasting are not meant to be specific, but are merely indicative of the type of allocation desired.

We must also point out that the beginning of the television band at 38 megacycles was suggested merely with the idea of providing as many bands for television as possible. It may be that the lowest channel is not desirable, in which case the aural band from 36 to 38 should be moved up so as to remain adjacent to the television band. This will be discussed in detail later. We believe that assignments above 120 megacycles should be kept flexible as long as possible, and that in providing for other services the probable requirements of television should be kept in mind.

Recommendations for frequencies for auxiliary broadcast services between 100 and 120 m.c. will be discussed in a later section.

The frequencies below 100 m.c. have been shown on the chart of Figure 1. At the lower left is a narrow line representing the proposed broadcast band of from 180 to 210 k.c. Immediately to

the right of this line is a small block extending from 520 to 1600 k.c. This latter, which is only slightly wider than the present broadcast band, shows the very small part of the spectrum below 100 m.c. which is now allocated to broadcasting. Even if the suggested ultra-high frequency bands are assigned to aural broadcasting, this service will still occupy a small percent of the total frequency range.

Our recommendations inevitably conflict with those made by Dr. Dellinger for the Government Services. It is obvious, of course, that if the latter are put into effect, the well founded needs of all the non-Government services will have to be denied to such an extent as to greatly reduce their possibilities of service. This is particularly true in the case of television. If blocks of frequencies are to be cut out of the spectrum at intervals of a few megacycles throughout the range, it will be impossible to provide a visual band wide enough to make television commercially practicable.

Everyone must realize that such mangling of the spectrum would, in a broad sense, profoundly inconvenience the people of the United States. Moreover, it would greatly curtail the research and development which would otherwise be carried on by non-Government units. The apparatus and techniques developed for industrial application are often of great use in the Government services, and if commercial development is curtailed the latter will inevitably suffer.

SECTION B

An Analysis of the Problem of Long-Wave Broadcasting in North America

The suitability of various frequencies for the different classes of radio service has long been a subject of discussion. At first, the propagation characteristics of radio waves were so little known that questions of frequency allocation were solved, in many cases, on the basis of temporary expediency or of limited experience, without reference to fundamental scientific principles.

The present allocation structure contains many weak points, due to this early distribution of frequencies, most of which could be remedied now only by a complete reshuffling of the wavelengths. This would probably be too great an undertaking, but it seems, nevertheless, that the most needed readjustments are entirely possible, and would greatly benefit the communication services of the world.

In discussing even a few of these desirable changes it will be necessary to adopt two premises, the soundness of which is believed to be obvious.

1. Services which cannot be supplied by non-radio means should receive priority of consideration consistent with their legitimate needs and with sound engineering estimates of how those needs may best be met.
2. Radio services having peculiar technical requirements should be assigned frequencies best suited to those requirements, and other services not needing these important frequencies should be allocated elsewhere. Furthermore, when assignments of particular value have been made, they should be used as efficiently as the development of the art will allow.

It is with these two premises in mind that the analysis of the problem of long-wave broadcasting has been made.

Suitability of the Various Frequencies to Broadcast Service.—The various problems of broadcast coverage have received a tremendous amount of attention from engineers and physicists the world over, and as a result a mass of information has been collected concerning the utility of the various wavelengths. The general conclusions are so well known that it seems unnecessary to deal with them in detail and we shall content ourselves with summarizing certain of the high points, and then proceeding to the development of the case for long-wave broadcasting.

The range of clear-channel stations is very long at night, and large numbers of people are able to receive such stations in their secondary coverage areas, which are reached only by sky waves. In daytime sky waves are so much weaker that secondary coverage may be regarded as non-existent. Thus, one of the records published by Norton, Kirby and Lester³⁵ on WLW shows an average daytime field strength near Washington of about 20 microvolts per meter, while at night the signal rises as high as 25 millivolts per meter.

The result of this weakening of the sky wave is that very large rural areas, which depend upon relatively distant stations for evening reception, cannot hear them at all in daylight. In fact, many

regions are without daylight service of any kind. The great use of long-wave broadcasting stations would be to furnish daytime coverage over very extended areas. Furthermore, the night-time primary service area lying within the zone of objectionable fading, is very much larger at low frequencies than it is at high.

It is well known that, for a given radiated power, the radius of ground-wave coverage decreases rapidly as the frequency is increased, and that the zone of serious fading also draws in toward the transmitter. As a convenient summary of the data relating to ground-wave coverage, there have been plotted in Figure 2 the radii of certain field strength contours as a function of frequency, for two different values of the ground conductivity. The data for these curves have been taken from the *Report of the Committee Preparing Material for Question 7 for the Fourth Meeting of the C. C. I. R.* We see that there is a tremendous change in ground-wave coverage with frequency, and it is therefore not surprising that there should be general agreement that the higher frequencies are not well suited to broadcasting, and that high power in the neighborhood of 1500 k.c. is not economically justified. The high frequencies can be used for local coverage only, and the problem of delivering a satisfactory service to large suburban regions and to rural areas can be solved only by the efficient use of longer waves.

The United States, Canada, and Mexico, are large countries having well developed needs for rural coverage. The longest waves are perhaps less interesting to Mexico, because of the high noise levels which commonly exist on the low frequencies in southern latitudes, but Canada and the northern part of the United States present coverage problems which can best be solved by the use of low-frequency broadcasting. The European countries have long recognized the advantages of such services, even though no one nation except Russia has anything like such distances to cover as are regularly met with in North America. In spite of conflicting national interests and in spite of the great value which is accorded to the military services by all European countries, their administrations have realized the tremendous importance of broadcasting and the technical value of long waves for rendering efficient service. As a result, a continent which has less need for it, has evolved a fairly satisfactory structure employing frequencies from 153 to 546 k.c., while the continent which, from the standpoint of national boundaries, geographical distances, and economic capabilities, has the most obvious need for low-frequency broadcasting stations has succeeded in acquiring none below 520 k.c. That this is an unfortunate state of affairs can hardly be denied.

In Table I is given a list of broadcast stations of the world that operate below 550 k.c. This table, which was made up from the Berne List dated March 1936, shows a total of 78 transmitters, of which 36 are in the USSR. Russia, which is also a country of vast distances, seems to have taken full advantage of the long waves for broadcasting. Of the stations listed, three are under construction, one is projected, one is provisional, and one is a Press broadcast station. Two are in Canada on frequencies of 530 and 540 k.c., while the projected unit on 520 k.c. is also to be in Canada. A station on 546.8 k.c. is located in Yucatan. Table I follows:

TABLE I
List of Broadcasting Stations Below 550 K.C.

Frequency in k.c.	Location	Power	Remarks
92.2	Prague, Czechoslovakia	1.5	Press
153	Ankara, Turkey	5	
155	Kaunas, Lithuania	7	Valstybes radiofons
160	Huizen, Holland	5	
160	Radio Romania, Roumania	150	
166	Lahti, Suomi, Finland	220	
172	Moskva Imeni, Kominierina, USSR	500	
174	Radio-Paris, France	75	
183	Reykjavik, Iceland	30.16	
185	Istanbul, Turkey	5	
187.5	Irkoutsk, USSR	20	
191	Zeesen, Germany	60	
200	Bakou, USSR	10	
200	Droitwich, England	150	
207.5	Tour Eiffel, Paris	13	
208	Minsk, USSR	35	
212.5	Warszawa Raszyn, Poland	150	
216	Motala, Sweden	150	
217.5	Novosibirsk, USSR	100	
224	Warszawa Raszyn, Uoland	500	
227	Iakoutsk, USSR	10	
230	Poland (no city specified)	150	
232	Kharkov, USSR	10	

TABLE I—Continued
List of Broadcasting Stations Below 550 K.C.

Frequency in k.c.	Location	Power	Remarks
238	Kalundborg, Denmark	60	
245	Leningrad, USSR	100	
253	Alesund, Norway	10	
256.4	Tachkent, USSR	25	
260	Oslo, Norway	60	
271	Moskva (Moscow) RCZ, USSR	100	
280	Tromso, Norway	0.1	
283	Tiflis, USSR	35	
310	Alma-Ata, USSR	10	
333.3	Achkhabad, USSR	4	
333.3	Krasnoarsk, USSR	1	
340	Igarka, USSR	2	
340	Khabarovsk, USSR	10	Under construction
340	Saratov, USSR	20	
350	Arkhangelsk, USSR	10	
350	Ouland-Oude, USSR	10	
350	Tourtkoul, USSR	2	
355	Finnmark, Norway	10.5	
355	Rostov Don, USSR	20	
359.5	Budapest, Hungary	18	
359.5	Budapest, Hungary	0.75	
364	Smolensk, USSR	2	
375	Sverdlovsk, USSR	40	
380	Erivan, USSR	10	
390	Makatch-Kala, USSR	4	
390	Oirot-Toura, USSR	1	
392	Boden, Sweden	0.6	
392	Banska Bystrica, Czechoslovakia	30	Under construction
401	Radio Geneva, Switzerland	1.25	
401	Moscow VCSPS, USSR	100	
413.5	Ostersund, Sweden	0.6	
413.5	Voronej, USSR	10	
421.3	Stalinabad, USSR	2	
422	Pinsk, Poland	20	
431	Oulu, Finland	10	Under construction
436	Oufa, USSR	10	
450	Oirot-Toura, USSR	1	
461.5	Orenbourg, USSR	1	
471.7	Omsk, USSR	1	
471.7	Syktvykar, USSR	1	
471.7	Tcheboksary, USSR	5	
517.2	Tartu, Esthonia	0.5	
519	Hamar, Norway	0.7	
520	Caron, Saskatchewan, Canada	—	Projected
522	Stalingrad, USSR	10	
527	Grenoble, PTT, France	3.5	Provisional
527	Vilipuri, Finland	10	
527	Ljubljana, Yugoslavia	5.25	
530	Kirkland Lake, Ontario, Canada	1	
531	Brzesc n/B, Poland	5	
536	Bolzano, Italy	1	
536	Wilno, Poland	50	
540	Belle Plain, Saskatchewan, Can.	1	
546	Budapest, Hungary	120	
546.8	Merida de Yucatan, Mexico	0.105	

The foregoing figures should indicate that we are far behind the European countries in long-range broadcast facilities, and it is only reasonable to feel that the United States should bend every effort toward remedying this situation.

Broadcasting at 200 k.c.—An examination of the Berne List has shown that it should be possible to locate a broadcast band extending on either side of 200 k.c. without much inconvenience to other services. That such a band would have valuable characteristics is well known, and proposals for its use in this country have been made by Wenstrom,²⁰ Gillett and Eager⁴ and others, all of whom have indicated the great possibilities of long-wave coverage. In order to see just what might be done to improve rural service in the United States, let us examine the properties of 200 k.c. waves in some detail.

Ground Wave Range—The ground wave range can be readily estimated by the use of the charts prepared by the *Committee Preparing for the Fourth Meeting of the C. C. I. R.* With the help of these charts Figures 3 and 4 have been drawn, showing the estimated three millivolt (Figure 3) and one millivolt (Figure 4) contours for stations located in various parts of the United States. It is assumed that each station radiates 1,000 k.w. at a

frequency in the vicinity of 200 k.c. The contours for stations 1, 2, and 5 have been corrected for variations in the average conductivity of the soil, while those for stations 3 and 4 are based on an assumed constant conductivity of approximately 6×10^{-14} .

Perhaps station 1 is the most interesting from the standpoint of population coverage. Based on the census of 1930, there are within the 3 mv/m contour approximately 8,000,000 families, or about 25,000,000 people. The area within the 3 millivolt limit includes a great many cities of medium to large size, among them St. Louis, Chicago, Milwaukee, Indianapolis, Detroit, Toledo, Cleveland, Columbus, Cincinnati, Dayton, Youngstown, Louisville, Nashville, Chattanooga, Charlestown, W. Va., Wheeling, Pittsburgh, and Erie, while Buffalo is just outside this contour.

As will be shown later, the three millivolt line probably represents the useful limit of satisfactory coverage in summer, because of the high noise intensities, and should also coincide roughly with the night-time limit set by fading. The field strength within the entire region bounded by this contour is sufficiently great to furnish high-grade service in the residential areas of all cities and towns lying within its borders. The provision of so high a field to override atmospheric noise would also take care of man-made interference in practically all residential zones.

The one millivolt contour includes a considerably larger area, and it cannot be denied that rural and suburban homes lying within this boundary would receive excellent daylight service in winter. In fact, it is probable that many listeners located between 100 and 150 miles beyond the one millivolt line would then find reception very satisfactory.

It is a remarkable fact that this one station could serve listeners in the country near such widely separated cities as Washington, Birmingham, Memphis, Jefferson City, Missouri, La Crosse, Wisconsin, Cheyebogan, Michigan, Oswego, New York, and Reading, Pennsylvania. And yet there is every reason to believe that this would be the case. The charts from which the contours have been computed are based on the most reliable data available and have been checked against actual measured values in many cases. As an example of such a case it may be pointed out that the field strength of WLW, as calculated from these charts, should be about 25 to 30 microvolts per meter in the vicinity of Washington. Measurements reported by Messrs. Norton, Kirby and Lester¹⁵ show a daylight field strength of approximately 20 microvolts for this station.

These same authors state that the daytime field of WLW at Washington does not change appreciably with the season of the year, although marked changes are noted at the upper end of the broadcast band. This fact appears to be due to the relative importance of sky waves at the higher frequencies and their unimportance at lower frequencies, since in the latter case the attenuation of the ground wave is much less pronounced. We may therefore take it as evident that at 200 k.c. the sky wave will be very small during daylight, as compared with the ground wave, up to distances of at least 600 miles, or beyond the range of our one millivolt contour.

Atmospheric Noise on 200 k.c.—The average noise level due to atmospherics increases at the lower frequencies. While there is not as much information available as we could wish, the measurements of Potter^{17, 18} throw a good deal of light on the question. These measurements have been checked in the broadcast band by Byrne,⁴ and through theoretical calculations by Norton. Available data have been studied by the *Committee Preparing Material for Question 9, Proposed for the Fourth Meeting of the C. C. I. R.* The charts of this Committee show that night-time noise is inversely proportional to frequency in the range from 100 to 1000 k.c., while the day-time noise varies somewhat more rapidly than the inverse square of the frequency in the same range. The noise intensity will, of course, change greatly from place to place and from time to time, but these curves may be taken as indicative of the variation with frequency at any given time and place. Curve B of the Committee's report indicates that a day-time field strength at 200 k.c. of approximately 300 μ v/m is necessary, on the average, for barely satisfactory broadcast reception, and hence a field of 3 mv/m should be entirely satisfactory under average conditions. It is for this reason that the three millivolt contour has been taken as the limit of the high-grade service area in summer.

At night, the average noise levels would be considerably higher; in fact, the Committee's curve C indicates that a field of about 6 mv/m should be required for barely satisfactory broadcast reception. However, the plotted points shown on this graph all lie below the curve; in fact, the point for 200 k.c. is at 0.5 mv/m.

Moreover, if we assume that 1 mv/m will furnish reasonably satisfactory night-time service at 600 k.c., it follows from the inverse proportionality of noise level to frequency that 3 millivolts will be satisfactory on 200 k.c. Hence, it may be questioned whether the curve is not somewhat high in this area. It is certain that during the winter 3 mv/m would furnish satisfactory reception most of the time, and that in mid-summer it would often be adequate even at 200 k.c. More extensive data on noise levels are needed.

We may assume, then, that the 3-millivolt contour will furnish satisfactory broadcast reception during most of the daylight hours throughout the year, and that the service rendered at night, while of a lower order of excellence, will nevertheless be of distinct value throughout the winter and during part of the time in summer. These arguments apply primarily to the northern part of the United States and Canada, and with less force to the southern United States.

Radius of the Fading Zone—Here again, there is need for more information, but enough material is available to show that the radius of fading-free service would be large, even at night. Let us first estimate the zone on the assumption that 200 k.c. sky waves behave in the same manner as those in the present broadcast band.

The very extensive studies of Norton, Kirby, and Lester¹⁵ show that, for distances of from about 300 to 600 miles, the maximum night field due to waves reflected from the Heaviside layer is approximately that which might be expected from the inverse distance relation; and that for 1 k.w. of radiated power the maximum night field at a distance of 400 mi. is of the order of 0.5 mv/m. An examination of the ground wave propagation charts previously referred to shows that 1 k.w. of radiated power will produce a ground wave field of only about one-fourth this value at 400 miles, and that the half-millivolt level is reached at about 215 miles. This refers to a ground conductivity of 10^{-13} . If, then, we accept this picture, we must suppose that serious fading would occur at a little over 200 miles from a transmitter located in Ohio, which is much farther than for frequencies above 550 k.c. These latter ordinarily begin to fade at distances from 20 to 100 miles.

It seems very likely that the situation on 200 k.c. is actually much better than is suggested by the above outline, since the sky wave intensity probably falls off rather sharply at frequencies as low as 200 k.c. Thus, Monroe and Green, in their studies of 200 k.c. propagation phenomena in Australia, report a value of 0.1 mv/m for 1 k.w. radiated, and point out that T. L. Eckersley found a value of 0.3 for the higher broadcast frequencies in Europe. Accepting this three-to-one ratio, but assuming the 0.5 mv/m figure as correct for 1,000 k.c. on this continent, we should have a considerable increase in the radius of the fading-free area. Thus in the Middle West, 1 k.w. of radiated power would give a field strength of 1.67 mv/m for both ground and sky waves at about 300 miles, and it is likely that this is more representative of the actual radius of the fading ring than is the 200-mile figure.

Wenstrom estimates the fading radius for "hilly to broken terrain, the general American average," to be about 330 miles. He quotes A. H. Taylor of the Naval Research Laboratory to the effect that night fading will not occur very frequently inside of 500 miles. He also makes the following interesting statement: "From another authoritative source it was learned that actual broadcast transmission on 200 k.c. in the United States has shown no pronounced fading ring within 350 miles, the limit of effective signal strength at the power employed (20 k.w.)."

During the past winter and spring, I have had occasion to make a number of night observations on Air Commerce stations operating between 200 and 300 k.c., at distances up to 250 miles. A receiver without automatic volume control was used, so that fading, had it occurred, would have been readily apparent. While no regular schedule was kept, a good many observations were made, and no case of fading can be recalled.

We must also consider the fact that fading on 200 k.c. will be much slower than at broadcast frequencies. Selective fading is always more serious when the carriers of the interfering waves are of the same magnitude and are at, or near, phase opposition. Since the sidebands may not balance out to the same degree, an effective over-modulation is produced, causing very violent distortion of the received signal. It seems likely that, when the carriers are not near to phase opposition, selective fading will produce little distortion of 200 k.c. signals.

This distortion-producing fading could occur only at those points at which the sky wave amplitude was very nearly equal to that

of the ground wave. If either component were a few d.b. larger than the other, the fading should be substantially distortionless, and could therefore be smoothed out by the use of automatic volume control in the receiver. This fact should considerably reduce the importance of fading effects and should limit the zone of destructive interference to a relatively small percentage of the total service area. Both within, and, in considerable areas, without this zone, it should be possible to get very satisfactory night-time reception.

To sum up: It would appear that the radius of destructive fading for a station located in a reasonably high conductivity area may be expected to be between 250 and 400 miles. The fading should have a long period, and selective fading should occur only in relatively limited regions.

As a result of these considerations, it may be assumed that a 200 k.c. station would serve a very large area at night as well as during the day, although the two areas might not be entirely coincident.

Blanketing Area—The blanketing area of a 1000 k.w. station on 200 k.c. would not necessarily be large insofar as reception of stations above 500 k.c. is concerned. In fact, when obsolete receiving equipment has been discarded, the blanketing area should be rather small. In order to see what may be expected, let us estimate the interfering signal that might be tolerated without resulting in objectionable cross modulation in the first R.F. amplifier of a radio receiver.

The first tube of a well designed receiver should be a variable-mu pentode having an approximately exponential characteristic of plate current versus grid voltage. Calculations of the cross modulation to be expected in an ideal tube of this sort show that an interfering voltage of 1.54 volts could be applied to the grid before the modulation of the desired signal by the interfering program would be as much as 1 percent.

The characteristics of commercial variable-mu tubes are not strictly exponential, however, but depart from this theoretical form in such a way as to increase the cross modulation. In order, therefore, to allow a factor of safety, let us assume that the interfering signal of the first amplifier tube should not be more than half a volt.

Even a badly designed receiver, tuned to a frequency above 500 k.c. should attenuate a 200 k.c. carrier at least 60 d.b., and the majority of receivers should do better than this. By attenuation is meant the ratio of the signal on the grid of the first tube to that induced in the antenna. If we assume an effective antenna height of about 3 meters, then the interfering field strength that could be tolerated would be more than 100 v/m. It is of course possible that, with so high a field, direct pickup in the other parts of the set might cause the introduction of rectified signals into the audio-amplifier, but it is reasonable to suppose that with a properly designed receiver a field of the order of 100 v/m could be tolerated. To be extremely conservative we might take 10 volts per meter as the boundary beyond which cross modulation would be negligible. With a 1000 k.w. radiated this field should occur at about seven-tenths of a mile from the antenna.

At frequencies near that of the transmitter, cross modulation would, of course, be more troublesome, although even here it would not be serious if properly designed equipment were used. It is reasonable to suppose that a listener located not far from the transmitter, and receiving a nearby frequency, would be content to use a narrow passed band with a consequent increase in selectivity.

In addition to difficulties due to cross modulation, trouble may be expected from extra-band radiation by the interfering transmitter falling within the passed band of the receiver. On adjacent channels this latter would undoubtedly be the more serious limitation. It is perhaps idle to speculate as to just what sort of extra-band field a 1000 k.w. transmitter designed for 200 k.c. operation would lay down, but it is possible that the reception of low intensity telephone signals in the next channel might be seriously affected.

In the case of broadcast reception this would not be serious, for a listener located within the 100 mv/m contour, could not reasonably expect service from other low-frequency broadcast stations more than 600 miles away. In the case of telegraph on adjacent frequencies, conditions could be improved by the use of a narrow band in the receiver. In order to eliminate interference with this latter service, it might be necessary to use a high-pass filter, or a band-rejection filter, in the transmission line feeding the antenna of the station on the upper edge of the proposed long-wave broadcast band. The one on the lower edge could, of course, receive similar treatment if required. It should then be possible to free

neighboring frequencies from any appreciable interference. While such filters would be moderately expensive, their use would doubtless be justified, and the difficulty of design might be reduced by permitting a certain amount of attenuation in the sideband adjacent to the filter cut-off frequency without causing objectionable degradation of quality.

There remains the question of interference caused by the spurious responses of superheterodyne receivers. This is hard to estimate since it is dependent upon many different factors. In the case of operation on channels near to that of the interfering station the image-frequency would be too far away to fall within the long-wave broadcast band. Consequently, spurious responses would have to be due to higher order modulation in the converter tube or to other less important factors. In the case of reception in the broadcast band it would also be impossible to get image-frequency interference, since the unwanted signal would have to be above the desired signal in frequency. It is evident then that troubles from spurious superheterodyne responses might be somewhat less pronounced than when the interfering station operates in the regular broadcast channel.

Because of the variability of these spurious responses it is impossible to predict the field strengths that can be tolerated without interference, but it is probably safe to assume that 100 to 200 mv/m would do little harm to well designed receiving equipment. This latter field would occur about 30 miles from the transmitter. Closer in, interference might be experienced when the receiver was tuned to certain frequencies, but would be absent on others. These troubles are not sufficiently serious to constitute any argument against the use of a 1000 k.w. station.

National Coverage.—The five stations indicated in Figure 2 should give satisfactory service to a large part of the United States. New England and the Atlantic seaboard in general would not receive satisfactory service from them, but it is these very regions that are already best provided with broadcast facilities, and so this should not be a serious matter.

While five frequencies would clearly be necessary for proper national coverage, only four are being requested. This is done solely with the intention of cooperating with other radio services and cannot but be regarded as a distinct concession on the part of the Broadcast Industry.

It is supposed that, should long waves be allocated to broadcasting, the first station or stations would be built at or near one of the northern sites indicated in Figure 3, since the relative freedom from atmospheric noise in the upper latitudes would make these locations more valuable. After obtaining a considerable amount of operating experience with these northern stations, it would be possible to locate one in the south to the best advantage. On the other hand, if the international situation required it, the fourth frequency might be assigned to Canada or Mexico, although it would not be well suited to the needs of the latter.

Further Comparisons of 200 k.c. with the Present Broadcast Frequencies.—In order to further emphasize the improvement in coverage that might be obtained by the use of long-wave broadcasting, the one millivolt and three millivolt contours have been drawn around the hypothetical station No. 1 for three different frequencies, a 1000 k.w. radiated power being assumed in each case. These contours are shown in Figure 5. The solid lines represent the three millivolt contours for frequencies of 1000, 600, and 200 k.c., while the dashed lines show the one millivolt contours for the same three frequencies. The region enclosed by the three millivolt line is nearly ten times as large at 200 k.c. as at 1000 k.c. Comparing the area enclosed by the one millivolt line for 1000 k.c. with that enclosed by the three millivolt line for 200 k.c. (which might be a reasonable comparison on many summer days), it is evident that the long waves will still do a better job. Even at 600 k.c. the one millivolt limit lies well within the three millivolt 200 k.c. contour.

Presumably the cost of radiating a given amount of power at 200 k.c. would differ from that at higher frequencies chiefly insofar as it was affected by the cost of the antenna system. In the existing broadcast band considerable success has been had with vertical radiators between five and six-tenths of a wavelength high, but it seems unlikely that such antennas would prove in at 200 k.c. The reduction in sky wave which can be obtained is less marked at three to four hundred miles than it is at fifty to one hundred. This is due to the fact that the difference in the vertical radiation pattern of a half wave and a quarter wave antenna is not pronounced at the rather low angles at which this long distance sky wave leaves the radiator. Consequently, the "anti-fading" characteristics of the high mast would be less marked at long wavelengths, and it is doubtful if the rather small increase that can be obtained in the ground wave could possibly justify the cost of a mast some 2400

feet high. On the other hand, a quarter-wave mast about 1200 feet high is not out of the question, and, with the steadily falling prices of such structures, should not be an undue economic burden. Its effective electrical height could be increased as much as 30 percent by loading with a capacity hat at the top, although this might not be economically justified.

Receiving Equipment.—There are in the possession of the public today a great many receivers equipped with a so-called "X" band, which covers a range of about 160 to 420 k.c. These sets could be used for tuning in long-wave broadcasting stations without any modification whatever.

Because of the high field strengths involved and the long distances to be covered, it would probably be desirable to cut off the audio program fed to the transmitters sharply at 5 k.c., thereby avoiding any sideband overlap. A coupled circuit capable of faithfully receiving an over-all band width of 10 k.c. at a mid-frequency of 200 k.c. can be readily built for use in the receiver. Design data show that a pair of circuits can be adjusted to have a peak 3 d.b. above the center of the band, a response at 5 k.c. equal to that at the center, and a discrimination against 10 k. c. of approximately 14 d.b. Under unfavorable receiving conditions the width of this filter could easily be reduced and with an over-all width of 5 k.c. the discrimination against a frequency 10 k.c. off the center of the band could be increased to about 26 d.b.

It would probably be desirable to use two such coupled circuit filters, one ahead of and one immediately following the R.F. amplifier tube. The second filter would be connected to the grid of the converter tube, and the remaining selectivity would be provided in the I.F. amplifier.

The use of an intermediate frequency of about 460 k.c. would present no serious difficulties, as is evidenced by the performance of the existing "X band" receivers.

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SECTION C

The Problem of Fitting a 200 K.C. Broadcast Band Into the Present Allocation Structure

Past suggestions regarding the allocation of certain long waves to broadcasting have not found favor, because of their failure to provide a definite plan for dealing with the services now occupying the needed channels. We have, therefore, studied the present allocations with a view to developing a plan which would cause a minimum of inconvenience to other radio services, and which would not be detrimental to safety of life and property at sea and in the air, or to national defense. We do not contend that the suggestions about to be made are the only ones for which a sound technical case can be built; in fact, four channels are certainly inadequate and are out of keeping with the requirements of extensive rural coverage. The frequencies requested have been reduced to four with full realization that we are thereby permanently penalizing the development of long-wave broadcasting by making it impossible for this country ever to have a long-wave system comparable with that of Europe or sufficient for the well understood needs of rural United States and Canada. Our reasons for this sacrifice are based entirely on a desire to cooperate with the other services which must use the low frequencies, particularly the military branches and the commercial air groups. We have not attempted to pick the exact frequencies which would necessarily give the best balance between coverage and economic considerations, but have chosen a band which can, as we shall attempt to show, be allocated to broadcasting with little inconvenience to existing services and without detriment to their essential character.

Let us contrast this proposal with those which have been made in Europe. An article entitled "Report of the Mixed Judicial and Technical Commission of the International Broadcasting Union," which appeared in the *Journal of Radio Law*, Vol. 1, 1931, pp. 241-263, states in part:

"In evaluating the needs of the different services in regard to wavelengths, the fact must be taken into consideration that in certain circumstances a single transmitter can assure a national service capable of reaching several millions of listeners, if the transmitter has a suitable wavelength at its command. One thus reaches the conclusion that the advantage conferred upon the community by the extension of the potentialities of broadcasting is likely to surpass in weight considerably the sacrifices which might possibly result from a corresponding diminution of the bands left at the disposal of other services."

"... It would therefore seem logical to decide that, in principle, services which can employ no other means of communication should have a priority when radio-electric channels are being allocated.

"It is perfectly evident, for example, that communication with ships at sea and with aeroplanes, and the broadcasting services, should enjoy this priority.

"When two or more different services, of which none can employ any other means of communication, claim channels for radio-electric liaison, that which has the greater importance to society should have priority."

Proceeding upon these assumptions the Commission suggested the following bands of frequencies be assigned to broadcasting:

150-285 k. c.

370-460 k. c.

540-1500 k. c.

3500-4000 k. c.

A band 150 k. c. wide in the neighborhood of 17800 k. c.

Presumably because of the undeveloped state of the short-wave art, no further recommendations for aural high-frequency bands were made.

These proposals show the realization, by informed European authorities, of the needs of broadcasting and of the possibility for satisfying these needs. While the recommendations have not been adopted in toto, examination of Table I will indicate that a great deal has been gained for the broadcasting service.

The Frequency Interval from 175 to 225 k.c.—It is in this range that four broadcast channels could be placed. It is evident that

while there is more than one possible arrangement, a system of four adjacent channels would be preferable to one in which they were interlaced with other services. Therefore, we should have assignments of either 180, 190, 200, and 210 k.c., or of 190, 200, 210, and 220 k.c. Let us discuss the first case.

In studying the existing frequency assignments, use has been made of the Berne Frequency List dated March 1936, as well as of certain other documents that will be mentioned at the proper place. It is realized that some little time must have elapsed since the last registrations shown in this List were made, and that consequently the assignments in use today will differ slightly from those that we shall discuss. However, it is inevitable that such a lag should occur, and any suggestions that would have been satisfactory six to ten months ago, could be brought up to date without great modification. It is suspected that the Berne List does not contain complete data with regard to military and naval stations, but lacking better information we have to develop our suggestions on the basis of this List, and hope that secret assignments are not numerous enough to appreciably affect our analysis.

The frequency 175 k.c. is used by the International Ice Patrol in the North Atlantic, as well as by three Coast Guard stations on the Great Lakes. If a broadcast station operating on 180 k.c. were placed not far from the western edge of the United States, it would be some 3000 miles from the scene of activity of the Ice Patrol. The maximum night-field law developed by Norton, Kirby, and Lester²¹⁵ indicates a quasi-maximum intensity at this distance of about 10 microvolts per meter, for one kilowatt of radiated power. If the station actually radiated 1000 kilowatts, this would result in a field strength of approximately 320 microvolts per meter. Certainly a carrier of this magnitude should in itself cause no interference to services 5 k.c. removed.

That the presence of the side frequencies would cause a negligible amount of trouble may be seen from the following argument: If the station were continuously modulated one hundred percent with a five thousand cycle tone, an interfering field of not more than 160 microvolts per meter, maximum night-time value, would be laid down directly on the Ice Patrol frequency. However, it is well known that when a station modulates one hundred percent on peaks the average is much lower and is, in fact, nearer thirty percent. Moreover, the modulation factor of the higher frequencies is invariably far less than that of the lower. Taking these facts into account it is estimated that the interference would hardly be greater than that caused by a C. W. signal of about 25 microvolts per meter at a frequency near 175 k.c.

The foregoing is based on the assumption that the sky wave at 180 k.c. is as strong as in the existing broadcast band. As has already been pointed out, this is probably not the case, and the interference would therefore be less than that estimated above.

It is evident that effective interfering fields of only a few microvolts per meter, and intermittent in character, could hardly cause any appreciable trouble to ships receiving the Coast Guard broadcast, provided those ships were equipped with receivers having adequate selectivity.

Aside from the theoretical considerations of interference which might be caused by a station situated in the western part of the United States, we have the fact that there is a 75 k.w. broadcast station in Paris on a frequency of 174 k.c., only 1 k.c. removed from that used by the Ice Patrol. As long as this station can be tolerated it is idle to talk of possible interference by an American station on 180 k.c.

In the Executive Order of December 1935, there are listed Coast Guard stations at Wilmette, Illinois, Cleveland, Ohio, and Buffalo, New York, on 175 k.c. These stations, which are not shown on the Berne List, are presumably of low power, since they are intended for operation over the relatively short distances involved in communication on the Great Lakes, and it seems reasonable to suppose that in view of these distances, the shore stations and ships might tolerate a small amount of interference from a distant broadcast station 5 k.c. removed. If this is not so, these stations could certainly be moved to high frequencies. It does not seem that the Great Lakes services, with their limited distances of operation, can possibly have as great a need for the low frequencies as services on the oceans. Therefore, if any serious cooperative effort is made it should be possible to re-allocate certain low-power stations now occupying these channels. This would apply as well to the Great Lakes lighthouse tenders operating on 180 and 190 k.c.

There is a 2 k.w. station in southern Mexico on 176.5 k.c. and a 5 k.w. station on the same frequency in lower California. This latter would probably have to be moved by arbitration with Mexico.

There is a group of six Coastal Telegraph stations on 177 k.c. located at various points on the shores of the Great Lakes and using powers of 1 k.w. or less. Here again it is our feeling that

low-power short-range stations need not occupy valuable low frequencies, but could properly discharge their functions by operation above the broadcast band. This also applies to a 100 watt station on this wavelength located in British Columbia.

178 k.c. is assigned to the Army. This will be discussed in connection with the other Army frequencies that must be dealt with.

On 179 k.c. are two Canadian stations of 1.6 k.w. each, operated by the Department of Marine. Arbitration would be required here, but it is hard to believe that the existence of such stations could block a re-allocation which will be advantageous to Canada as well as to the United States.

There are two Canadian stations of 300 watts each on 182 k.c. operated by the Hydroelectric Power Commission, Ontario. On this same frequency is a 500 watt station in British Columbia operated by the Canadian Fishing Company. The service rendered by these low-power transmitters could certainly be carried out on other wavelengths with, possibly, an increase in power. As has been said before, such low-power operation cannot be considered an efficient use of valuable long-wave assignments. The same applies to the three point-to-point telegraph stations on this frequency located in the United States and to the Canadian station on 183 k.c. at Yakoo Bay, British Columbia.

185 k.c. is listed as a Canadian ship channel. Since it lies directly between two of the proposed broadcast assignments it might continue in partial use, especially on the eastern coast of Canada. There it would be subject to more interference than would the 175 k.c. channel, already discussed, but operation should still be possible.

185 k.c. is assigned by Executive Order to Naval coast and fixed stations. The Berne List shows one kilowatt units at Jupiter and at Key West, Florida, as well as a 200 watt transmitter at Parris Island, So. Carolina, and comments made with respect to the Canadian ship frequency apply equally to these stations. However, if there were some interference, it should be possible to move them to one or more of the following channels now assigned to the Navy: 132, 128, 115, 108, 104, 102. Key West already has an assignment on 113 k.c. and presumably the 185 k.c. channel is unnecessary. 115 k.c. is a naval assignment with no stations in the continental United States shown in the Berne List.

There are sixteen Canadian stations on 187 k.c., mostly of low power, although there is one of 2 and one of 5 kilowatts. The fact that so many of these transmitters are on the same frequency indicates that they do not operate continuously. An examination of the Berne List shows no good reason why they could not be transferred to 145 k.c., which is also a Coastal Telegraph frequency.

There is a 2.5 k.w. station in southern Mexico on 187.5 k.c. Presumably this station would not be seriously affected and would cause negligible interference in the United States.

On 190 k.c. is a fairly large group of low-power stations, none more than 300 watts, all located in Ontario, and all operated by the Hydroelectric Power Commission of Ontario. There can certainly be no justification for filling up this important frequency with a group of small stations which could be operated at almost any part of the frequency spectrum.

190 k.c. is also used by five stations of the Pennsylvania State Police, but, as these have a maximum power of 250 watts and the distances to be covered are presumably limited to those within the borders of the State, it is evident that these stations could be accommodated on the higher frequencies.

On 193 k.c. is a group of Canadian stations operated by the Department of National Defense. These will be discussed later in connection with the United States Army assignments.

The Department of Commerce Frequency List, dated February 28, 1936, and a bulletin entitled "Bureau of Air Commerce Radio Facilities and Broadcast Schedules," corrected to May 7, 1936, show that there are 20 stations engaged in aircraft services on frequencies below 230 k.c. These are listed in Table 2 below. Of these, six are low-power marker beacons of very limited range, and are therefore capable of being accommodated elsewhere without great difficulty.

TABLE II

*Bureau of Air Commerce Radio Facilities and Broadcast Schedules
Below 230 k.c. (as of February 1, 1936)*

Frequency in k.c.	Location	Power	Type
206	Las Vegas, New Mexico	—	MRLW
206	Roanoke, Virginia	.15	MRA
209	McConnellsburgh, Pa.	.15	MRL-DT
209	Saugus, California	.15	MRL-DT
209	St. Louis, Missouri	1.2	B-RLZ-DT
212-320	Adair, Iowa	.005	MT

212	Des Moines, Iowa	2.0	RA-T
212	Mercer, Pennsylvania	.5	ML-DT
212	Montezuma, Iowa	.005	MT
224	Bellefonte, Pennsylvania	1.2	BRA-DT
224	Birmingham, Alabama	1.2	BRAP-D
224-344	Brookville, Pennsylvania	.005	MT
224	Davenport, Iowa	1.2	BRA-DT
224	Livingston, Montana	.15	MRAP
224	Mt. Shasta, California	.8	RA-VT
224-260	Oceanside, California	.005	MT
224	San Diego, California	.75	RL-T
224	Sunbury, Pennsylvania	.005	MT
224	Tacoma, Washington	.15	RL
224	Woodward, Pennsylvania	.005	MT

It is realized that these aircraft stations are part of a very important service to a growing and highly essential industry, and that their contribution to the safety of life and property in the air is a most important one. We would not consider any proposal calling for the restriction of these stations, but merely suggest that a few of them might be transferred, without impairment in operating efficiency, to one or more of the following frequencies: 403, 414, 421, or 432 k.c. In order to show that such transfers would be possible let us examine conditions on these frequencies.

400 k.c. is a ship telegraph channel for ocean service, and is not used on the Great Lakes. Many of the Air Commerce stations have powers ranging from 150 down to 5 watts, and it is contended that such stations operating on 403 k.c. could be located at points not less than 600 miles from the Atlantic and Pacific coasts, without undue interference with any of the marine services. Because of the higher noise levels prevailing in the Gulf, it would seem reasonable to allow low-power stations at distances 400 miles or more from the Gulf Coast. Since 410 k.c. is used for distress and calling on the Great Lakes it might be necessary to keep 403 k.c. beacons 100 miles from their shores. From Figure 6 may be determined the area which would be available for the location of low-power Air Commerce stations under these conditions, and it will be seen to include the states of Wyoming, North Dakota, South Dakota, Nebraska, Kansas, Missouri, nearly all of Colorado, and large portions of Minnesota, Illinois, Oklahoma, Texas, New Mexico and Montana.

Let us determine the field from a 150-watt transmitter to be expected at the coast. Assuming that fifty per cent of the power supplied to the antenna is radiated, which is probably much too high an estimate, the quasi-maximum night field would be about 100 microvolts at 600 miles. Since coastal stations intended for communication with ships can gain nothing by having a high receiving efficiency in the direction of the interior, it seems only reasonable to suggest that they should use a moderate amount of directivity in their receiving antennas, and we might assume a 6 d.b. lower receiving efficiency on the inland side than on the seaward side. This would reduce the quasi-maximum night interference to 50 microvolts per meter. It is believed that such weak interference, three k.c. removed from the assigned channel, would not be objectionable, even without the use of directive antennas at the shore stations.

The antenna used on shipboard would not in general have directive receiving characteristics. However, when the ship is well out to sea, so that the signal from the coast station has fallen to about 100 microvolts, the distance from the ship to the beacon will be very much greater than 600 miles. Consequently the maximum interference to be expected would be very low, probably less than 20 microvolts per meter.

The foregoing refers to a 150-watt station. Many of the marker beacons used by the Bureau of Air Commerce are of considerably lower power and would cause negligible interference at any coastal point.

There are no North American stations in the interval between 410 and 417 k.c. On the latter frequency there are only two, one being at Yarmouth, Nova Scotia, and the other, of 100 watts power, at Cape Lazo on the western coast of Canada. Consequently, it should be possible to locate air beacons on a frequency of 414 k.c., now officially allocated to aircraft, with great advantage to the Air Commerce services, and without disadvantage to other groups.

The Frequency Allocation List shows that 421 k.c., which is suggested for air beacon service, is assigned to coastal telegraph, but actually the Berne List gives very few stations on the North American continent in the interval between 418 and 425 k.c. XAJ at Tampico, Mexico, operates at 419.58 k.c., with a power

of 1.5 k.w. This station is far enough away so that there could be no mutual interference between it and beacons operated on 421.5 k.c., especially if no such beacons were located in southern Texas. There is a 100-watt Canadian Marconi station at Grosse Isle, Quebec, which should neither interfere with beacon services nor be interfered with by air beacon operation.

There are Canadian ship stations on 423 k.c. The same remarks apply here as to the marine stations on 400 k.c.

432 k.c. has been allocated to coastal telegraph, but actually there are no stations in North America in the interval between 428 and 435 k.c., exclusive, and consequently there seems no reason why air beacons might not be advantageously located on 432 k.c. Keeping these stations 600 or more miles from the coast, it should still be possible to utilize 432, or its immediate vicinity, for certain types of coastal telegraph service.

These four frequencies of 403, 414, 421 and 432 k.c. should more than compensate for the loss of assignments below 230 k.c. and should allow room for future expansion.

In connection with the possibility of expansion, it should also be noted that there is still a good deal of room on some of the existing Air Commerce frequencies, although many are already well filled. Specifically, the relatively uncrowded frequencies, as indicated by the Frequency List of February 28, 1936, are as follows:

K.C.	Number of Stations as of February, 1936
284	5
290	4
296	2
302	3
308	5
314	2
326	5
359	4
379	3
385	5

Some of these are limited in their usefulness by being shared with various services on the coast, particularly marine beacons. However, it is obvious that there is room for a great many more low-power stations in the interior of the country.

With regard to interference by marine beacons, it is suggested that the crowding in the general vicinity of 300 k.c. might be materially reduced by moving to high frequencies all low-power marine beacons intended for operation over a range of only 15 or 20 miles. These beacons greatly congest the low frequencies along the coast, and their removal would prove a benefit to the marine services as well as to aeronautics. They might be placed next to some of the high-frequency marine bands, and could be located at, say, 2180 or 2740 k.c. Commercial radio-compasses intended for marine use at low frequencies have already been on the market for some time. At the distances involved no trouble from night error or other undesirable effects is to be anticipated.

In laying plans for possible expansion of the commercial aircraft services, it should be borne in mind that the "homing devices," or visual indicator radio compasses, that have been developed in the past few years, may well become so popular as to render unnecessary a considerable number of the radio range beacons now in existence. These compasses furnish a service which cannot be obtained from the range beacons alone, in that they permit a plane to fly directly toward any radio station, be it beacon, broadcast or otherwise, within the tuning range of the equipment. On the other hand, the range beacons lay down a few definite courses and are of little use in the sectors between them. When we consider the wide distribution and relatively high power of broadcast stations, these advantages of the "homing device" are seen to be of considerable importance. In fact, a radio guidance system for aircraft use might well be developed around the broadcast facilities. Were this done, it would probably be necessary for the stations involved to radiate a tone-modulated carrier, perferably of reduced power, during the hours that were not filled by their regular programs. The objection that broadcast stations are not always located conveniently with respect to nearby landing fields could be met by using low-power marker beacons to guide planes from the broadcast antenna to the field. Because of the extremely small power requirements of such markers, they could be duplicated, on the same frequency, at numerous points in the country. In evaluating the requirements of commercial aviation services, it is urged that these suggestions be given serious consideration.

The Army Assignments—The Army has by far the largest number of assignments in the frequency band being suggested for broadcast use. Before discussing these in detail, it may be well to list all the frequencies that are allocated to the Army by Executive Order of December 19, 1935. They are as follows:

TABLE III

Army Assignments Without Limiting Classification, and Therefore Presumably Exclusive

75, 83, 94, 100, 159, 196, 197, 198-204, 216-222, 343, 396, 428, 444, 446, 470, 480, 2604, 3497.5, 4020, 4025, 4030, 4080, 4085, 4090, 4255, 4300, 4305, 4310, 4365, 4370, 4375, 4380, 4440, 4445, 4565, 5930, 5995, 8040, 8050, 8060, 8160, 8170, 8180, 8510, 8600, 8610, 8620, 8730, 8740, 8750, 8760, 8880, 8890, 12060, 12075, 12090, 12240, 12255, 12765, 12900, 13095, 13110, 13125, 13140, 13290, 13320, 13335, 16080, 16100, 16120, 16320, 16340, 17020, 17460, 17200, 17480, 17500, 17720, 20125, 20150, 20400, 24120, 24150, 24180, 24480, 24510, 24540, 25530, 26190, 26220, 26250, 26280.
Total: 90 frequencies plus 2 low-frequency bands of 6 k.c. each.

TABLE IV

Frequencies Available for Use Provided No Interference Is Caused to Any Other Existing Service

166^f, 178^f, 1652, 1666, 1682, 1712, 2206, 2310, 2624, 2960^c, 2970^c, 2980^c, 3105, 4035, 4215, 4220, 4225, 4590, 4595, 4600, 5920^c, 5940^c, 5960^c, 6210, 6940, 9120.

Total: 26 frequencies.

Superscript c indicates that it may be used by the Army provided no interference is caused with Air Commerce Stations.

Superscript f indicates that the frequency is not to be used in the vicinity of the Great Lakes.

TABLE V

Available for Non-Government Assignments

120, 133, 454, 476, 550-1500, 2628-2632, 2708-2712, 4610, 6250, 8330.

Total: 7 frequencies plus 1 band of 950 k.c. and 2 bands of 4 k.c.

It will be noted that this classification includes almost the entire broadcast band which is open to use by the Army.

TABLE VI

Frequencies Available for Use by Government Stations Provided No Interference Is Caused to Non-Government Operation

2522, 2994, 4130^h, 4360^h, 5835^h, 5875^h.

Total: 6 frequencies.

Superscript h indicates available for use provided no interference is caused to any other existing service.

TABLE VII

Frequencies Available for Non-Government Assignments in Alaska

172, 192, 225, 272.

Total: 4 frequencies.

Evidently the Army is fairly well supplied with assignments, and it is not unreasonable to suppose that some of the stations now operating between 175 and 215 k.c. might be accommodated on other existing Army frequencies. This should be particularly true of at least some of the many 300-watt United States Army stations which appear in the Berne List. Such stations must necessarily have a very limited range and could presumably operate on shorter wavelengths.

We have proposed no broadcast station on 220 k.c., despite the fact that a fifth frequency is obviously needed for national coverage, in order that there may be a clear band available for use by the Army air services. It should be possible to accommodate the air service stations now operating on 192, 200, and 206 k.c. in this range. According to the Berne List, these three frequencies are the only ones extensively used by the Army at present. While there are no doubt many military stations which do not appear in the Berne List, some of these could be accommodated between 215 and 228 k.c., while others might be moved to Army assignments at 172, 159, 120, 94, 83, or 75 k.c.

The use of the various Army frequencies below 225 k.c., as shown by the Berne List, is summarized in the following Table.

TABLE VIII
Army Stations Below 230 K.C.

Frequency in k.c.	Number of Stations	Maximum Power in k.w.	Remarks
225	2	.1	Alaska
222	1	.3	Philippines
221	2	2.0	
220	24	2.0	19 are .3 k.w.
219	11	2.0	8 are .3 k.w.
218	2	.75	Alaska
217	6	.3	
216	3	2.0	
206	11	2.0	Only 4 in continental United States
203	1	.75	Alaska .
202	3	.3	
200	36	2.0	31 are .3 k.w.
197	1	.3	
196	1	.3	
192	20	2.0	17 are .3 k.w.
172	22	2.0	13 are .3 k.w.
159	10	2.0	
133	2	4.0	Alaska
120	1	4.0	Alaska
94	1	.5	Alaska
83	1	10.0	Seattle, Wash.
75	1	10.0	Alaska

The Canadian stations operated by the Department of National Defense on 193, 200, 207, and 214.3 k.c. would presumably have to be moved, in part, to the 215-230 k.c. band, but it is unlikely that they would cause any more interference to the United States Army stations than they do at present. In fact, it might be possible for some of these stations to operate on 175, 185, 205, or 215 k.c. without great trouble, since the distances between the interfering American broadcast stations and certain parts of Canada would be large. Similar allocations, based on wide geographical separation, might also be used by the United States Army.

In view of the foregoing analysis, it is believed that a satisfactory system can be worked out for the military services of the United States and Canada, and for the broadcasters as well, if the problem is attacked in a spirit of reasonable cooperation.

SECTION D

The Frequency Interval Just Below 550 KC

This region was intended originally as a guard band for the international calling and distress frequency of 500 k.c. A band of this width was doubtless essential in the past and a portion of it may be necessary today, but since our discussions are directed entirely toward trying to decide what should be done in the future, it is unnecessary to consider here the characteristics of present-day equipment. On the contrary, we must be free to make estimates based on performance data derived from high-grade equipment, or from sound engineering estimates of what can reasonably be done.

In order to show the lack of need for a guard band extending up to 545 k.c., let us assume that the marine transmitters of the future will be crystal-controlled. It should be evident that the use of such control would be a great benefit to all the radio services, and particularly to the marine services themselves. The chaotic conditions which exist on the marine frequencies, and which are a menace to safety at sea, could be greatly improved if all ships and shore stations used crystal-controlled C. W. or I. C. W. sets. At present, the frequency stability of many marine transmitters is so poor, and we may so unjustifiably poor, that it is essential to use receiving equipment having a very wide passed band. This wide band is ordinarily obtained not by using the best modern design which would give the maximum selectivity compatible with a specified band width, but it is often realized by using broadly tuned receivers of very inferior selectivity.

That this is the case may be seen by referring to Figures 1, 3, 4, and 6, appended to document No. 85, issued by the *Committee Studying Question 1 for the Fourth Meeting of the C. C. I. R.* The same report shows much sharper characteristics for marine receivers employing regeneration. It seems questionable whether this is the best way to get selectivity, and in any event it is not necessary to use it.

Other figures in the report show characteristics of low-frequency aircraft receivers having much greater selectivity than that of

many of the older marine sets. Still higher selectivity is often desirable in marine work, and it should probably be obtained by means of a crystal filter in the intermediate frequency amplifier, rather than by the use of regeneration, as the former would undoubtedly give more stable operation. Characteristics of a crystal filter receiver will be discussed later.

With crystal-controlled transmitters it would be possible to use receivers having adjustable band width. A superheterodyne having a crystal filter in the I. F. amplifier, could be used to cut out a vast amount of interference from other stations in the same band. The best practice in receivers used by radio amateurs is far ahead of that now ordinarily found in marine services, and has clearly demonstrated what may be done by the latter in the future. We cannot urge too strongly the advantages that would accrue to marine communication from the realization of such proposals. In order to show clearly the possibilities let us speculate on what the 500 k.c. marine picture may be in years to come.

Since a large number of ships must be simultaneously accommodated in a given area, the transmitter should obtain its carrier wave in a manner permitting the operator to tune to any frequency from 485 to 515 inclusive, with an uncertainty of much less than a kilocycle. In order to do this a master oscillator would operate with crystal-control at, say, 480 k.c. A stable low-frequency oscillator having a tuning range from 5 to 35 k.c. would furnish a tone to be mixed with the output of the crystal oscillator, the resultant difference frequency being rejected by a high-pass filter, while the sum frequency would be used to actuate the transmitter. Since a high degree of stability (in terms of actual cycles deviation) may be obtained with an oscillator of such low frequency, the radiated carrier could be held to the desired value within an error that should certainly not exceed ± 400 cycles. The nominal frequency could be shown on a calibrated dial, and two stations experiencing "jamming" could agree to shift to a part of the band which was free from interference at the time. Since the receivers would also be calibrated in kilocycles, it would be possible for one man to tune over the band until he found a clear space, and then instruct the other to tune his transmitter to that frequency.

With the short-period stability that can be had with modern design, it would be possible for the receiver, employing a crystal filter, to use a band only a few cycles wide when working with a particular station. On the other hand, when a listening watch was being kept, a substantially constant response over an interval of say 15 k.c. could be had.

The improvement in marine services which would result from the use of equipment of this type would be so great as to completely change the whole marine operating problem, since the same principles could also be applied to operation in the other bands. This would require no great complication in either transmitting or receiving equipment, but would call for separate crystals for each band.

It must be emphasized that the scheme which has been outlined would not require unreasonably expensive apparatus, nor is there anything about operation on shipboard which would prevent the realization of the suggestions which have been made. Any statements to the contrary, based on experience with the extremely crude apparatus used in the past, are simply not in keeping with facts recognized by present-day engineering.

Having the foregoing picture in mind, let us now see what might be expected in the way of interference from broadcast services on adjacent bands. Before going into this, however, we should present the proposition that, with high stability of frequency control, it would be unnecessary to use a general listening band as wide as 30 k.c. All calling could be done within ± 5 k.c. of 500 k.c., and distress calls could be transmitted squarely on the international frequency. Consequently, it should be permissible to regard 507.5 as the maximum frequency involved in general listening conditions, and 515 as the maximum to be used for working. No broadcast interference should be tolerated on 507.5 k.c., but a small amount, in certain areas near the coast, might be allowed at 515, since in these areas another working frequency could be chosen.

Figure 7 shows a selectivity curve which has been calculated from the well-known theory of tuned-coupled circuits. It will be noted that the response at 507.5 k.c. is only slightly below that at 500, while at 520 k.c. it is down 80 d.b. If there were a broadcast station on 520 k.c., it would require a field strength of 10 millivolts per meter to produce an interference equal to that caused by a one microvolt per meter signal having a frequency within the passed band. This curve has been computed on the assumption that five coupled circuit transformers are used in the receiver, a perfectly reasonable number.

When working in a congested area, a crystal filter is obviously needed. If the transmitter has satisfactory stability, the use of such a filter will often make possible long-distance working through a tremendous amount of interference. The published characteristics of a modern receiver designed for operation above 1500 k.c. show that a carrier one k.c. off tune is attenuated 26 d.b., and that 5 k.c. off tune it is down 60 d.b. This set uses a 750 k.c. I.F. amplifier. With a lower intermediate frequency slightly greater selectivity could, if desired, be obtained.

When this performance is compared with the selectivity curves of the older marine receivers, we see enormous contrast between performance standards of ten to twenty years ago and those recommended by the best modern engineering. It is on the latter that future allocation structures should be built.

In connection with these selectivity curves, it may be mentioned that there is danger, under certain circumstances, of interference resulting from cross-modulation in the first tube of the receiver. When this interference occurs, it may result in an effective two-carrier selectivity curve broader than the usual single curves which have been discussed. But, as has already been pointed out in Section B, interference due to cross-modulation falls off in proportion to the square of the field strength of the interfering transmission, and is a source of trouble only at quite high fields. With receiver inputs of a few tenths of a volt or less, disturbances of this sort can be entirely neglected.

A fifty kilowatt station located in the north-central part of the United States would lay down a quasi-maximum night field at the coast of less than onemillivolt per meter. From what has been said it should be evident that such stations could operate on frequencies of 520, 530 and 540 k.c. without in any way disturbing marine communication, provided modern equipment were used on ships and at coastal stations.

It has been claimed in the past that even though American ships were equipped with up-to-date apparatus, it would be unfair to submit foreign ships cruising near our shores to interfering fields on the low frequencies since these vessels might not be equipped with selective receivers and would therefore be placed in a hazardous position in case of emergency. This argument can be met in two ways: first, there is no reason why the development of American communication systems should be handicapped by the unwillingness of foreign operating companies to equip their ships with modern receivers; and second, there are already in existence several broadcast stations between 550 and 500 k.c. as can be seen by reference to Table I. Data on stations between 500 and 550 k.c. in possible interfering distance of the coast are shown in the following table:

Frequency in k.c.	Location	Power	Distance from Seacoast
517.2	Tartu, Esthonia	0.5	75 miles from Gulf of Finland; 80 miles from Gulf of Riga.
519	Hamar, Norway	0.7	115 miles from Skagerak; 220 miles from North Sea.
522	Stalingrad, USSR	10	266 miles from Caspian Sea; 265 miles from Sea of Azov (Gulf of Taganrov).
527	Grenoble, France	3.5	130 miles from Mediterranean.
527	Viipuri, Finland	10	On Gulf of Finland.
527	Ljubljana, Yugoslavia	5.25	45 miles from Gulf of Trieste; 45 miles from Gulf of Quarnero.
531	Brzesc, Poland	5	235 miles from Baltic Sea.
536	Wilno, Poland	50	180 miles from Baltic Sea.
536	Bolzano, Italy	1	90 miles from Adriatic.
546	Budapest, Hungary	120	290 miles from Adriatic.
546.8	Merida, Mexico	0.105	30 miles from Gulf of Mexico.

It will be seen that none of these stations are anything like as far from the coast as stations located in the north-central part of the United States would be. Thus, Budapest, on 546 k.c. with a power of 120 k.w., is capable of causing much more interference to obsolete receivers in the Adriatic than a 50 k.w. station on 540 k.c. located near St. Paul or Des Moines could cause on the Atlantic Ocean. Tartu and Hamar, although of low power, are not far from salt water and are both below 520 k.c. Stalingrad, with a

power of 10 k.w. on 522 k.c. is only 260 miles from salt water and would be more apt to cause interference with marine services than would a 10 k.w. station on 520 k.c. located at, say, Bismark, North Dakota.

Aside from the stations listed in Table IX, we must consider the use of this frequency range by Canada. There are already stations on 530 and 540 k.c. of 1 k.w. power, and another station is planned for 520 k.c. Either Canada should be allowed to employ increased power on these three frequencies, thereby making them completely useful to her as exclusive channels; or she should give up one or more of them to relatively high-power stations in the interior of the United States; or these channels should be shared with low-power American stations. It is believed that one of the first two possibilities is to be preferred to the third, since the longer waves should not be wasted on low-power (i.e., local) stations.

If the United States refuses to use the valuable properties of these frequencies, it is only a question of time before Canada, and perhaps Mexico, will either increase the power or the number of their stations operating in this band. Such action might easily subject our maritime services to interference over which the American government would have no control, and which might become much more serious than that resulting from a well engineered system of allocations laid out either for the United States alone, or for the three countries together.

Interference to Naval Services.—Assuming that long-wave broadcasting stations might be located in the interior of the country, let us see first what interference would be expected with naval aircraft services working between 500 and 550 k.c. Suppose that a transmitter radiating 50 k.w. (a station rated at 50 k.w. of course, radiates less than this amount) is situated at a distance of 1000 miles from the seacoast. The quasi-maximum night field strength would be approximately 0.7 mv/m, and hence we may say that a station supplying 50 k.w. to the antenna would lay down a quasi-maximum night field of about $\frac{1}{2}$ mv/m.

It should be possible to operate aircraft receivers on frequencies of 525, 535, and 545, and to use a total band width of about 3600 cycles, which is adequate for telephone communication. Following the reasoning before used in considering interference with 175 k.c., we are led to expect a disturbing field, due to the sidebands of the transmitter of from 30 to 100 microvolts per meter, maximum night value. However, such a field would be highly intermittent and most of the time would be considerably weaker than 30 μ v/m. It would decrease in intensity as the planes passed out to sea, or as they travelled toward the southern Atlantic and Pacific seaboard, and would, of course, be entirely absent in daylight. It is felt that such interference to the naval services would be rather mild and should be tolerable in peacetime operation. The effective interference level for C. W. transmission would be considerably less, since a much narrower receiver band could be used.

The report of the *Committee on Question 9* contains an estimate of 2240 microvolts per meter as the night field strength required for barely satisfactory aviation telephone service on 300 k.c. At 500 to 550 k.c. this figure would be lowered to about 1200 microvolts per meter, which seems quite large as compared with the estimated interfering fields of 30 to 100 microvolts. It is, of course, realized that the services affected may not be willing to accept the figures laid down by this technical committee, but they are quoted to show that low interfering fields are actually of small consequence.

It is contended, therefore, that the proposed operation of broadcasting stations would not interfere with the efficient functioning of our naval air services. Since the Army use of frequencies in this range is understood to be confined largely to communication with naval craft, it may be supposed that such use is chiefly in the coastal areas, and that, consequently, it would be affected in much the same way as the naval communications themselves.

SECTION E

The Ultra-High Frequencies

The great possibilities of ultra-high frequencies for aural and facsimile broadcasting, television, and other radio services are now generally realized, and constantly increasing technical and commercial attention is being directed toward the quasi-optical waves. The sum total of knowledge concerning the characteristics of these waves is much greater than it was a few years ago and is increasing rapidly, but every new advance creates new problems, and it cannot be denied that we should have more information before the best distribution of frequency assignments can be finally made. For this reason it is felt that growth by "evolution and experimentation," as recommended by the Commission, is vastly to be preferred to any inflexible development of an allocation structure.

At present we do not know what the best frequencies are for any given class of service. At 30 to 35 megacycles, long-distance interference is known to occur quite often, while at 50 megacycles it is very rare. On the other hand, the progress of the sun spot cycle may increase the frequency with which long-range transmission occurs, and what is now regarded, from the standpoint of practical operation, as an interference-free wavelength may be subject to serious "jamming" in a few years.

Because sky wave transmissions are returned to earth only at long distances, it does not follow that they are incapable of affecting the service area of an ultra-high frequency station. It is inevitable that listeners in suburban regions who are fortunate enough to have relatively noise-free receiving conditions will fall into the habit of using rather low field strengths; but even so, they will often get high-quality programs from their local transmitters. Long-range transmissions from stations of equal or greater power may at times be almost as strong as the local fields, and for considerable periods may make the nearby station practically useless. We are all too familiar with this unfortunate state of affairs on shared channels of the present broadcast band. An ideal broadcasting system would be free from such interference, and its relative unimportance at the very high frequencies (above 50 to 60 mc.) should be kept in mind when deciding just what bands to assign to the new broadcast service. To obtain dependable information, it will be necessary for the industry to go through a period of experiment and research, thus building up a mass of data on long-range interference, static disturbances, man-made noise, coverage and apparatus capabilities and limitations, at a number of different high frequencies.

Variation of Coverage with Frequency.—There is enough evidence on hand to show that, with a given amount of power, in a half-wave antenna or other simple structure having no horizontal directivity, the effective service area of a station goes down as the frequency is increased, although transmission over particular paths may show the reverse trend. Just how great this falling off in coverage will be is dependent upon many factors such as the height of the transmitting and receiving antennas above surrounding objects, the extent of departure from an optical path between the transmitter and receiver, and the character of the intervening land.

If the receiving antenna is not carefully located, an increase in frequency is apt to cause a greater falling off of the signal than will be the case if the antenna is properly installed. Thus there is often much more difference between the field strengths outside and inside a house at 100 megacycles than there is at 30. On the other hand, if antennas appropriate to the two wavelengths are installed on the roof and are connected with the receiver by a high-frequency transmission line, the disparity between reception on the different frequencies is less marked.

The field strength that will occur at a given distance from a transmitter is dependent upon so many factors that it is almost impossible to predict it accurately. If an optical path exists, the field is likely to be higher than if some large object, such as a hill, is interposed between the transmitter and receiver. But there are many cases in which relatively high fields occur without line-of-sight transmission while lower fields are found within full view of the sending station. The average field, taken over a reasonably large area, is not usually subject to such great variation as is the field at any given point, but even here there are many uncertainties.

In the case of transmission over flat ground, a simple theoretical argument can be developed to show that the field strength should fall off as the inverse square of the distance. This is confirmed, for average field strengths, by the studies of Burrows, Decino and Hunt in Boston,¹ which show that the average intensity of a frequency of 34.6 mc. falls off in accordance with this law in the range from one-half to ten miles. In any given area the results are, of course, greatly modified by local reflections and by shadows due to hills and high buildings.

Measurements by Jones¹³ on transmissions from the Empire State Building at 61 mc. show an average falling off approximately proportional to the inverse square of the distance over a range of some 10 to 50 miles. At 44 mc., transmitted from the same point, the law is obeyed from about 12 to 100 miles. The field strengths at short distances are much lower than might be expected due, perhaps, to the densely built-up nature of the terrain.

Somewhat less extensive measurements by Holmes and Turner¹⁰ in the Camden-Philadelphia area, indicate a somewhat less rapid attenuation at 30 mc. and a more rapid one at 100 mc. Instead of obtaining a negative slope of two from the plot of their data on logarithmic paper, they find a slope of -1.84 for the lower frequency and -2.5 for the higher. The result is that at distances of 10 miles from the transmitter, there is a tremendous difference between average field strengths laid down by the two frequencies.

As a result of the studies made by these and other workers, we are probably justified in taking the inverse of the square of the distance law as the best practical guide in estimating average coverage of reasonably level country, at distances up to about 30 miles and at a frequency range from 30 to 70 mc., or perhaps higher. In doing this we must remember that wide departures from the average are to be expected and that hills, high buildings and local absorptions will usually have a more damaging effect on frequencies in the higher part of this band.

Reduced range in built-up or hilly regions, and a greater inability to bend around small obstacles must be set against relative freedom from long-distance interference, and a decreased susceptibility to atmospheric noise. Just what the best compromise is will no doubt depend upon the location. Thus, a small city, built chiefly on one slope of a valley and having no high buildings, might be very well served by a 100 megacycle transmitter located near the top of the slope on the opposite side of the valley and employing a directional antenna to concentrate its radiation in the direction of the town. On the other hand, a city built on broken or sharply rolling land having no dominant high point would undoubtedly be much better served by a transmitter working on 40 megacycles, or on an even lower frequency.

Man-made Interference.—Man-made interference is perhaps one of the most serious problems confronting high-frequency broadcasting today. The automobile seems to be the most ubiquitous source of high-level noise, and it may be that the cooperation of automobile manufacturers will have to be enlisted if disturbances of this sort are ever to be reduced to unimportance. However, there are many other noise generators to which less attention has been paid because of the even greater trouble caused by automobiles; and if the motor vehicles are quieted, these other sources will doubtless take on added importance.

Frequently modulation systems might be an answer to the noise problem, at least in the case of television, and they should certainly be given an opportunity to show what they can do. But until the technical and economic implications of these systems are completely understood, it is essential that a full program based on amplitude modulation should receive every encouragement.

When super-regenerative receivers are used, the disturbances occurring at high frequencies are greatly reduced in effect. On the other hand, such receivers are badly adapted for use by the public, tend to have very poor selectivity, and are often the source of much trouble from reradiation. Hence, it seems unlikely that they will be of help in solving the noise problem, so far as broadcasting is concerned.

There is a possibility that types of noise-suppression circuits recently developed may be very useful in lessening the effects of high-frequency disturbances. These circuits are extremely effective in reducing ignition and similar types of noise, even in the broadcast band, and it has been observed that their efficiency of operation tends to increase with frequency, being much greater at 15 megacycles than at 1000 k.c. Just what results will be obtained at 40 to 100 megacycles cannot be accurately predicted, but it would appear that the operation will be at least as good as at 15 megacycles, and probably better.

Should this prove to be the case, the difficulties facing ultra-high frequency broadcasting, both aural and visual, will be considerably reduced, and the service range will probably be greatly increased. In fact, with a satisfactory noise suppression circuit system, the service range might often be extended considerably. Except at very long distances where transmission is due entirely to atmospheric refraction, selective interference cannot occur at these wavelengths with aural broadcasting, and is not often serious in the case of television. Consequently, if the noise problem could be reasonably well handled, automatic volume control in the receiver would take care of a considerable range of variation in field strength. There would then no longer be any temptation to use super-regenerative receivers, and stable, well designed super-heterodynes would be used instead.

Pending developments of this sort, it will probably be necessary to count on rather strong fields, of one to several millivolts per meter for high-grade reception. At least, a great many homes will require such field strengths. On the other hand, semi-rural listeners may often take advantage of low fields to a greater extent than is possible at ordinary broadcast frequencies, since there will be no appreciable trouble from natural static. We shall then have an admittedly high-grade service area of limited extent, with an outlying zone that theoretically receives no service, but in which a great deal of listening is done never-the-less.

Interference Range.—Variations in transmission efficiency are even more marked at long distances than at short, and, consequently, prediction of the interfering range is subject to greater probable errors than is that of the service range. Transmission

over paths of more than 100 miles will be greatly affected by the elevation of intervening land and often by changes in atmospheric conditions. There is, unfortunately, a considerable range of distances in which the signal is capable of causing interference but cannot possibly furnish satisfactory service. The result is then that the ratio of service area to nuisance area is apt to be small, and in thickly settled portions of the country this may prove to be a serious difficulty.

Evidently, the decision as to what should be the minimum permissible distance between two stations operating on the same frequency will depend largely upon the field strength that is to be protected from interference. In view of the troubles caused by noise, there is probably not much point in protecting field strengths of less than about 0.5 microvolts per meter. Such a field might occur at perhaps 20 miles from the transmitter, although, of course, this will vary widely with local conditions, the power radiated, antenna height, etc. If the antenna is very favorably located the field strength at 100 miles may be roughly given by the inverse square of the distance law which would in this case predict a value of 20 microvolts per meter. At longer distances the average may fall off more rapidly, due to the effect of earth curvature, although diffraction will be a counterbalancing factor. However, we must keep in mind that atmospheric refraction is sometimes the cause of very pronounced increases in signal strength at distances in excess of 100 miles and that consequently the interfering range of a station may sometimes be abnormally long.

Should the average high-frequency noise levels be appreciably lessened by the use of suppressor-circuits, or by "anti-noise campaigns," etc., field strengths below $\frac{1}{2}$ mv/m would doubtless become very useful, and listeners in suburban areas would come to depend upon fields of perhaps 50 to 100 microvolts per meter. Under these circumstances interference from nearby transmitters operating on the same frequency, would be much more annoying and it might be necessary to employ increased spacings. Only a large accumulation of operating experience can definitely show what the most satisfactory spacings are likely to be, and how they will depend upon such factors as transmitting antenna heights, local topography, and frequency. Here again it appears that assignments should be made so as to allow for final adjustments as more becomes known about the problem.

In the case of congested areas, such as those along the Atlantic seaboard between Washington and Boston, it may be necessary to duplicate assignments at rather frequent intervals, at least in the case of television. Some interference will inevitably occur and it may be necessary to educate the public into using reasonable care in the installation of receiving antennas. It has long been customary to assume that the average listener will not tolerate technical restrictions on the type or location of his antenna; but this is almost certainly a far-fetched point of view. Many listeners have put up doublet antennas and transmission lines for use with their short-wave receivers, and it would certainly be possible for the Industry to show the user of an ultra-short-wave set how he could improve reception by installing the proper antenna. Thus a horizontal doublet could in many cases be pointed so as to get rid of an interfering signal without greatly affecting reception from the desired station. For example, a listener located in Morristown, New Jersey, could easily cut out a Philadelphia program and still get excellent reception from a transmitter on Manhattan Island.

The shorter the wavelengths used, the greater will the possibility of improving reception by the use of special types of receiving antennas. Simple cardioids, and even more effective directive patterns, might be obtained by the use of inexpensive antenna arrays that could be readily installed by the average service man. It is felt that the Commission and the Industry should keep in mind the possibilities of such developments, and should take the position that the listener can reasonably be expected to cooperate in solving the problem of satisfactory ultra-high frequency service.

Spacing Between Stations Operating on the Same Frequency.—In view of the situation just outlined, it is recommended that aural broadcasting stations operating on the same frequency be separated by not less than 250 miles. Closer spacing would no doubt be possible in many cases, but since only a narrow band is required for an aural broadcast, it will be possible to accommodate a large number of stations in various parts of the country without taking up much of the available spectrum, and without reducing the separation to that at which interference is really troublesome.

In the case of television the extremely wide band width will make it essential to duplicate assignments with as small geographical separations as possible, if an adequate number of stations is to be provided. It is believed that the minimum permissible separation of two stations operating on the same frequency should be specified only tentatively, and that wherever possible local peculiarities of topography, population distribution and noise-levels, be

taken into account in deciding how closely two stations may be spaced. In any given case, it will be necessary to determine just how far from a transmitter a television station may be dependably received, and then to allocate other stations at distances sufficient to avoid interference. The dependence of range upon height of transmitting antenna is so marked that the Commission might well attempt to establish a distance table based upon such heights, but allowing for modifications that may be required by local topographic conditions. Pending the development of such a table, it would seem that spacings of not less than 150 miles would insure considerable interference-free areas around each transmitter, and yet would allow the operation of many more stations in the Atlantic seaboard area than would, for instance, spacings of 250 or 300 miles.

Taking the Empire State transmissions as an example, we should expect an antenna some 1300 feet above the ground level, supplied with 2 kw power, to lay down a field of around 20 to 100 microvolts per meter at a distance of 100 miles. At 130 miles the field would probably be not more than one-half as great, since curvature of the earth begins to be of increasing importance here. At this distance we might therefore expect a field of between 10 and 25 microvolts per meter, while that from a local transmitter 20 miles away (assuming 150 miles spacing) would be about 1 millivolt. This ratio should be adequate for most cases, but where it is not, special antenna equipment, or merely mounting the antenna on the proper face of a building, would usually clear up the difficulty. In many localities it would be impossible to obtain so lofty a point at which to install the transmitter, and hence the interfering field at 130 miles would be considerably weaker.

Widths of Channels to be Transmitted.—There is not complete agreement between radio engineers as to what constitutes the best band width for use in aural broadcasting. Recommendations have been made for the transmission and reception of frequencies up to 15000 cycles, but many engineers, and I am inclined to agree with them, believe that it is quite impossible to justify so wide a band. Many persons are relatively deaf at these frequencies, only a few instruments give off any appreciable energy above 10,000 cycles, and the use of so wide a band increases the noise output of the receiver. Moreover, the manufacture of both transmitting and receiving equipment having characteristics substantially flat up to 15,000 cycles is expensive. In the case of high-frequency apparatus the technical difficulties are somewhat reduced, but the cost of the audio-frequency amplifiers, and particularly of the loud speaker, remains high.

It is our belief that 10,000 cycles is the maximum audio band width that can be justified in a radio system, and that where frequency space is at a premium (which is not the case at ultra-high frequencies), a somewhat narrower band, extending to perhaps 7500 cycles, is sufficient.

The band that must be passed by the intermediate frequency amplifier used in a receiver is determined not only by the fidelity to be realized, but also by the frequency stability of the local oscillator. In order to take care of oscillator drift in an ultra-high frequency receiver, a very broad I. F. amplifier is often employed. While this is convenient, it should not be carried too far, and it seems likely that frequency stabilization or automatic tuning, will have to be employed in future ultra-high frequency broadcast receivers. If this is done it should be possible to use an I. F. amplifier band width of only a little more than 20 k.c. However, since it will probably be sometime before any ultra-high frequency bands assigned to aural broadcasting become seriously congested, it is recommended that a spacing between channel assignments of about 50 k.c. be adopted. This will avoid undue inconvenience in experimental work and will not place too rigorous requirements on receivers to be built in the near future. When the need arises this spacing can be cut in half.

The RMA has recommended a channel width of 6 megacycles for a combined television and voice band, and we are in agreement with this as a temporary figure. Future developments may call for either an increase or a decrease in the band width, but it would no doubt be advisable to standardize on 6 megacycles for the present.

Frequency Separation of Local Assignments.—In the case of aural broadcasting, the position may again be taken that there is no need at present for crowding stations up to the limit that is technically possible. The more closely stations in the same area are spaced, the more expensive the receiving equipment will have to be. If the recommended aural broadcast bands not less than 2 megacycles wide are adopted, it should be possible to use 200 k.c. spacings between stations separated by only a few miles. Stations farther apart, even though located in the same metropolitan area, could often be assigned to frequencies only 100 k.c. apart. Thus,

a station in Newark on 40.2 m.c. should not affect the service area of a station in Long Island City on 40.3 m.c.

In the case of television stations, the frequency separation problem is more troublesome, and will have to be treated with due regard to the various combinations of local conditions that may occur. Because of the small number of channels available, it will probably be necessary to allow operation, in the same area, on alternate channels. This will tend to make more rigorous the requirements placed upon receiving equipment, but unless some such plan is adopted there seems to be no way of furnishing even partially adequate program selections to the larger metropolitan areas. In order to make such spacings work reasonably well, the Commission might insist that some definite pattern be followed in locating the various transmitters involved. For instance, if the antennas of several stations using approximately the same power were to be located very close together, it should be possible to operate them on adjacent channels if necessary. Or again, stations located near opposite edges of a metropolitan area that is too large to be satisfactorily covered by a single station might be operated on adjacent channels. In any event, care should be exercised to see that one station is not placed a few miles from another in such a way that each exerts a blanketing action over a considerable portion of the other's service area.

In some instances it will be possible to locate a transmitter on the edge of, or outside the community to be served, and to use a directive transmitting antenna that will greatly cut down interference in the opposite direction. In this way duplication of assignments could be increased, while still allowing every station to serve important and densely settled areas. Thus a transmitter located to the southwest of Boston might operate on the same frequency as one located northeast of Providence, without mutual interference. This is an advantage of the ultra-high frequencies that cannot be matched in the ordinary broadcast band. In less extreme cases only enough directivity might be used to reduce the radiation in a relatively narrow angle.

Ultra-High Frequency Receivers.—If the public is to obtain widespread service from ultra-high frequency broadcasting, it is necessary that the economic burden resulting from the purchase of new receiving equipment shall not be too great. Television receivers will necessarily be more expensive than will those designed to handle aural broadcast only. We should look, therefore, toward the manufacture of reasonably inexpensive units capable of covering the ultra-high frequency aural bands, or of converters that will make it possible to reach these bands with an ordinary broadcast receiver. On the other hand, the general usefulness of a television receiver will undoubtedly be increased if it is made to cover the two aural bands that will, it is hoped, bracket the television range.

If frequencies up to 100 mc. are to be handled, it will undoubtedly be necessary to have either special ultra-high frequency receivers, or converter units. On the other hand, it is possible to extend the tuning range of an ordinary multi-band broadcast receiver to include aural channels in the vicinity of 40 mc.; in fact, some of the receivers now on the market go almost as high as this. Too great sharpness of tuning and rather serious drifting of the local oscillator are the outstanding faults of such receivers. If broadcast stations were segregated in a limited band it would be possible to provide the receiver with a tuning range of only slightly greater width. This could be easily done by switching out some of the stator plates of the variable condenser, and would largely do away with objectionable sharpness of tuning.

Oscillator drift is a somewhat more serious problem, but the progress which has been made with systems of so-called automatic tuning indicates that it is by no means insoluble. Another promising attack would involve the use of an oscillator stabilized against the effects of voltage fluctuation, combined with a broad band I. F. amplifier. Methods of stabilization are now well known, and many of them are inexpensive. The widening of the I. F. amplifier band could be effected by tightening the coupling between the circuits of the tuned transformers, and at the same time adding damping resistance. A decrease in sensitivity of the receiver would be entirely permissible if we made no effort to receive field strengths of less than 0.5 mv/m. Thus a transformer originally having an over-all band width of 10 k.c. could be widened to 30 k.c. with a loss in gain of about 9 d.b. A set using three I. F. transformers would usually have a high initial sensitivity and a decrease of 27 d.b. in the over-all gain should be permissible, even if we allow several d.b. more for reduction in I. F. amplification in the ultra-high frequencies. If only two I. F. transformers were used the loss in gain would, of course, be smaller.

Possibly a reduction in sensitivity as great as that involved

in the above process would not be satisfactory to all set users. Certain receiver models might therefore be provided with an extra stage of I. F. amplification, which could be switched into circuit only when the broad band was used. There are on the market today sets having an extra R. F. amplifier in the highest tuning range and this costs more than the use of an additional I. F. stage.

If ease of tuning and small oscillator drift were achieved, there would still remain troubles due to lack of image-frequency selectivity. When the frequency of an I. F. amplifier is very low as compared with the signal frequency, image interference is bound to be serious, and this would place a limit upon the usefulness of all-wave receivers. However, if local assignments were spaced by 200 k.c. the image-frequency might well be free from interference. Thus, if the I. F. amplifier were tuned to 460 k.c., the image signal would differ from the desired by 920 k.c., thereby falling 80 k.c. from a local station. Even allowing for oscillator drift and a 30 k.c. I. F. band width, there would still be a fair amount of protection against image interference. Of course this protection, which is due to the wide spacing of local stations, would not occur when the image frequency was outside of the broadcast band, and hence considerable trouble might be expected from adjacent television stations.

If only two television channels are placed below the amateur band, the tuning range of a television receiver would have to cover the interval from 42 to 100 mc. in order to include the aural bands. This is a tuning ratio of 2.38:1. On the other hand, if three television channels were provided at the low end of the range, the receiver would have to tune from 36 to 100 mc. which is a tuning range of 2.77:1. The less severe technical requirements imposed by the smaller tuning ratio constitute an argument in favor of starting the television band at 44 mc. Of course it would always be possible to cover the total range with two separate tuning bands, but this would increase the price of the receiver somewhat.

The performance of broadcast receivers has not always been entirely satisfactory at the two ends of the band. Some sets cut sidebands severely at the low-frequency end and fall off in sensitivity at the opposite end. It is hoped that television receivers will be designed so that they will perform efficiently in aural bands adjacent to the end of the television tuning range.

As indicated by Figure 1 we are asking for a voice band inside the television range, for reasons that will be discussed later. It should be pointed out here that since the aural band would be used for broadcast services, it should not be objectionable to the public to have it sandwiched in to the visual broadcast range. Moreover, efficient performance of the receiver in this band should be assured by its position between two television bands.

The problem of receiving antennas may give some trouble. Efficient reception on three aural broadcast bands could be accomplished by using three separate doublet antennas, all coupled to the same transmission line. In the case of television, however, it will be necessary to get reasonably uniform reception over a very wide band (that is from about 40 to 100 m.c.) and this may prove to be difficult. Undoubtedly a compromise between sensitivity and uniformity will have to be adopted.

Possibility of Reduction in Width of Television Channels.—When it is considered that a single television channel takes up approximately six times as much room in the spectrum as does the entire present-day broadcast band, it is evident that much thought will be given to the possibility of reducing the channel width. In the present state of the Art it is impossible to say how promising the various proposals for band width reduction are, but since we are definitely trying to look ahead it is felt that some of these proposals ought to be at least mentioned. Should any of them prove successful, the allocation difficulties of visual broadcasting might be appreciably reduced.

Single side band transmission offers one of the most obvious and attractive possibilities. If the width of the actual picture channel could be cut in half great gains would result. It would be very difficult to obtain true single sideband operation, but a system might be developed allowing the transmission of all of one sideband and a small portion of the other, thus saving very nearly the same amount of frequency space and at the same time reducing the difficulties that are met in filtering out the unwanted frequencies. Problems of picture-distortion will have to be solved in developing such a system, but it must be regarded as one of the more interesting fields for investigation.

In the case of aural broadcasting, single sideband transmission would be of very little value unless it were of the carrier-suppressed type, which requires expensive and complicated receiving equipment. In television, on the other hand, the importance of band width reduction is so great that even a carrier-transmitted

system should be very much worthwhile, and this would avoid the use of such complicated receivers.

Further information should be made available on the possibility of using interlaced scanning in such a way as to reduce the band width. Thus, if a frame frequency of 30 per second is employed it is possible to use alternate scanning so that each line is actually scanned fifteen times per second. This should give far less flicker than straight scanning at a frame-frequency of fifteen per second, but would require no greater band width. It might be possible to go even a step further and to scan only one-third of the lines in each frame, thus reducing the band width to that corresponding to ten frames per second. We hope that conclusive technical data on such arrangements will be made available.

Another possibility of saving frequency space lies in the reduction of the guard bands used in each television channel. The present proposals of the RMA call for a picture channel width of 5 mc with a guard band of practically 1 mc. Part of this guard is required by the problems involved in separating the visual and aural signals in the radio receiver. Difficulties of this sort might be avoided by transmitting all of the sound-tracks at one end of the whole television band instead of assigning each voice channel to a position immediately adjacent to the corresponding picture band. This last arrangement is, of course, desirable, since it insures the same coverage for both components of a broadcast, but it is not believed to be essential.

With the sound-tracks removed from the vicinity of the picture channel, it should be possible to practically eliminate the guard band if the proper care were taken in locating the transmitting antennas. As has already been pointed out, this might be done in such a manner that all important receiving areas would be supplied with field strengths of about the same magnitude from several stations. This would make the selectivity requirements placed on the receiver very light, and should make it possible to do away with the guard bands which have been suggested.

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SECTION F

The Proposed Ultra-High Frequency Broadcast Bands

We have seen that there are many uncertainties regarding such factors as: dependable radius of coverage of an ultra-high frequency station, variation of this radius with frequency, variation of sky wave interference with frequency and its possible modification by the sun spot cycle, the program to be adopted in combating man-made interference, the effective interfering range, and the preferred mileage separation of television stations on the same frequency. In view of these uncertainties it is strongly urged that aural broadcasting be given assignments in various parts of the ultra-high frequency spectrum, in order that full knowledge may be gained of the properties of several different bands. It is believed that only thus can we hope to have a thoroughly satisfactory high-frequency broadcast system, and that any other procedure might seriously penalize a development that should be of the greatest importance to the people of the United States.

The question as to just what bands should be assigned is inherently a difficult one. It is obvious that the needs of the country can best be served by a well-balanced growth of aural broadcasting, of television, and of certain essential non-broadcast services. There is inevitably some conflict between the needs of these three groups and in suggesting a possible allocation structure, we have attempted to recognize these needs and to allow for them.

Referring to Figure 1, the space allotted to television provides for eight channels below 100 m.c. This number is obviously insufficient for a fully developed television system, but it is unreasonable to suppose that more can be provided in the frequency range covered by the chart. No doubt these channels will have to be heavily loaded in the manner which has been outlined, and we should look forward to supplementing them, in time, with additional television assignments above 100 m.c.

The proposed television range is split by the amateur band running from 56 to 60 m.c. It is realized that the amateurs, by their long-continued and enthusiastic work in radio, have probably earned a right to some such assignment, and that the continued activity of this group is a potential asset to the military services. Consequently, no proposals are made for the shifting of this band.

It must also be pointed out that, were the 56 to 60 m.c. amateur band to be abolished, it would probably be of very little use to broadcasting, be it aural or visual. There is another amateur band from 28 to 30 m.c. and presumably there will in time be a considerable number of amateur transmitters scattered through exactly the same areas in which ultra-high frequency broadcast receivers will be used. The harmonics of these transmitters would fall squarely in the 56-60 m.c. interval, and would be a terrific nuisance to the general listener. Because of the negligible geographical separations involved, no amount of effort on the part of the amateurs could reduce the radiation to the point at which it would do no harm. It is believed that harmonics from amateur stations would cause considerably more trouble than those from commercial and government stations, because of the large number of the former and their location in exactly those areas in which general listening is done. The non-amateur transmitters, on the other hand, are often located at some distance from residential zones; not infrequently use

highly directive antennas; and, in any case, are in a better position to reduce their harmonic radiation when local conditions make it necessary.

Not only would second harmonics of the 28 to 30 m.c. sending sets be troublesome, but harmonics from the lower frequency amateur bands also might be very annoying. Thus the fourth harmonics of the 14 m.c. band would cover the interval from 56 to 57.6 m.c., the eighth harmonics of the 7 m.c. band would lie between 56 and 58.4 m.c., while the 16th harmonics of the 3.5 m.c. band would spread from 56 to 64 m.c. Presumably the lower frequencies would cause less trouble, and in any event it would be easier to reduce the radiation of higher order harmonics.

These low-frequency amateur assignments will cause harmonic interference at many of the other frequencies. For example, the third harmonics of the 14 m.c. band will cover the region from 42 to 43.2 m.c., while the fifth harmonics of the same band will extend from 70 to 72 m.c. Evidently, complete freedom from harmonic interference by amateur stations cannot be expected, but it is logical to suppose that second harmonics of the 28 to 30 m.c. range are capable of causing more trouble, and might be harder to get rid of, than those of any other.

If the 56-60 m.c. amateur band is permitted to remain, no additional harm can be done to the television assignments by allowing other services, requiring relatively narrow frequency ranges, to take advantage of the properties of 60 m.c. waves. Consequently, it is suggested that the interval from 60 to 62 m.c. be reserved for non-broadcast services and that another from 62 to 64 m.c. be set aside for aural broadcasting. Five television channels would then occupy the space from 64 to 94 m.c., and there is no reason to suppose that the use of this region would introduce any technical difficulties not met with in using that from 60 to 90 m.c.

We have proposed three television channels below 56 m.c., with an aural broadcast band adjacent to the lowest visual channel. However, it is understood that the RMA believes the lowest visual channel to be of little value, because of the probability of sky wave interference. Such interference would, of course, be equally objectionable to aural broadcasting, and a band running from 36 to 100 m.c. has been chosen only with the purpose of allowing room for a third television channel. Should it be decided that two channels below 56 m.c. are all that television needs, or is justified in having, then the aural band should unquestionably be moved upward.

Since the recommendations are for television channels 6 m.c. wide, it would be possible either to have two channels in the interval of 42 to 54 m.c., with non-broadcast services occupying the range from 54 to 56; or the television channels might run from 44 to 56. In the first case the aural broadcast band should extend from 40 to 42 m.c., while in the second it should be from 42 to 44 m.c. From the standpoint of the Broadcast Industry the latter arrangement is to be preferred.

A band from 94 to 100 m.c., has been recommended for the use of aural and facsimile broadcasting, and for experimental work with frequency modulation. The importance of this region will undoubtedly increase as apparatus for use at 100 m.c. is improved. Satisfactory equipment for operation in this range will certainly be forthcoming, and the freedom from atmospherics, the somewhat lower levels of man-made noise, and the complete lack of long-range interference, may make this band an important one. Directive antennas could also be utilized to the fullest advantage here, and certain non-broadcast services might use parts of this range, on a restricted basis, without mutual interference.

It is not suggested that frequency modulation experiments be limited entirely to the interval 94-100 m.c. As long as the lower aural broadcast bands are relatively uncongested, there is no reason why a certain amount of experimental work could not be done in them. However, when such congestion does arise, and the bands can be efficiently used by broadcasting of a more or less commercial nature, the experimental work should be moved to higher frequencies.

In addition to the bands which are recommended, we are proposing one for "auxiliary broadcast service" which will be discussed later. We must also point out that if television ever becomes popular with the public, it will be necessary to provide additional visual channels above 100 m.c., just as soon as the apparatus problems can be satisfactorily solved. Only in this way can we hope ever to develop a really satisfactory television system, based on free competition, and capable of serving the needs of the nation. It is therefore urged that in making assignments above 100 m.c., a way be left open for providing a considerable number of additional television channels.

In addition to the bands just discussed, we have shown in Figure 1 a block from 25.6 to 26.6 m.c. We do not believe that this will prove to be a particularly useful band for aural broadcasting, but it has been included because the Commission has already assigned channels in this interval. In fact, the allocations made in the recent modification of Rule 229 include assignments for both domestic and international broadcasting. If there is any possibility of successful use of these frequencies for the latter services, it follows that they will be unsatisfactory for the former. Interference from Central and South America, as well as between stations in this country, could easily do great damage to domestic broadcasting. On the other hand, the erratic transmission which is obtained at 26 m.c. will probably make this band of very little use for international broadcasting.

In laying definite plans for the development of an ultra-high frequency broadcast structure, it should be recognized that much more satisfactory service can be rendered the public if broadcasting is segregated into certain exclusive bands which can be held free from interference by other services. There is no reason for forcing the listener to pass through large numbers of telegraph and commercial or emergency telephone channels, in tuning from one broadcast station to another within the same band. It is, therefore, strongly urged that the present practice of scattering ultra-high frequency broadcast assignments in between those made to other services be discontinued.

The advantages to be obtained from the use of continuous bands apply also to television, and the proposed television assignments have been split at 60 m.c. only because of the existence of the amateur band and the desirability of allowing other services to take advantage of the particular properties of waves of this frequency. This has already been discussed in detail.

SECTION G

Auxiliary Broadcast Services

Opening up of the high frequencies will allow the development of certain auxiliary services of considerable value, and it is believed that some place should be provided for them in the spectrum. Many special uses of radio, as an adjunct to the main business of broadcasting, will require only narrow frequency bands, and can employ directive antenna systems, with the result that the chance of their causing interference to other assignments would be small. We have therefore recommended that the interval from 100 to 120 mc. be made available for broadcast pickup, studio-to-station radio links, inter-station program circuits (either with or without repeaters) synchronizing frequency links, facsimile pickup (and probably television pickup) and other special uses which will inevitably develop.

Broadcast pickup can well make use of frequencies in this range under many conditions. Thus, very short distance transmission from pack sets, or from boats or airplanes travelling within plain sight of the receiver point, might well be accommodated here. The freedom from long-distance interference, and in some cases the possibility of using small directive antennas at the receiver (if not at the transmitter), should be of considerable value.

In many instances there is a good optical path between a broadcasting studio and its associated transmitter. The telephone lines may or may not run directly between the two points, and in some cases line charges are distinctly high. It seems only logical that these two parts of a radio system should be tied up by an ultra-short wave radio link, since the interference caused would usually be negligible. Directive antennas would of course be used at both terminals of the path, and, with a little care in choosing their location, noise troubles could generally be avoided. The chief objection to such operation at present is that satisfactory transmitting and receiving equipment is not available on the open market, but there is no technical reason why this condition should continue, nor do we believe that it will.

As ultra-short wave broadcasting develops, there will often be occasion for supplying the same program to transmitters located in towns not far apart. The inexpensive, direct and obvious way of tying such transmitters together is by means of ultra short wavelengths. Often no repeaters would be necessary, but in some cases one or two might be justified. Again the use of sharply directive antennas at all terminals would greatly reduce the interference capabilities of the system, and would make it possible to assign large numbers of connecting links to the same frequency.

In large metropolitan areas, or in cities built on very rough ground, it may be impossible to get adequate coverage with a single transmitter. Under such circumstances the use of one or more booster stations synchronized with the main transmitter may be justified. It has been shown that if the proper conditions are

fulfilled it should be possible to synchronize two or more stations at distances of less than 15 or 20 miles from each other, with very little distortion in the middle zones. These conditions involve the distribution to the several stations of a modulated radio-frequency wave, and this could be done most economically by the use of ultra-short wavelengths. This type of synchronization may come to be of some importance in ultra-high frequency broadcasting, and provision for its development should be made now.

There will be many occasions, in press and other work, where it is desirable to take a picture in the field, develop it, and transmit it by radio to a central point. For instance, photographs of boat races could be most rapidly delivered to a transmitter for rebroadcasting. While such service will no doubt need longer waves when considerable distances are to be covered or where optical paths cannot be obtained, it is believed that they will also require assignments in the ultra-high frequency range.

In time we can expect to see television pickup used in somewhat the same way that broadcast pickup is at present. The accommodation of the former service is more troublesome than that of the latter because of the wide frequency band which must be used.

However, it would seem that at least a few experimental assignments should be made at frequencies that are not too high. Presumably apparatus for 100 m.c. operation will be developed before very long, while equipment for considerably higher frequencies may not appear for some time.

These several auxiliary services will grow to be of great importance if they are given a chance to develop, and it is urged that provision be made for them in approximately the frequency band that has been mentioned.

Broadcast Pickup Services at Longer Wavelengths.—It will of course be necessary to continue the use of certain frequencies, above the present broadcast band but lower than 30 m.c., for broadcast pickup. This use will in time extend to facsimile pickup, and it is urged that provision for this latter service be made. We shall not try to suggest the exact frequencies that should be used, since their choice is so much a matter of correlation with existing assignments. It is however recommended that the Commission allow the frequencies allocated to aural pickup, to be also used for facsimile, and that the total number of assignments for such services be augmented from time to time as the need for them increases.

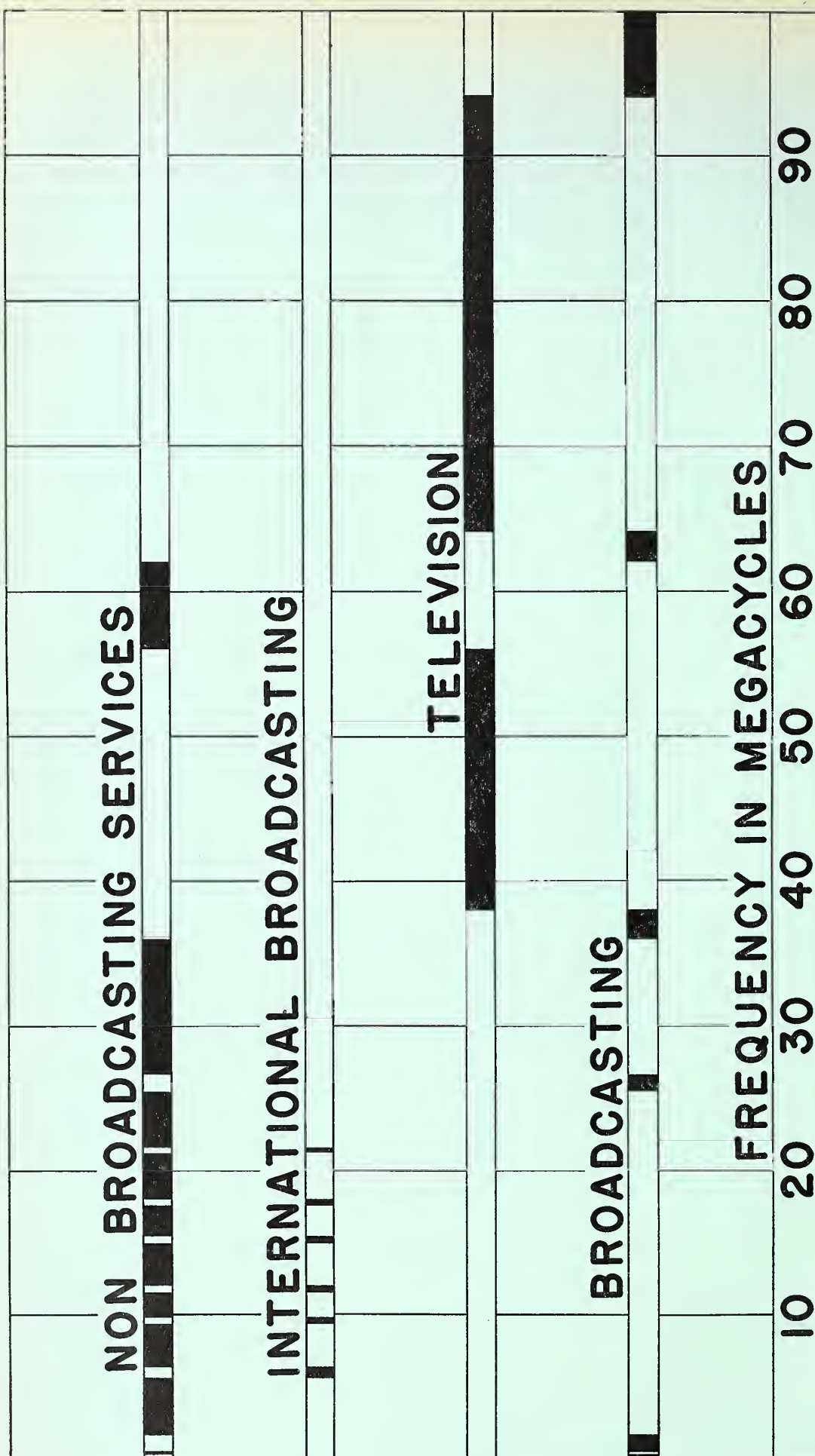
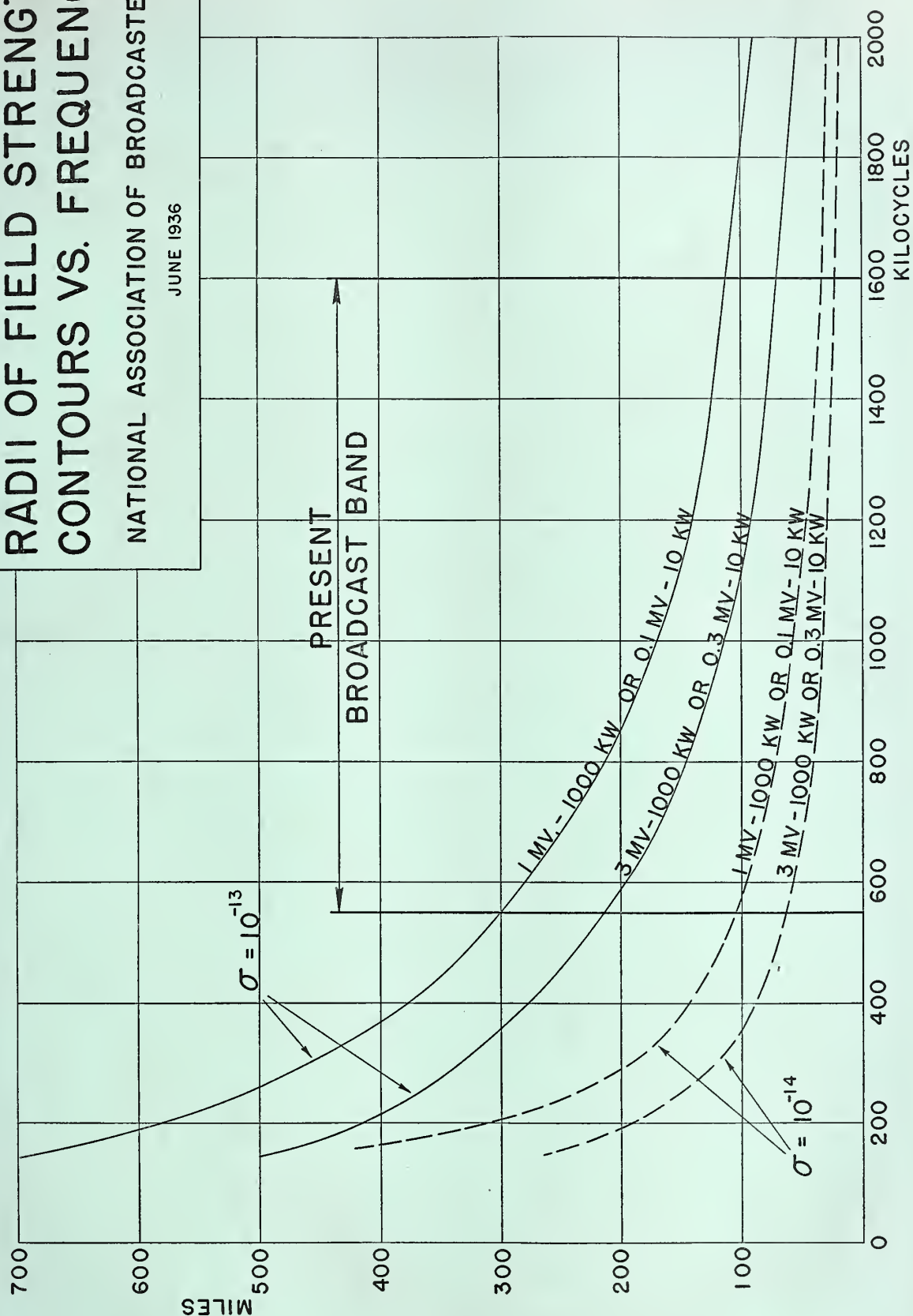


FIG.1
 PROPOSED ALLOCATION CHART
 NATIONAL ASSOCIATION OF BROADCASTERS
 JUNE 1936

FIG.2 RADIO OF FIELD STRENGTH CONTOURS VS. FREQUENCY

NATIONAL ASSOCIATION OF BROADCASTERS

JUNE 1936



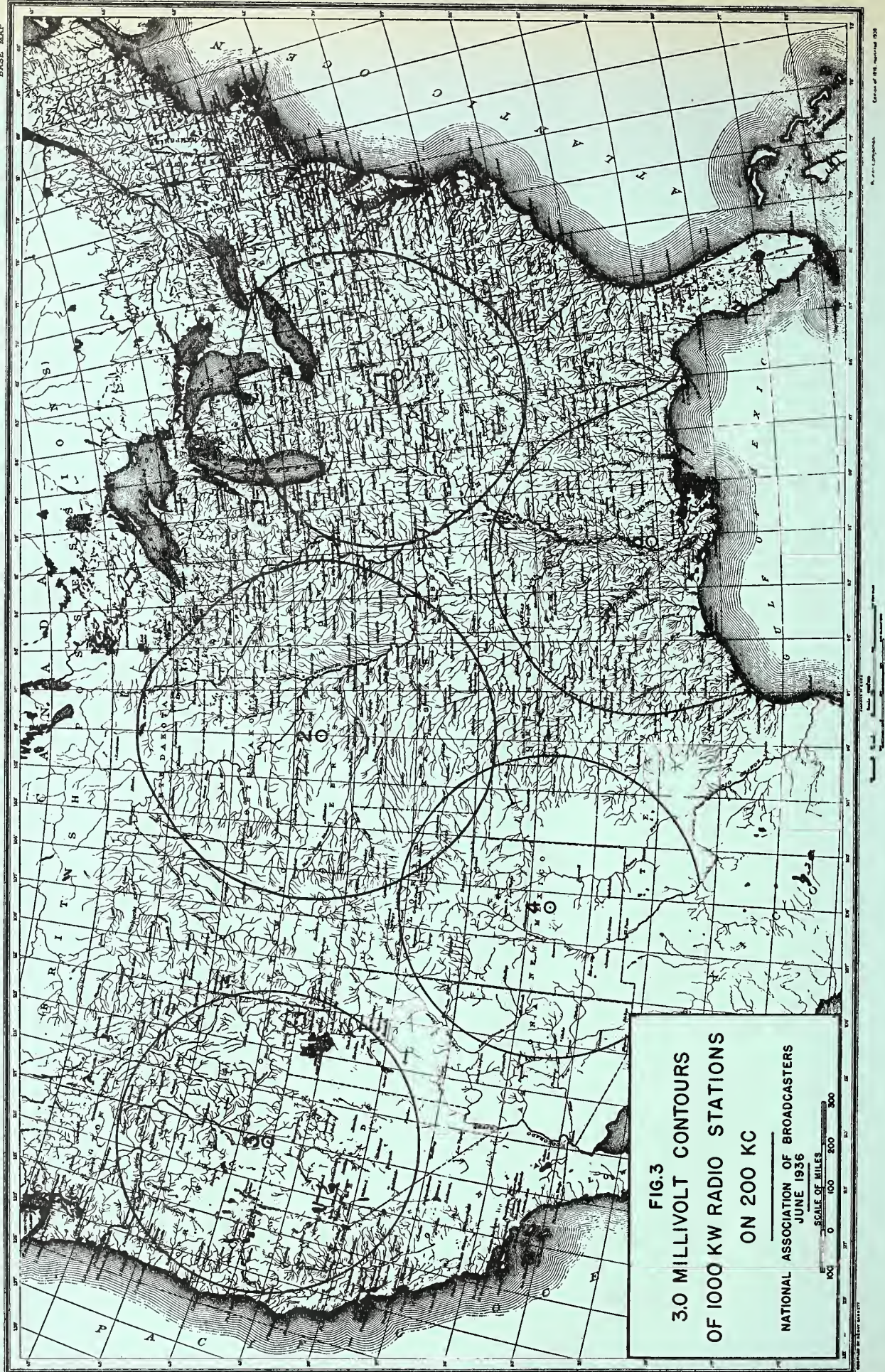






FIG. 5
1.0 AND 3.0 MILLIVOLT
CONTOURS FOR A 1000 KW
RADIO STATION ON
1000, 600, AND 200 KC
1.0 MILLIVOLT
3.0 MILLIVOLT
NATIONAL ASSOCIATION OF BROADCASTERS
JUNE 1936
SCALE OF MILES
0 100 200 300

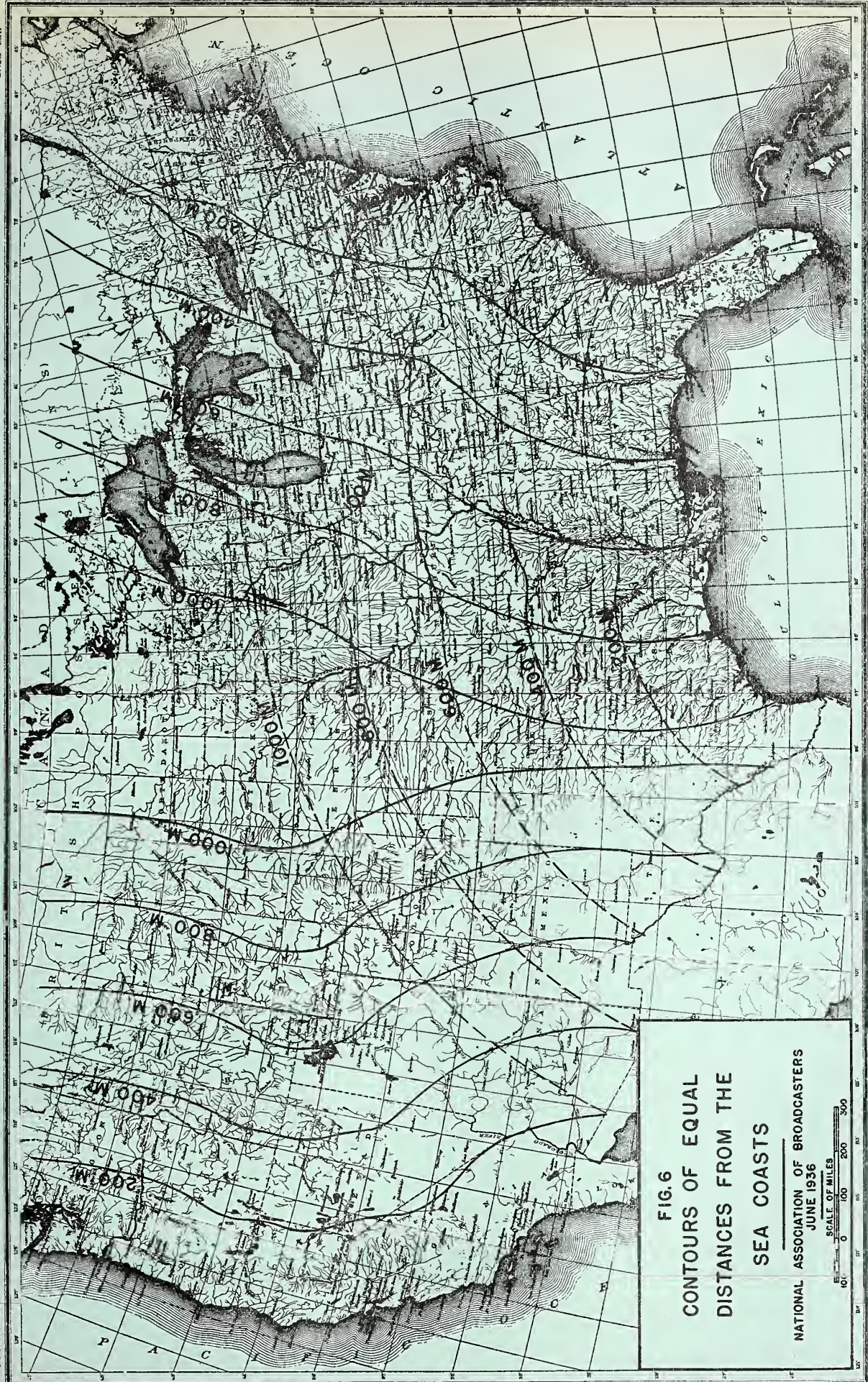
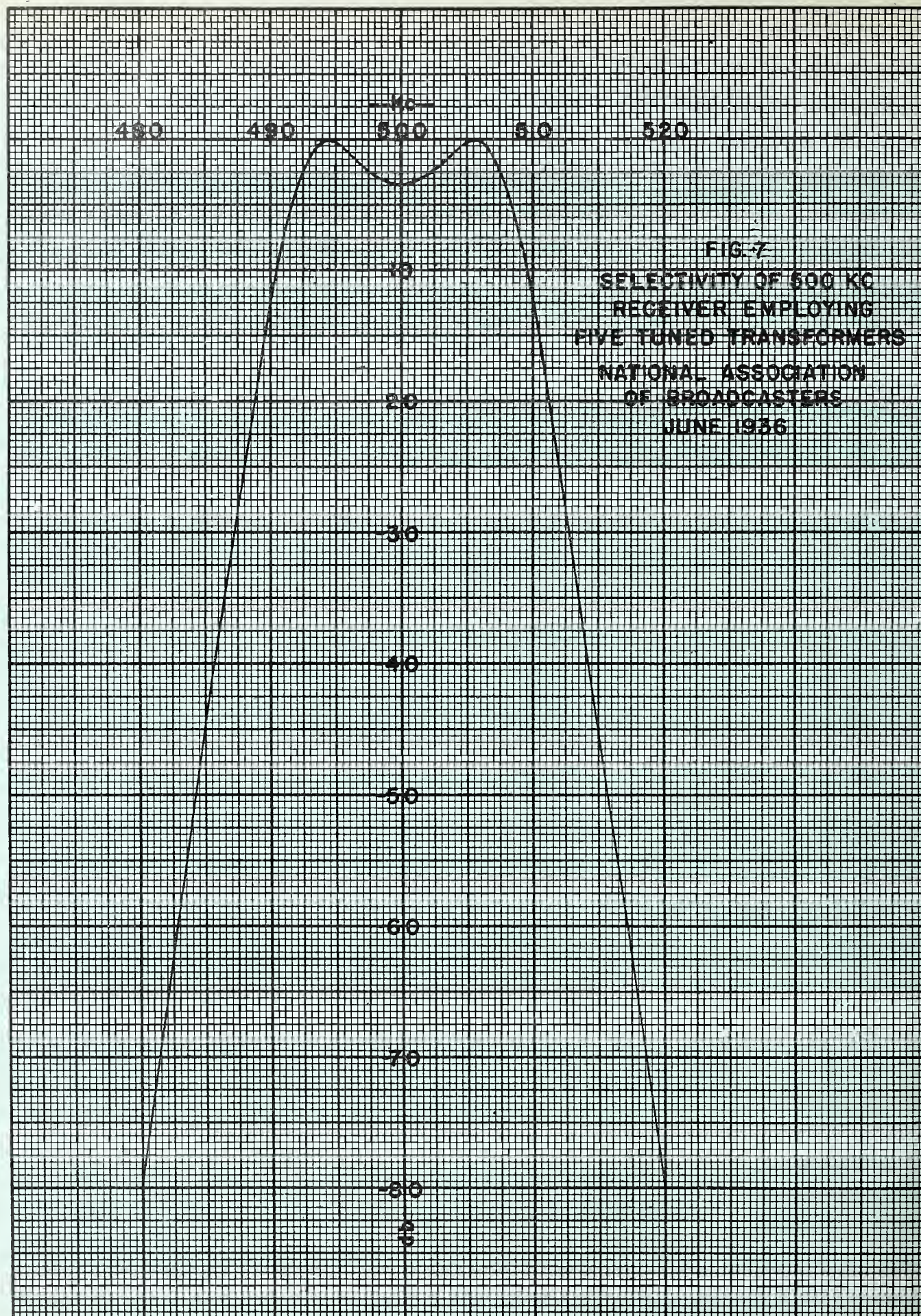


FIG. 6
CONTOURS OF EQUAL
DISTANCES FROM THE
SEA COASTS

NATIONAL ASSOCIATION OF BROADCASTERS
JUNE 1936

SCALE OF MILES
0 100 200 300



The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

NAB REPORTS

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BROADCAST REVENUE IN WEST NORTH-CENTRAL STATES

Total receipts of 63 broadcast stations in the West North-Central states from sale of radio time during 1935 was \$5,689,765, according to the Bureau of the Census in the seventh report of the new census of business series on the broadcasting business. The report includes 14 stations in Missouri, 10 in Nebraska, 10 in Iowa, 9 in Kansas, 8 in Minnesota, 6 in North Dakota, and 6 in South Dakota.

RECOMMENDATION AGAINST ST. LOUIS CHANGES

Broadcasting Station WIL, St. Louis, Mo., applied to the Federal Communications Commission to change its frequency from 1200 to 1250 kilocycles, and to increase its power from 100 watts and 250 watts LS to 1,000 watts. At the same time the Star-Times Publishing Company applied to the Commission for the erection of a new station at St. Louis to use 1250 kilocycles, 1,000 watts power and unlimited time on the air.

Examiner R. H. Hyde, in Report No. I-246, recommends that both of these applications be denied. It was found by the Examiner that the record does not show public need for additional radio facilities in the proposed area. The Examiner found also that "the service of the new station proposed in either application would be restricted by interference during nighttime hours."

RECOMMENDS DENIAL OF WTJS CHANGES

Broadcasting Station WTJS, Jackson, Tenn., applied to the Federal Communications Commission to increase its power from 100 watts and 250 watts local sunset, to 250 watts and 500 watts local sunset, and to change its frequency from 1310 to 920 kilocycles. It asked that its unlimited hours of operation be left without change.

Examiner Ralph L. Walker, in Report No. I-244, recommended that the application be denied. The Examiner states that "operating as proposed at night, WTJS will be limited to approximately its three millivolt contour as compared with the normally protected

NOTES TO THE SALES STAFF

Broadcast advertising showed greater gains over the preceding year in May than were experienced in April. (See Developments of the Month, page 1412.)

The continued showing of strength on the part of national non-network volume, and its rise in May, contrary to the usual seasonal downswing, is indicative of further sales opportunities in this field. (See Total Broadcast Advertising, page 1413.)

Lagging local sales volume in recent months constitutes a problem with which every sales staff should be concerned. Business conditions do not warrant the degree of lag which has occurred. (See Total Broadcast Advertising, page 1413.)

Live talent national non-network business has resumed its upward movement of the past year or more, following several uncertain months. (See Non-network Advertising by Type of Rendition, page 1413.)

Transcriptions are going strong in both the national and local fields. (See Non-network Advertising by Type of Rendition, page 1413.)

one millivolt contour of stations as of the regional class. . . . The nighttime coverage of WTJS would be distinctly less than that normally expected from a regional assignment."

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

- Gold Hill Operating Company, Tacoma, Wash. (2-2248, Form A-1)
- Eastern Blenders, Inc., Wilmington, Del. (2-2249, Form A-1)
- Hoberg Paper Mills, Inc., Green Bay, Wis. (2-2250, Form A-2)
- Basin Gold Mines, Ltd., Montreal, Canada. (2-2252, Form A-1)
- Stanley Gold Mines, Ltd., Montreal, Canada. (2-2253, Form A-1)
- Douglas Aircraft Company, Inc., Santa Monica, Calif. (2-2254, Form A-2)
- Mutual Management Company, Jersey City, N. J. (2-2255, Form C-1)
- Gar Wood Industries, Inc., Detroit, Mich. (2-2256, Form A-2)
- Albuquerque Natural Gas Co., Chicago, Ill. (2-2257, Form E-1)
- Copper District Power Company, Ontonagon, Mich. (2-2258, Form A-1)
- Northern Illinois Finance Corp., DeKalb, Ill. (2-2259, Form A-2)
- Wesleyan College Committee, Savannah, Ga. (2-2260, Form D-1)
- Display Products, Inc., Detroit, Mich. (2-2261, Form A-1)
- Royal Petroleum Company, Yakima, Wash. (2-2263, Form A-1)

FOURTEENTH ANNUAL NAB CONVENTION

STEVENS HOTEL, CHICAGO, ILLINOIS

JULY 5, 6, 7, 8, 1936

RECOMMENDATIONS FOR ARIZONA STATION

Application was filed with the Federal Communications Commission for the construction of a new broadcasting station at Prescott, Ariz., by the Southwest Broadcasting Company and also by W. P. Stuart. Both asked for 1500 kilocycles, with unlimited time on the air. Stuart asked for 100 watts power, while the broadcast company asked for 100 watts and 250 watts LS.

Examiner P. W. Seward, in Report No. I-245, recommended that the application of the Southwest Broadcasting Company be granted but that the application of W. P. Stuart be denied. The Examiner found that the need for additional radio service there does exist and there is adequate talent available. Examiner Seward says that "a need for two radio broadcast stations at Prescott, Ariz., does not exist, and from a consideration of the entire record, the applicant, Southwest Broadcasting Company, seems better qualified to construct and operate the proposed radio station, that the facilities requested by this applicant will render better service to the city of Prescott, and will provide greater coverage for the surrounding area than the facilities requested by the applicant, W. P. Stuart."

ASKS COMMISSION TO REAFFIRM ACTION

The Federal Communications Commission granted KDYL, Salt Lake City, Utah, a construction permit for the erection of a station to use 1290 kilocycles, 1,000 watts and 5,000 watts LS, with unlimited time. In the meantime protest against granting this application was filed with the Commission by Paul R. Heitmeyer, an applicant for a construction permit for a station at Salt Lake City, and KLO, Ogden, Utah, and the grant was suspended. The matter was set for hearing before an Examiner.

Examiner P. W. Seward, in Report No. I-242, recommends that the Commission reaffirm its action granting this station application. At the hearing duly called protestants and applicant appeared. The Examiner states that "the protestants, Paul R. Heitmeyer and KLO, offered no evidence in support of the allegations set out in the protest."

RECOMMENDS AGAINST WOL CHANGE

Broadcasting Station WOL, Washington, D. C., applied to the Federal Communications Commission to change its frequency from 1310 to 1230 kilocycles, and increase its power from 100 to 1,000 watts. It now has unlimited time on the air and asked that that be allowed to remain as it is.

Examiner Melvin H. Dalberg, in Report No. I-247, recommends that the application be denied. The Examiner states that "the granting of this application would obviously cause objectionable interference to Station WFBR in the daytime hours." It is further contended by the Examiner that "although this applicant requests the use of a regional frequency with increased power, there would be severe interference at night to the service of WOL should this application be granted."

NEW CALIFORNIA STATION RECOMMENDED

The Ventura County Star, Inc., and the Merced Star Publishing Company, Inc., filed an application with the Federal Communications Commission asking for a construction permit for the erection of a new broadcasting station at Ventura, Calif., to use 1170 kilocycles, 250 watts power, and daytime operation.

Examiner P. W. Seward, in Report No. I-239, has recommended that the application be granted. He found that there is a need for daytime service in the area proposed to be served and "no applications are pending which would necessarily prevent the granting of the instant application."

RECOMMENDS DENIAL OF TWO OHIO STATIONS

The Continental Radio Company applied to the Federal Communications Commission for construction permit for two broadcasting stations, one at Columbus, Ohio, to use 1310 kilocycles, 100 watts power, and unlimited time on the air, and the other at Toledo to use 1200 kilocycles, 100 watts power, and daytime operation. In both cases the Examiners recommended that the application be denied.

In the case of the proposed Columbus station Examiner Robert L. Irwin, in Report No. I-240, found that "it is not shown that there is need for the service proposed to be rendered by the applicant." The Examiner found also that the proposed station would cause objectionable interference with the normally protected service of Stations WLBC and WCMI.

In the case of the proposed Toledo station, Examiner P. W. Seward, in Report No. I-241, found also that the need for this

additional radio service in the area proposed to be served was not shown and that the granting of the application "would result in objectionable interference," and also that the granting of the application would not serve public interest.

RECOMMENDS NEW FLORIDA STATION

Bathan N. Bauer applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Miami, Fla., to use 1420 kilocycles, 100 watts power, and unlimited time.

Examiner P. W. Seward, in Report No. I-243, recommended that the application be granted. He says that "a need does exist in the proposed service area for additional radio service, particularly of a local nature and to provide additional advertising facilities." He found also that the proposed new station would not adversely affect any existing station, "nor are there any pending applications in conflict with this application."

BROADCAST ADVERTISING IN MAY

Developments of the Month

Broadcast advertising during May amounted to \$8,545,594, a decline of 3.2% from the previous month's level. Though the usual trend at this time of the year is a downward one, several contra-seasonal tendencies manifested themselves during May. Regional network and national non-network advertising rose contrary to the usual season downswing, while local broadcast advertising declined instead of rising as usual.

Non-network advertising as a whole rose 2.3% during the month, due to a national non-network increase of 5.1%. Local station volume showed the most pronounced gain, increasing 14.0%, while clear channel non-network volume declined slightly. Non-network advertising on the Pacific Coast showed the greatest gain over April, while that in the South declined the most markedly.

In the rendition field, the outstanding development of importance was an increase of 21.4% in national live talent volume. Local non-network advertising by type of rendition remained practically unchanged from the preceding month.

Principal gains during the months included the following: in the national network field—financial advertising; in the national non-network field—soap, radio, tobacco and food volume for regional networks—tobacco and beverage sponsorship; in the local field—gasoline and accessories, drugs, and beverages.

Comparison with May 1935

Radio broadcast advertising experienced a somewhat greater gain in May as compared to the corresponding month of 1935 than was the case in April. The May increase over the same month of last year was 13.2% as against 9.5% in April. Regional network and national non-network volume continued to register the most marked increases. National magazine advertising continued to gain more rapidly than radio, rising 19.0% above the previous May's level.

Non-network advertising as a whole rose 17.7%. The most marked gain occurred in the local station field, where non-network volume increased 53.5% over the preceding May. Non-network business in the South gained 41.0% as compared to last year. New England-Middle Atlantic volume alone declined, dropping 3.8%.

A material increase was registered in the national field by both transcriptions and live talent business, the latter after several months of comparative sluggishness. In the local field, transcription volume continued to exceed last year's level to a material degree. Announcement volume decreased both locally and nationally.

Broadcast advertising by various sponsoring groups was generally strong when compared to last May, few declines of importance taking place. National network drug, food and housefurnishing volume, national non-network clothing, beverage and confectionery advertising and local drug and pharmaceutical advertising constituted the principal declines. On the other hand, important gains were experienced in all phases of automotive advertising, in national network beverage, confectionery and tobacco business, regional network accessory and gasoline, food, beverage and soap advertising, national

non-network gasoline, drug, food, housefurnishing and tobacco volume and in local beverage and financial advertising.

Total Broadcast Advertising

Total broadcast advertising during the month is set forth in Table I.

TABLE I
TOTAL BROADCAST ADVERTISING

Class of Business	1936 Gross Time Sales		
	April	May	Cumulative Jan.-May
National networks	\$4,830,251	\$4,445,346	\$24,202,213
Regional networks	113,647	124,648	538,613
National non-network	1,937,800	2,035,680	9,644,030
Local	1,947,790	1,939,920	8,499,590
Total	\$8,829,488	\$8,545,594	\$42,884,446

Gross billings for stations and networks declined 3.2% as compared to the preceding month. National network volume declined 7.9%, and local advertising 0.4%. Regional network advertising rose, contrary to the usual seasonal downswing, by 7.6%, while national non-network volume showed a similar contrary tendency, increasing 5.1%. The local decline was compared to a usual rise at this time of the year.

Compared to May of 1935, total broadcast advertising increased 13.2%. The most marked gains were in the regional network and national non-network fields, which rose 29.8% and 34.2%, respectively. National network advertising gained 8.9% and local advertising 4.2%. The last-mentioned field is again showing strength, following several months of uncertainty.

Comparison with Other Media

Advertising volume by major media during the month in question is found in Table II.

TABLE II
ADVERTISING BY MAJOR MEDIA

Advertising Medium	1936 Gross Time and Space Sales		
	April	May	Cumulative Jan.-May
Radio broadcasting	\$8,829,488	\$8,545,594	\$42,884,446
National magazines ¹	14,527,792	14,927,513	62,432,930
National farm papers ¹	721,304	658,935	3,206,457
Newspapers ²	50,498,000	52,691,000	227,222,000
Total	\$74,576,584	\$76,823,042	\$335,745,833

¹ Publishers' Information Bureau, Inc.

² Estimated.

Magazine volume increased 2.8% as against April, while newspaper lineage rose 4.3%. Both of these were in the nature of seasonal increases. National farm paper advertising declined 8.5%. Compared to May of last year, national magazine advertising increased 19.0%, farm paper volume 16.0%, and newspaper lineage 9.8%.

Non-network Advertising

Non-network advertising as a whole rose 2.3% during the month, due to the increase in national volume. Clear channel and high-powered regional station non-network business dropped 1.7%. Regional station volume rose 2.4% and local station advertising gained 14.0%. Non-network advertising gained on every class of

station as compared to the corresponding period of 1935. Clear channel station volume rose 10.2%, regional 15.6%, and local 53.5%. Total non-network advertising increased 17.7%.

Non-network advertising by power of station is set forth in Table III.

TABLE III
NON-NETWORK ADVERTISING BY POWER OF STATION

Power of Station	1936 Gross Time Sales		
	April	May	Cumulative Jan.-May
Over 1,000 watts	\$1,745,470	\$1,717,240	\$8,321,230
250-1,000 watts	1,574,800	1,613,150	7,091,130
100 watts	565,320	645,210	2,731,260
Total	\$3,885,590	\$3,975,600	\$18,143,620

Non-network advertising in various portions of the country is found in Table IV.

TABLE IV
NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

Geographical District	1936 Gross Time Sales		
	April	May	Cumulative Jan.-May
New England-Middle Atlantic Area	\$861,840	\$866,250	\$3,963,540
South Atlantic-South Central Area	799,590	710,250	3,575,510
North Central Area	1,545,580	1,573,200	7,203,510
Pacific and Mountain Area	678,580	825,900	3,401,060
Total	\$3,885,590	\$3,975,600	\$18,143,620

Non-network advertising showed conflicting tendencies throughout various portions of the country when comparison is made with April. Eastern volume remained practically unchanged, while southern advertising declined 11.1%. Mid-western gross time billings rose 1.1%, while those in the Mountain and Pacific States increased 21.6%. With the exception of the New England-Middle Atlantic States, where non-network advertising declined 3.8% as against the previous May, all portions of the country experienced gains over 1935. Southern advertising rose 41.0%, North Central State volume 27.7%, and Mountain and Pacific advertising 25.4%.

Non-network Advertising by Type of Rendition

The principal development in the rendition field, as compared to the previous month, was the rise in national live talent business. This form of rendition gained 21.4% over April. National transcription volume decreased 7.0% from the preceding month's level, while announcements dropped 2.6%. With the exception of a 2.0% drop in announcement business, local broadcast advertising remained practically unchanged from April.

Following several comparatively sluggish months, national live talent volume again experienced a marked increase over the corresponding month of the preceding year, gaining 56.7%. National transcription business also showed marked strength, rising 29.3% above the May 1935 level. Announcements dropped 4.9%.

Transcriptions continued to experience the greatest relative gain in the local field, exceeding the preceding May by 48.3%. Live talent business rose 5.6% and records 16.6%. Announcements declined 9.9%.

Broadcast advertising by various types of rendition are found in Table V.

TABLE V
NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

Type of Rendition	1936 Gross Time Sales							
	National Non-network		Local		Total		Cumulative Jan.-May	
	April	May	April	May	April	May		
Electrical transcriptions	\$865,070	\$803,600	\$261,530	\$261,050	\$1,126,600	\$1,064,650	\$4,740,820	
Live talent programs	767,920	932,950	928,260	935,850	1,696,180	1,868,800	8,845,120	
Records	6,050	8,090	71,550	70,460	77,600	78,550	340,120	
Announcements	298,760	291,040	686,450	672,560	985,210	963,600	4,217,560	
Total	\$1,937,800	\$2,035,680	\$1,947,790	\$1,939,920	\$3,885,590	\$3,975,600	\$18,143,620	

Sponsor Trends in April

The usual seasonal declines were experienced in the national network field, though some gains were recorded. Automotive advertising rose slightly, while financial volume increased 14.2%. In the regional network field, gasoline and accessory volume increased 37.5%, tobacco advertising 13.4%, and beverage volume 70.2%. National non-network advertising increased 48.7% in the soap and kitchen supply field, radio set volume rose 51.6%, tobacco advertising 17.4%, and foodstuff business 12.5%. Local gasoline business increased 26.7%, drug volume 19.8%, and beverage advertising 38.4%.

Comparison with May 1935

Several fields experienced marked gains in national network volume. These were as follows: automotive 64.8%, beverages

45.0%, confectionery 66.5%, and tobacco 35.2%. A number of significant decreases likewise occurred. Drug advertising declined 20.4%, food volume 11.5%, and housefurnishing business 55.6%.

In the regional network field, more important gains were as follows: gasoline and accessories 126.0%, foodstuffs 35.4%, soap and kitchen supplies 82.1%, and beverages from \$820 in May 1935 to \$16,200 during the month under review.

In the national non-network field significant gains were as follows: automotive 96.3%, gasoline and accessories 39.5%, drugs and pharmaceuticals 17.0%, foodstuffs 65.1%, housefurnishings 26.3%, and tobacco 56.5%. National non-network clothing advertising decreased 43.6%, beverage volume 35.4%, and confectionery 59.4%.

Local advertising showed comparatively little change in either direction from May of the preceding year.

Broadcast advertising by various product and service groups is presented in Table VI.

TABLE VI
RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS
(May, 1936)

Type of Sponsoring Business	National Networks	Gross Time Sales		Local	Total
		Regional	National Non-networks		
1a. Amusements	—	\$325	\$13,190	\$31,030	\$44,545
1-2. Automobiles and accessories:					
(1) Automobiles	\$360,483	—	267,200	146,320	774,003
(2) Accessories, gas and oil	370,420	21,525	187,500	106,650	686,095
3. Clothing and apparel	31,015	—	39,050	260,420	330,485
4-5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals	371,639	6,544	302,990	61,350	742,523
(5) Toilet goods	895,551	3,005	65,560	19,760	983,876
6-8. Food products:					
(6) Foodstuffs	825,422	34,237	440,650	238,500	1,538,809
(7) Beverages	333,582	16,200	39,250	120,440	509,472
(8) Confections	98,130	200	21,770	9,500	129,600
9-10. Household goods:					
(9) Household equipment and furnishings	31,185	4,260	120,600	222,490	378,535
(10) Soap and kitchen supplies	325,015	8,782	102,200	10,630	446,627
11. Insurance and financial	37,694	642	20,560	81,200	140,096
12. Radios	113,696	830	18,630	14,330	147,486
13. Retail establishments	—	728	7,650	148,880	157,258
14. Tobacco products	393,394	12,370	85,630	13,400	504,794
15. Miscellaneous	258,120	15,000	303,250	455,020	1,031,390
Total	\$4,445,346	\$124,648	\$2,035,680	\$1,939,920	\$8,545,594

Details as to the trends in various product and service fields are as follows:

1a. **Amusements.** Marked increase in national non-network volume over April, resulting in 7.0% rise in total. Decline of 12.3% in total volume, due mainly to local drop.

1. **Automotive.** Compared to April, national network up 1.9% and national non-network 4.2%. Local down 2.6%. Marked gains over previous May: national network 64.8%, national non-network 96.3%, and local 44.8%.

2. **Gasoline and accessories.** National network business 4.7% below April. Other gains as follows: regional networks 37.5%, national non-network 7.1%, and local 26.7%. National network business 1.0% under May 1935. Other gains as follows: regional networks 126.0%, national non-network 39.5%. Local down 5.3%.

3. **Clothing.** Gains over April as follows: national networks 7.1%, national non-network 5.4%, and local 5.8%. Declines from previous May's level as follows: national networks 11.5%, national non-network 43.6%. Local up 5.5%.

4. **Drugs and pharmaceuticals.** National network down 1.1% from April level and national non-network 14.3%. Regional network volume up 1.4% and local 19.8%. Compared to last May, declines as follows: national network 20.4%, regional network 6.1%, and local 22.9%. National non-network up 17.0%.

5. **Toilet goods.** Declines from April level as follows: national networks 16.5%, regional networks 44.0% national non-network 7.4%, and local 8.0%. National network business unchanged from preceding May. Regional network volume down 33.0% and local 16.1%. National non-network up 5.5%.

6. **Foodstuffs.** National network business 6.5% below April. Regional network business up 6.1% and national non-network 12.5%. Local unchanged. Compared to corresponding month of 1935, national non-network up 65.1% and regional network 35.4%. National network down 11.5% and local 6.7%.

7. **Beverages.** National network 17.7% below April and national non-network 3.6%. Regional network up 70.5% and local 38.4%. Increases above last May as follows: national networks 45.0%, local 17.7%, and regional networks from \$820 to \$16,200. National non-network down 35.4%.

8. **Confectionery.** Declines from April level as follows: national networks 31.0%, national non-network 11.5%, local 11.5%. National network business 66.5% above previous May and regional network business unchanged. National non-network down 59.4% and local 42.8%.

9. **Household equipment.** National networks down 14.4% from previous month and regional networks 7.2%. National non-network up 2.4% and local unchanged. Declines from May 1935 as follows: regional networks 82.7% and local 7.4%. National non-network up 26.3%.

10. **Soaps and kitchen supplies.** Increases over April as follows: National networks 2.2%, national non-network 48.7%. Regional networks business down 22.8% and local unchanged. National network volume 8.5% above May of last year and regional network 82.1%. National non-network up 3.1%. Local down 49.0%.

11. **Insurance and financial.** National network up 14.2% and local 13.8%. Regional network down 25.6% and national non-network 21.3% from April. Gains as follows when compared to May 1935: national networks 34.5%, regional networks 37.0%, national non-network 15.4%, and local 49.9%.

12. **Radios.** Gains over April as follows: national networks 3.6% and national non-network 51.6%. Regional networks up materially and local down 14.0%. National networks 37.4% above May of last year. National non-network up from \$1,620 to \$18,630. Local down 10.4%.

13. **Department and general stores.** National non-network down 26.2% from April and local 1.3%. National non-network down 43.4% from May 1935 and local 6.7%.

14. **Tobacco products.** National network volume 1.0% below April. Other gains as follows: regional networks 13.4%, national non-network 17.4%, and local up threefold. National network business 35.2% above same month of last year and national non-network 56.5%. Regional network business down 19.5% and local 15.8%.

15. **Miscellaneous.** National network business 11.7% below April and local down 18.6%. Regional networks up 11.1% and national non-network up 11.3%. Gains as compared to previous May as follows: national networks 13.5%, regional networks 70.6%, national non-network 39.7%, and local 10.4%.

Retail Broadcast Advertising

Retail broadcast advertising as a whole remained comparatively unchanged from the April level, rising but 0.8%. This was less than during the two preceding years. Total broadcast advertising by retail establishments, however, showed an increase of 4.4% over the May 1935 level.

Outstanding increases during the month, as compared to April, were as follows: gasoline filling stations more than doubled, grocery and delicatessen stores 31.4%, restaurants 13.4%, and hardware stores 36.1%.

Compared to May of last year, a number of significant increases occurred. These were as follows: auto dealers 40.3%, clothing and apparel shops 7.2%, grocery and delicatessen stores 61.9%, furniture stores 9.2%. Department store volume decreased 9.0%.

Broadcast advertising volume by various types of retail establishments is found in Table VII.

TABLE VII

RETAIL BROADCAST ADVERTISING OVER INDIVIDUAL STATIONS

Type of Sponsoring Business	1936 Gross Time Sales	
	April	May
Automobiles and accessories:		
Automobile agencies and used car dealers	\$146,820	\$142,610
Gasoline stations, garages, etc.	35,890	73,670
Clothing and apparel shops	293,660	266,700
Drugs and toilet goods:		
Drug stores	19,020	16,300
Beauty parlors	8,650	16,350
Food products:		
Grocery stores, meat markets, etc.	62,900	82,620
Restaurants and eating places	20,720	23,400
Beverage retailers	1,570	1,320
Confectionery stores	1,350	2,250
Household goods:		
Household equipment dealers	74,610	63,770
Furniture stores	112,030	104,600
Hardware stores	24,030	32,700
Radio retailers	13,430	10,870
Department and general stores	162,020	157,258
Tobacco shops	—	—
Miscellaneous	116,450	99,780
Total	\$1,093,150	\$1,094,198

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

No. 2845. E. Frederics, Inc., 235 E. 45th St., New York City, engaged in the manufacture and sale of apparatus and supplies for use in hair and scalp treatments, is charged in a complaint with fixing and maintaining the prices at which its products are sold through jobbers to beauty shop owners.

The respondent corporation is said to restrict sales of its permanent waving machines, hair driers, pads, and tonics to those jobbers who enter into contracts with it, and who, in turn, are limited to reselling such products to beauty shop owners who also enter into contracts with the respondent.

The complaint points out that beauty shop owners do not sell the products manufactured by the respondent, but use them in giving permanent waves and other hair treatments, and they are permitted to use service names belonging to the respondent, namely, "Frederics," "Vita Tonic," and "Vitron."

No. 2847. A complaint has been issued against **Quality Products Co.,** 382 Jefferson St., Brooklyn, alleging unfair methods of competition in connection with the sale of "Hormonique Glandular Skin Treatment."

In magazines, newspapers, and other advertising material, the respondent corporation allegedly makes representations to the effect that its product penetrates the skin and stimulates into action the hormone producing glands; nourishes the skin and causes disappearance of wrinkles; gives new elasticity to sagging muscles, and banishes blackheads, whiteheads, and enlarged pores.

These representations as to the nature and effect of "Hormonique Glandular Skin Treatment," the complaint charges, are false and exaggerated, and tend to divert trade to the respondent corporation from competitors who truthfully advertise their products.

No. 2848. Unfair competition through placing in the hands of others the means of conducting a lottery is alleged in a complaint issued against **Glade Candy Co.,** 232 South Fifth East Street, Salt Lake City, Utah.

The respondent company, according to the complaint, sold to wholesalers and retailers packages or assortments of candy so packed and assembled as to involve use of a lottery scheme when sold to consumers. Sales are alleged to have been made by punch board and push card devices. These practices are deemed to be in violation of the Federal Trade Commission Act and contrary to public policy.

No. 2849. Prendergast-Davies Company, Ltd., 601 W. 26th St., New York City, wholesale and retail liquor dealer, is charged with unfair competition in violation of the Federal Trade Commission Act in a complaint.

Representations made by the respondent company are alleged to have a tendency to deceive dealers and buyers into the erroneous belief that the "Scotch whiskey" sold by the respondent is the product of an actual distillery located in Scotland and is a distinctive product of Scotland, imported from there.

The complaint charges that the respondent company, by use of the designation "Scotch whiskey" on its labels, together with the phrases, "McNab Distilleries, Ltd.," "Bottled in Scotland," and the address, "266 Clyde St., Glasgow, Scotland," represents to customers and furnishes them with a means of representing to vendees, that the whiskey sold is a true Scotch whiskey, when in fact this is not true and the McNab Distilleries, Ltd., is an English company with headquarters in London. Further, according to the complaint, the so-called "Sandy McNab Scotch Whiskey" sold by the respondent company is produced by W. H. Holt & Sons, Ltd., distillers, of Chorlton-Cum-Hardy, England, under an agreement with McNab Distilleries, Ltd. The complaint points out that this whiskey is not a distinctive product of Scotland, being neither manufactured nor bottled there, nor is it Scotch whiskey in fact nor in accordance with the standards of the Federal Alcohol Administration.

No. 2850. Charging unfair trade representations in the sale of liquor, a complaint has been issued against **United Distillers Products Corporation,** 5599 Hudson Blvd., North Bergen, N. J.

Engaged as a rectifier and wholesaler of liquors, the respondent company, according to the complaint, has upon its premises a still or stills for production of gin by a rectification process whereby alcohol, purchased but not produced by the respondent company, is redistilled over juniper berries and other aromatics. Such rectification of alcoholic spirits, it is alleged, does not constitute the respondent a distiller under the statute regulating internal revenue, nor as commonly understood by the public and the liquor industry. The complaint alleges that the respondent company does not distill the liquor which it bottles, labels, and sells, and that its use of the word "Distillers" in its corporate name tends to deceive buyers.

No. 2851. Van Ogden, Inc., 1905 West Van Buren Street, Chicago, selling chemicals, extracts and food products, and its president and treasurer, Frederick T. Gordon, are named respondents in a complaint charging unfair methods of competition, including practices by which employees of a competing firm were induced to quit their positions to accept employment with the respondent corporation.

The respondents are alleged to have falsely represented to employees of Gemac Sales Corporation, Chicago, that Van Ogden, Inc., would provide them increased compensation, promotions and additional responsibility, and thereby persuaded large numbers of experienced and skillful employees to leave Gemac Sales Corporation and to take employment with Van Ogden, Inc. The respondent also unfairly disparaged the business policy and financial standing of their competitor, the complaint alleges.

No. 2854. Allura, Inc., 626 I Street, Sacramento, Calif., has been served with a complaint charging unfair competition in the

sale of an eye lotion advertised by means of radio broadcasts, pamphlets and testimonials.

Among representations of the respondent company's product were: That it constituted a substitute for glasses, a relief for astigmatism and general eye weakness, a cure for irritation, painful eye conditions, and other ailments. These allegations were not true, according to the complaint, and their publication resulted in a tendency to deceive buyers, in violation of the Federal Trade Commission Act.

Stipulations

The Commission has issued the following cease and desist orders and stipulations:

No. 01399. J. W. Marrow Mfg. Co., Inc., 3037 N. Clark St., Chicago, selling a scalp treatment and shampoo designated "Mar-O-Oil," agrees to cease advertising that the product is a competent remedy in the treatment of stubborn cases of dry and oily hair and dandruff, or any other scalp trouble, and that it has been proved by laboratory tests to be 97½ per cent effective as a cleanser, while other shampoo methods in common use are only 5 per cent effective. Certain other false representations as to the product's therapeutic properties and effects will be stopped.

No. 01400. W. F. Clark, trading as Electrical Research Laboratories, Warren, Pa., is engaged in the sale of an apparatus known as "Warren's Infra-Red Sitz Bath," offered as a therapeutic agent. He stipulates he will discontinue representing that the apparatus is an effective remedy for arthritis, neuralgia, kidney trouble, colds, asthma, alcoholism, or any other condition, "regardless of the type of ailment from which any member of the family may suffer."

The respondent admits the apparatus is used to supply warm, moist air, impregnated with fumes from volatile oils, and that the effects from its use are no more beneficial than those obtained from other methods of promoting heat, particularly a warm bath.

Under the stipulation, the respondent will stop using the words "Research Laboratories" or "Laboratories" in his trade name or in advertising literature, until he owns or operates a laboratory, and will not use the words or abbreviation "Doctor" or "Dr." to represent that his business is conducted by a physician.

No. 01401. Pankoka Products, Inc., 16 Beaver St., New York City, in the sale of a food preparation designated "Pankoka," will cease and desist from representing in advertising that the products balances all diets, aids in effecting increased ambition and endurance, in promoting sleep, and in restoring the appetite; that it is manufactured by an exclusive process and is indispensable to the human body; and from making other claims of like import.

No. 01402. Frank Spors, 834 Corine St., Le Center, Minn., signed a stipulation to discontinue using the names "Hollywood Star Face Powder" and "Hollywood Star Perfume" to designate his products, and representing inferentially by use of these names that the products so designated have any connection with Hollywood or are used by cinema stars living there.

The stipulation prohibits the respondent from making unmodified claims of earnings in excess of the average earnings of his active full-time salespersons or dealers under normal business conditions.

No. 01403. Indo-Vin, Inc., 105 W. Third St., Cincinnati, selling "Indo-Vin," recommended for treatment of stomach, liver, and kidney troubles, will stop representing that the product is a new kind of medical preparation made from a formula doctors respect; that it helps to throw off stomach poisons and clears skin eruptions caused by impurities of the body; that any definite number of doses removes gases and impurities from the system; and that every person who suffer may expect to benefit from its use.

The therapeutic properties of "Indo-Vin" are limited to those of a general tonic laxative, the respondent corporation admits.

No. 01404. Richard Smile, 515 E. 47th St., Chicago, deals in cosmetics, medicinal preparations, and incense, and trades under the names of Hindu Laboratories, Hindu Laboratories of Incense, Hindu Perfume Co., and Oriental Incense Co. He agrees to cease advertising that "Nimola Wonderful Herb Life Tonic" is competent as a treatment for disorders of the blood, nerves, kidneys, liver, and certain other ailments specified in his advertisements, and that use of the preparation brings results when the limbs become paralytic. Representations by the respondent that "Smile's Hindu Pine Balm" relieves rheumatism, backache, whooping cough, and croup are to be stopped, as are assertions that his various brands of incense create an atmosphere of success, prosperity, or happiness.

The respondent stipulates that he will refrain from asserting that he maintains an office in Bombay, India; will cease including as part of his trade name, or in the name of any of his products, the terms "Hindu" or "Oriental," implying that his preparation are imported from those localities, until such is a fact; and will discontinue use of the word "Laboratories" as a part of his trade name, until he operates a laboratory.

No. 01405. Irresistible, Inc., 71 Fifth Ave., New York City, in the sale of "Irresistible Lip Lure," will desist from representing in advertising that this cosmetic penetrates the skin surface and produces four gorgeous, permanent shades, or has any permanent effect on the lips.

No. 1681. Best & Co., operating a department store at Fifth Avenue and 35th Street, New York City, will cease representing in advertisements and on labels that the "Viyella" brand of hosiery it sells does not shrink, and will not use any words tending to mislead purchasers into the belief that such products are unshrinkable, when such is not the fact.

No. 1682. In a related case, **William Hollins & Co., Inc., 450 Seventh Avenue, New York City,** selling "Viyella" Hosiery to Best & Co., signed a similar agreement. The hosiery in question is manufactured in England by William Hollins Co., Ltd., according to the stipulation.

No. 1683. Peat Import Corporation, 155 John Street, New York City, engaged in the importation and sale of peat moss, signed a stipulation to discontinue in advertising matter disparaging representations concerning the business or products of any competitor, either by printed words, pictorial representations, or by both. The stipulation sets forth that the respondent corporation circulates an advertising folder in which it asserts that "the best moss peat bogs are in Germany or Holland." The folder contains illustrations of a sample of German or Holland peat moss and a sample of Swedish peat moss, and these pictures and the printed matter accompanying them are said to constitute disparagement of the Swedish product.

No. 1684. Abe and Irving Fogel, operating three Army and Navy stores in Washington, D. C., will discontinue use of the words "Army and Navy" on signs or in advertisements. They agree to cease using the words in any way to imply that the merchandise sold in their stores consists of Army and Navy surplus goods, when such is not the fact. The stores are known as Fogel's Army and Navy Store, 945 D Street, N. W., Peoples' Army and Navy Store, 506 Ninth Street, N. W., and Irving's Army and Navy Store, 1001 E Street, N. W.

The stipulation points out that for some time past surplus products held by the Army and Navy have been practically exhausted, and the only classes of such military goods now procurable by dealers are certain obsolete or damaged goods and a few salvaged surplus items such as canteens, mess kits, pup tents and leggings.

No. 1685. Pacific Kelp Products Co., Inc., 1430 S. E. 35th Street, Portland, Ore., under its stipulation is prohibited from advertising that its remedies sold under the brand name "Kalp-O-Lite" are a cure or competent remedy for a wide variety of ailments, including skin diseases, catarrh, sinus trouble, sore throat, colds, pyorrhea and colitis. The respondent corporation also will discontinue representing that use of its remedies prevents cancer, and that it has a staff of licensed physicians or specialists.

No. 1686. George Boardman, trading as Vermel Company, 211 North Prairie Avenue, Sioux Falls, S. D., sells a skin balm for humans and animals under the designation "Vermel Skin Balm—Ozark Ripley Formula." He will discontinue representations, the effect of which is to imply that, as to dogs or other animals, his product is a remedy or cure for all forms of mange, or effective in the treatment of any form of eczema and skin diseases; that it stops irritation due to acute forms of eczema and skin diseases, and prevents infection and keeps the feet in perfect condition, when such are not the facts. The respondent also is to stop representing that his product is a competent remedy for eczema among human beings, or in the treatment of dandruff.

No. 1687. Irving Mills Corporation, 450 Broadway, New York City, distributor of cotton and rayon fabrics, agrees to stop employing the word "Mills" as part of its corporate or trade name under which to operate its business or in any way implying that the corporation actually owns and operates a mill or factory in which the articles it sells are made, when this is not true.

No. 1688. Poloris Co., Inc., 79 East 130th Street, New York City, manufacturer of a remedy of the aspirin type, "Poloris Tablets," agrees, in the sale of its product in interstate commerce or to wholesalers in New York State who resell to purchasers in various states, to cease making the following or similar represen-

tations without proper qualification or explanation: That its preparation does not affect the heart or stomach; leaves no ill after effects; gives safe, positive relief, and will allay nervous tension.

The respondent also stipulates that it will not assert that its medicine is chemically broken up in the duodenum rather than in the stomach, and therefore gives quicker relief; does not affect the heart or irritate the stomach, and is neither habit-forming nor narcotic. The respondent also will not represent that the commodity is an adequate treatment for the pathology underlying the conditions which produce pain and that it will relieve, check, remove or cure such conditions.

No. 1689. The Northwestern Chemical Co., Marietta, Ohio, manufacturing paints, varnishes, enamels and lacquers, agrees to stop using the word "Shellac" to describe a product not composed wholly of shellac, and use of the word "Shellac" as part of its trade name for any product not containing shellac in substantial quantity. The words "Shellac Compound" will not be used by the respondent company in advertising or in any way implying that the product referred to contains shellac in substantial quantity, when this is not true.

No. 1690. Irving H. Myers, 131 Third Street, Troy, N. Y., trading under his own name and the names "Mailbox" and Irving H. Myers Publications, publishes a magazine, newspaper and booklets. The respondent agrees to stop advertising that a set of booklets, "Library of Selected Opportunities," is a \$2.98 or \$3 set, or has been sold at either of such prices, or that such prices have been paid by thousands of purchasers. Other representations to be discontinued are: That the original edition of the set of booklets was bound in cloth; that the respondent has had ten years experience in the mail order business, or that he is an authority in such field, or has been employed as a business expert by mail order houses, or paid from \$10 to \$50 a report for his work, when this is not true.

No. 1691. Gimbel Bros, Inc., 33rd Street and Broadway, New York City, selling wine products purchased from the Burbank Winery Division of The John McClure Estate, Inc., 210 West 7th St., Los Angeles, Calif., agrees to stop using the description "1928 Blend" on labels or in advertising matter relating to such products. These products, according to the stipulation, do not contain wine of the vintage of 1928 in sufficient quantity to be designated as of that vintage.

No. 1692. The John McClure Estate, Inc., also (see Stipulation 1691) agrees to cease and desist from use of the "1928 Blend" designation in the sale of products not containing wine of 1928 vintage in substantial quantity.

No. 1693. William Russell Briggs, 307 North Michigan Ave., Chicago, trading as Russell Paint Co. and as Blackhawk Paint & Varnish Works, in the sale of a paint product, agrees to discontinue use in advertising of the words "White Lead" to describe a product the pigment content of which is not composed of white lead. The respondent agrees to eliminate the word "Works" from his trade name. The stipulation points out that Briggs did not own or control a factory in which the products he sold were made or compounded.

No. 1694. Union Oil Co., 617 West Seventh St., Los Angeles, manufacturer of petroleum products, including an insecticide designated "Bif," stipulates that it will cease advertising its preparation by use of the phrases, "Thirty Per Cent More Fly-Killing Power than Government Requirements" or "Tests prove Bif to have thirty per cent more killing power than the Government specifications for commercial fly sprays." The stipulation points out that the United States Government provides no standard specifications or requirements for insecticides.

No. 1695. United Enterprises, Inc., 124 Main St., Evansville, Ind., cosmetics manufacturer, entered into a stipulation to cease advertising or labeling its preparations with language purporting to indicate that its products, applied externally to the skin, will penetrate or be absorbed by it so as to nourish, revive, vitalize or revitalize, rebuild or rejuvenate the underlying tissues or cells, thereby preventing wrinkles and flabbiness, and building up sunken features, and other like accomplishments.

The respondent agrees to stop employing "Turtle Oil" as a trade name for its products not composed wholly of turtle oil. However, when the preparation does contain turtle oil in substantial part, the term "Turtle Oil," if used to designate the product, shall be accompanied by other words in conspicuous type to show clearly that the preparation contains both turtle oil and other ingredients.

Use of phrases implying that the respondent's "Acne Lotion" is an effective remedy in all cases of pimples or skin eruptions, will be discontinued, under the stipulation.

No. 1696. Reliable Merchandise Co., Inc., 657 West Madison Ave., Chicago, operating part of its business under the names "Gold Seal Laboratories" and "Gold Seal Spice Mills," and selling at wholesale several specialties for the peddler trade, known as "flash merchandise," agrees to ban use of the words "laboratories" and "mills" as part of a trade name, when in fact it did not own or control laboratories or factories; and to cease advertising to the effect that it is able to sell at low prices because of its large buying power, when such is not the fact.

The respondent company agrees not to use the expressions "Extra Strength" or "Triple Strength" to advertise preparations not of extra or triple strength; or the words "strawberry" or "orange" to designate synthetic products or products not compounded of the fruit or juice of the fruit named. However, the stipulation provides that when the preparations simulate the flavor of certain fruits, the name of such flavor, if used, shall be accompanied by the word "Imitation" in conspicuous type.

No. 2480. Representations tending to falsely disparage aluminum cooking utensils sold by competitors are prohibited under an order to cease and desist entered against Glenn Leach, trading as G. Leach and Co., Post Office Box 7297, Oakland Station, Pittsburgh, engaged in the sale of earthenware kitchen utensils.

Findings are that Leach, in advertising matter and through salesmen, defamed the products of competitors by falsely representing that the use of aluminum cooking utensils is deleterious to the health, and that the consumption of food prepared or kept in such utensils causes ulcers, cancers, and various other ailments. He was ordered to discontinue such representations.

The order directs the respondent to cease advertising that his earthenware utensils will never break when placed directly in or over an open flame, and that the regular and customary selling price of his products is a special or advertising price or their factory cost, or that only a few sales are made at such special price.

No. 2505. Abraham Platell, trading as Platell Shoe Co., 158 Duane St., New York City, has been ordered to stop representing that his shoes are made in accordance with the design or under the supervision of a doctor, when such is not the fact.

The order directs the respondent to cease employing the word "Doctor" or the abbreviation "Dr." in any way tending to deceive buyers of his shoes, and to discontinue use of the word "Manufacturing" or words of similar import, implying that he is a manufacturer, when such is not the fact.

No. 2512. An order to cease and desist has been issued against National Silver Co., 61-65 W. 23d St., New York City, prohibiting unfair competition in the sale of silverware.

The respondent company is directed to cease representing through use of the term "sectional overlay" or terms of like meaning used in advertising or in branding its product, that such silverware has extra deposits of silver at the points of wear, when such is not the fact.

Findings are that through long usage the term "sectional overlay," when used in association with silverware, has come to mean an extra deposit of silver at the points of wear, and to denote additional value in silverware.

In promoting the sale of its "Martha Washington" pattern of silverware, the respondent company is said to have stamped its pieces with the words "sectional overlay," when in fact the ornamental pieces of these sets did not have an extra deposit of silver at the points of wear so as to be properly so designated.

No. 2559. Dispensary Supply Company, Inc., 551 Fifth Ave., New York City, has been ordered to cease and desist from unfair competition in the sale of a preparation offered as a cure for excess weight.

The respondent company is directed to discontinue advertising its "Dr. McCaskey's Prescription Tablets" as a cure or remedy for obesity. These tablets, under the order, are not to be represented as harmless or safe to take and it is not to be asserted that users will reduce five pounds in a week, or any number of pounds in any stated time, or that users will obtain results similar to those obtained by a certain Dr. McCaskey in his practice as a physician or by any other physician in his practice.

Two doctors of medicine, one of them also a pharmacologist, testified to the general effect that a preparation of the constituency of the respondent company's tablets taken in the dosage recommended does not constitute a treatment or remedy for obesity and will not of itself reduce excess fat. Their testimony was not contradicted by that of any other witness.

No. 2560. David Rubenstein and Herman Schwartz, trading as Nu-Way Shoe Co., 142 Duane St., New York City, have been ordered to stop representing that their shoes are made in accordance with the design or under the supervision, of a doctor, when such is not the fact.

Findings are that the respondents' use of the fictitious names such as "Dr. Carol's Health Shoes" and "Dr. Martin's Walk-O-Pedic" had a tendency to mislead some of the shoe trade and ultimate customers into believing that the respondents' makes of shoes had been fashioned by a doctor.

No. 2741. Fifteen tin plate manufacturing companies have been ordered to cease and desist from entering into agreements not to sell or quote prices on "stock plate" to jobbers and manufacturers of tin cans and other containers. Findings are that these companies made such agreements resulting in suppression of competition and a tendency toward monopoly in the interstate sale of tin plate.

The respondent companies are: American Sheet and Tin Plate Company, Pittsburgh; Bethlehem Steel Company, Bethlehem, Pa.; Canton Tin Plate Corporation, Canton, Ohio; Columbia Steel Company, San Francisco, Calif.; John Follansbee, George T. Ladd, and Isaac M. Scott, trustees in bankruptcy for Follansbee Brothers Company, Pittsburgh; Granite City Steel Company, Granite City, Ill.; Inland Steel Company, Chicago; Jones & Laughlin Steel Corporation, Pittsburgh; McKeesport Tin Plate Company, McKeesport, Pa.; Republic Steel Corporation, Cleveland; N. & G. Taylor Company, Cumberland, Md.; Washington Tin Plate Company, Washington, Pa.; Weirton Steel Company, Weirton, W. Va.; Wheeling Steel Corporation, Wheeling, W. Va.; and Youngstown Sheet & Tube Company, Youngstown, Ohio.

No. 2749. Trading as Warner Studios, Eugene D. Petry, who operates a photograph and portrait studio at 1317 F St., Washington, D. C., and does business in other cities, has been ordered to discontinue unfair methods of competition in the conduct of such business.

Under the Commission's order to cease and desist, Petry and the canvassers he employs are prohibited from representing, directly or by implication, that photographs and portraits made in his studio have actual and regular values and customarily sell for sums in excess of the prices actually charged.

The respondent is directed to cease representing through advertising literature containing the language "Goldtone Colored in Oil," or in similar language, or in any other manner, that sepia print photographs are Goldtones or Goldtones colored in oil.

No. 2778. Misrepresentations in the interstate sale of cameras and film and a sales promotion plan are prohibited as unfair competition in an order to cease and desist against Vaughn C. Salter and Paul Tesson, trading as Falcon Camera Co., 8277 De Sota Ave., Detroit.

The respondents are directed to stop advertising that they manufacture Falcon cameras and film, and that their sales promotion plan is operated chiefly to increase the sale of film used in such cameras. Findings are that the respondents do not manufacture Falcon cameras or film, and are not interested in selling film, but concentrate on the sale of cameras and the sales promotion plan to retailers.

FTC DISMISSES COMPLAINTS

No. 2646. The Federal Trade Commission, after hearing, has ordered dismissal of its complaint against DeLuxe Manufacturing Company, 5736 12th St., Detroit, which had been charged with unfair methods of competition in the sale of bar fixtures and equipment because of the use of the word "Manufacturing" in its corporate name.

No. 2754. The Commission has entered an order dismissing its complaint against Laird & Co., Scobeyville, N. J., engaged in the manufacture and sale of applejack brandy. The complaint charged that the respondent company, by acquiring the outstanding capital stock and gaining control of the Hyland Distilling Corporation, Haskell, N. J., also manufacturing and selling applejack, violated Section 7 of the Clayton Act.

The complaint was dismissed because Laird & Co., after the complaint was issued and before testimony was taken in the case, bought all the assets of the Hyland Corporation and surrendered to it the outstanding capital stock previously purchased. Subsequently, the Hyland Corporation was dissolved, and this was a further reason for dismissal of the complaint.

Section 7 of the Clayton Act makes it unlawful for one corporation to acquire the capital stock of a competitor where the effect may be to substantially lessen competition between the two, but

it does not prevent consolidations or mergers of competitors brought about by the acquisition of the physical assets of such competitors.

As authority for dismissing the complaint, the Commission's order cites the Supreme Court decision in the case of Arrow-Hart & Hegeman Electric Company against the Federal Trade Commission.

No. 2615. The Commission has dismissed a complaint charging the American School, 58th Street and Drexel Avenue, Chicago, with unfair competition in the sale of a correspondence school course in high school subjects.

Dismissal of complaints alleging unfair competition on the part of two New York dealers in steel wool cleaning pads and dry cleaning fluids, respectively, have also been ordered by the Commission.

No. 2657. E-Z Kleener Manufacturing Co. and others, 590 East 161st Street, New York City, had been charged with unfair representations in the sale of steel wool cleaning pads. Dismissal of the complaint was ordered on the ground that the evidence failed to sustain the allegations.

No. 2567. In the case of D. Blum & Co., Inc., 316 West 31st Street, New York City, selling a dry cleaning fluid, dismissal was ordered because certain practices charged in the complaint had been abandoned by the respondent and because there was failure of proof as to other practices charged.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

No hearings are scheduled by the Commission for the week beginning Monday, July 6.

The Broadcast Division of the Commission did not meet at its usual time this week. It will meet later in the week.

APPLICATIONS RECEIVED

First Zone

WELI—City Broadcasting Corp., New Haven, Conn.—Modification of license to change hours of operation from daytime to unlimited time, requesting 250 watts, 500 watts day, change frequency from 900 kilocycles to 930 kilocycles, and install directional antenna. Amended to change name from Patrick J. Goode to City Broadcasting Corp.

WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Modification of license to change frequency from 1120 kc. to 1130 kc.; change hours of operation from limited until local sunset at KSL, Salt Lake City, Utah, using 500 watts power. Amended to change name from Joseph M. Kirby to Massachusetts Broadcasting Corp.

WDRC—WDRC, Inc., Hartford, Conn.—Modification of license to increase power from 1 KW, 5 KW day, to 5 KW day and night.

WAAB—Bay State Broadcasting Corp., Boston, Mass.—Construction permit to make changes in WNAC's present licensed transmitter to reduce maximum rated carrier power so as to be used as transmitter for WAAB when WNAC is authorized to use their 5-KW transmitter, under File No. B1-P-1083.

W2XMN—Edwin H. Armstrong, New York, N. Y.—Modification of construction permit to add frequency of 41600 kc.

Second Zone

WJR—WJR, The Goodwill Station, Detroit, Mich.—Construction permit to install new equipment and increase power from 50 KW to 500 KW.

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Modification of license to increase power from 500 watts to 500 watts, 1 KW day.

NEW—United States Broadcasting Co., Toledo, Ohio.—Construction permit for a new station to be operated on 1200 kc., 100 watts, daytime only.

NEW—United States Broadcasting Co., Columbus, Ohio.—Construction permit for a new station to be operated on 1310 kc., 100 watts, unlimited time.

WCMJ—The Ashland Broadcasting Co., Ashland, Ky.—Construction permit to make changes in equipment and increase power from 100 watts to 100 watts, 250 watts day. Amended in regard to equipment changes.

WLAP—American Broadcasting Corp. of Kentucky, Lexington, 1420 Ky. Authority to transfer control of corporation from T. C. Rush to J. Lindsay Nurn, 256 shares of common stock.
 NEW—John E. Fetzer, Benton Harbor, Mich.—Construction permit for a new station to be operated on 1500 kc., 100 watts, unlimited time. Amended to change hours of operation from unlimited to daytime only, using 100 watts power.
 W8XIK—The Crosley Radio Corp., Portable-Mobile.—License to cover construction permit for a general experimental station to be operated on 31100, 34600, 37600, 40600 kc., 30 watts.
 W8XIL—The Crosley Radio Corp., Portable-Mobile.—License to cover construction permit for a general experimental station to be operated on 31100, 34600, 37600, 40600 kc., 30 watts.

Third Zone

WBNO—The Coliseum Place Baptist Church, New Orleans, La.—1200 Construction permit to install new equipment, vertical antenna; change hours of operation from share-WJBW to unlimited; move studio from New Orleans Hotel, 1300 Canal St., New Orleans, La., to St. Charles Hotel, 211 St. Charles St., New Orleans, La., and transmitter from 1376 Camp St., New Orleans, La., to Thalia and South Broad St., New Orleans, La. Requests facilities of WJBW. (Filed in name of Pelican State Broadcasting Co.)
 WBNO—The Coliseum Place Baptist Church, New Orleans, La.—1200 Voluntary assignment of license from The Coliseum Place Baptist Church to Edward R. Musso. Amended to change name of transferee from Edward R. Musso to J. E. Richards, John R. Maddox and Edward R. Musso, d/b as Pelican State Broadcasting Co.
 WDSU—WDSU, Inc., New Orleans, La.—Construction permit to 1250 make changes in equipment.
 NEW—Ernest Edward Ruehlen, Great Bend, Kans.—Construction permit for a new station to be operated on 1370 kc., 100 watts, unlimited time.
 KRLH—Clarence Scharbauer, Midland, Tex.—Modification of 1420 license to change frequency from 1420 kc. to 1210 kc.
 NEW—Dixie Broadcasting System, Stokes Gresham, Jr., President, Valdosta, Ga.—Construction permit for a new station to be operated on 1500 kc., 100 watts, daytime.

NEW—C. S. Gooch, d/b as Amarillo Broadcasting Co., Amarillo, 1500 Tex.—Construction permit for a new station to be operated on 1500 kc., 100 watts, daytime.

Fourth Zone

WCFL—Chicago Federation of Labor, Chicago, Ill.—Construction 970 permit to install new equipment and increase power from 5 KW to 50 KW.
 WJBC—Arthur Malcolm McGregor and Dorothy Charlotte McGregor, Bloomington, Ill.—License to cover construction permit (B4-P-571) to install new equipment and increase power. Amended to change name from Wayne Hummer and H. J. Dee, d/b as Kaskaskia Broadcasting Co., to Arthur Malcolm McGregor and Dorothy Charlotte McGregor.
 WMFG—Head of the Lakes Broadcasting Co., Hibbing, Minn.—1210 Construction permit to make changes in equipment and increase power from 100 watts to 100 watts, 250 watts day.
 KOIL—Central States Broadcasting Co., Council Bluffs, Iowa.—1260 Construction permit to make changes in equipment.
 NEW—Homer D. Banta, Burlington, Iowa.—Construction permit 1310 for a new station to be operated on 1310 kc., 100 watts, unlimited time.
 KGDY—Voice of South Dakota, Huron, S. Dak.—Authority to 1340 transfer control of corporation from F. Koren, Robert J. Dean and M. W. Plowman to Greater Kampeska Radio Corp., 221 shares stock.
 NEW—Central States Broadcasting Co., Council Bluffs, Iowa.—1500 Construction permit for a new station to be operated on 1500 kc., 100 watts, unlimited time.
 W9XAA—Chicago Federation of Labor, Chicago, Ill.—Construction permit for increase in power and replace transmitter.

Fifth Zone

NEW—A. W. Mills, Gallup, N. Mex.—Construction permit for a 1500 new station to be operated on 1310 kc., 100 watts, unlimited time. Amended to change frequency from 1310 kc. to 1500 kc.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
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ENGINEERING HEARING CALLED

The Broadcast Division of the Federal Communications Commission has directed that an informal engineering hearing be held on October 5, to determine what changes, if any, or improvements, if any, are desirable and necessary in the public interest with respect to the engineering principles of allocation within the broadcast band 550 to 1600 kilocycles. Notice will be furnished all stations setting out the issues for discussion at the informal hearing. The Division directed the Engineering and Law Departments to prepare the necessary notices setting forth the issues.

DENIAL OF TEXAS APPLICATION RECOMMENDED

The Voice of Marshall Association applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Marshall, Texas, to use 1500 kilocycles, 100 watts and specified hours.

Examiner George H. Hill in Report No. I-251 recommended that the application be denied. The Examiner found that a showing for a need of a station at Marshall was made "however, the operation of the proposed station would result in serious and objectionable interference to Station KGKB, at Tyler, Texas, and Station KPLC at Lake Charles, La." For that reason he recommended that the application be denied.

STATION REVENUE IN SIX STATES

Total receipts of 87 broadcast stations in Indiana, Michigan, Ohio, Wisconsin, Arkansas and Oklahoma, from the sale of radio time during 1935, amounted to \$10,111,645 according to the new census of business series on the broadcasting business made by the Bureau of the Census, Department of Commerce. The report includes 14 stations in Indiana, 17 in Michigan, 19 in Ohio, 14 in Wisconsin, 11 in Arkansas and 12 in Oklahoma.

RECOMMENDS LICENSE RENEWAL FOR KSEI

Broadcasting station KSEI, Pocatello, Idaho, applied to the Federal Communications Commission for a license renewal. The station operates on 900 kilocycles, 250 watts and 500 watts LS, and unlimited time.

Examiner George H. Hill in Report No. I-250 recommends that the license be renewed. The Examiner found that the technical operation of the station "has been conducted with an almost total disregard of the Communications Act of 1934 and the rules and regulations of the Commission." He found, however, that the rules were violated "without the knowledge or consent of the officers of the corporation." According to the testimony "these officers bear excellent reputations and are men of the highest integrity and character." They have promised better operation in the future and the offending employee has been removed from the station. The

station is the only one rendering consistent service in its area and "a need for the continued operation of the station exists."

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

Imco Participating Co., London, England. (2-2265, Form E1)
The Youngstown Steel Door Company, Cleveland, Ohio. (2-2266, Form A-2)
Hotel Plaza, Inc., Corpus Christi, Texas. (2-2267, Form A-1)
Hedley Chief Mines, Ltd., Vancouver, B. C. (2-2268, Form A-1)
U. S. Hoffman Machinery Corp., New York City. (2-2269, Form A-2)
Camaguey Sugar Co. Committee, New York City. (2-2270, Form D-1)
Empire Properties Corp., Newark, N. J. (2-2271, Form E-1)
Regal Textile Co., Inc., Barnesville, Ga. (2-2272, Form A-1)
Ace Re-Insurance Co., Elizabeth, N. J. (2-2274, Form A-1)
Motors Securities Co., Inc., Shreveport, La. (2-2275, Form A-1)
Pacific Can Company, San Francisco, Calif. (2-2276, Form A-2)
Gilbert Klink Brewery Corp., Buffalo, N. Y. (2-2277, Form A-1)
Seversky Aircraft Corp., Farmingdale, L. I., N. Y. (2-2278, Form A-1)
American Bantam Car Company, Butler, Pa. (2-2279, Form A-1)
Mining & Development Corp., Wilmington, Del. (2-2280, Form A-1)
Durbar Gold Mines, Ltd., Toronto, Canada. (2-2281, Form A-1)
Kable Brothers Company, Mount Morris, Ill. (2-2282, Form A-1)
Forest Lawn Company, Glendale, Calif. (2-2283, Form A-2)
Kingsport Press, Inc., Kingsport, Tenn. (2-2284, Form A-2)
American Investment Co., of Illinois, Springfield, Ill. (2-2285, Form A-2)
New York Stocks, Inc., Jersey City, N. J. (2-2286, Form A-1)
Vertientes Sugar Co. Committee, New York City. (2-2288, Form D-1)
Indiana Asphate Paving Co., Ltd., Indianapolis, Ind. (2-2289, Form A-2)

INCREASED POWER RECOMMENDED FOR WPRO

Broadcasting station WPRO, Providence, R. I., applied to the Federal Communications Commission for an increase of power from 250 watts to 500 watts and 1,000 watts LS. The station operates unlimited time on 630 kilocycles.

Examiner P. W. Seward in Report No. I-248 has recommended that the power increase be granted. He found that the granting of the request "would not interfere with the fair and efficient service of any existing licensed radio station." The Examiner found also that the directional antenna which the applicant proposes to use complies with good engineering practice and with the rules and regulations of the Commission and will render proper service.

RULES DELETED AND MODIFIED

The Broadcast Division of the Federal Communications Commission has deleted from its Rules and Regulations Rules Nos. 6, 109 as amended, 110 as amended, 111 as amended, 112 and 114.

The Broadcast Division modified Rules 116 and 119 to read as follows:

116. The following frequencies are designated as clear channels and are allocated for use by clear channel stations:
640, 650, 660, 670, 680, 700
710, 720, 740, 750, 760, 770
790, 800, 810, 820, 830, 850

860, 870, 970, 980, 1000, 1020
1040, 1050, 1060, 1070, 1080
1090, 1100, 1110, 1130, 1140
1150, 1160, 1170, 1180, and 1190 kcs.

119. The following frequencies are designated as high power regional frequencies and allocated for use by high power regional stations, permitted to operate simultaneously with a power not less than 5 kilowatts:
1460, 1470, 1480, 1490 kcs.

CHANGES RECOMMENDED FOR KTFI

Broadcasting station KTFI, Twin Falls, Idaho, applied to the Federal Communications Commission for license renewal and to change its frequency from 1240 to 630 kilocycles. The station operates on unlimited time 500 watts and 1,000 watts LS and asks no change in either time or power.

Examiner George H. Hill in Report No. I-249 recommended that the application be granted. The Examiner states that programs of the type of the "Friendly Thinker" do not serve the public interest but the applicant, the Examiner states, has assured the Commission that "doubtful medical programs are not in the future to be broadcast over the station." The entire record considered, the Examiner recommended that the license of the station be renewed. He found that no objectionable interference "would result to the primary service area of Station KFI by the proposed operation."

HEARING OF 500-KW CASES CONTINUED

The Federal Communications Commission has announced that applications for 500 kilowatts which have been heretofore designated for hearings before the Broadcast Division on September 24, are continued until after informal engineering hearing set for October 5. The Commission will announce at a later date the hearing date on these applications.

DENIAL OF TENNESSEE STATION RECOMMENDED

The Chattanooga Broadcasting Company applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Chattanooga, Tenn., to use 590 kilocycles, 1,000 watts power and unlimited time on the air.

Examiner Ralph L. Walker in Report No. I-252 recommended that the application be denied. The Examiner found that while only two persons are named in the company a third really will have an interest and that a corporation will be formed to take over the license. He found also that "the proposed station may be expected to cause objectionable interference within the normal good service area of one existing station, and such interference will restrict that station beyond the point to which it is now restricted by any existing station located in the United States."

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

No. 2852. Unfair competition in the sale of certain waterproof garments is alleged in a complaint issued against **I. B. Kleinert Rubber Co.**, 485 Fifth Avenue, New York City.

According to the complaint, a waterproof garment for infants sold by the respondent company under the name "Softex" was advertised as "rubberless" and "absolutely free from latex or any other form of gum rubber," when, in fact, this product had a waistband of elastic fabric made from gum rubber and an elastic banding at the leg openings made of rubber.

Those representations are alleged to have a tendency to deceive purchasers and to be in violation of the Federal Trade Commission Act.

No. 2853. A complaint has been issued charging **F. L. McWethy**, 329 Michigan Avenue, Marshall, Mich., with making false and misleading representations regarding the alleged curative value and effect of "McWethy's Home Treatment," advertised as a diuretic stimulant for the kidneys.

No. 2855. False representations in advertising are alleged in a complaint issued against **A. O. Leonard, Inc.**, 70 Fifth Avenue,

New York City, manufacturing "Leonard Ear Oil" and selling it in interstate commerce.

Advertised in testimonials, pamphlets and on safety match box containers as an ear oil having curative properties capable of relieving deafness, the respondent's product, according to the complaint, is not an ear oil, nor does it have such therapeutic properties as to relieve deafness. The complaint describes the preparation as being composed of an emulsion of mineral oil, soft soap, glycerine and eucalyptol.

No. 2856. False and misleading representations in the sale of cosmetics and toilet preparations by means of alleged puzzle contests are charged in a complaint against **G. Fred Stayton** and the **Betty White Corporation**, 1912 Grand Avenue, Des Moines, Iowa. Stayton is president and general manager of the respondent company, successor to Paramount Products Company and Paramount Products, Inc.

Selling the "Betty White" products, consisting of some 29 items, the respondent company is alleged to have made fraudulent advertising representations to obtain salesmen for its articles.

Magazine advertisements purporting to present puzzle contests are said to have announced that a first grand prize of an automobile sedan would be given the winner and additional cash prizes would be awarded if the winner were the first person sending the correct answer. No money would be necessary, according to the advertisement, and the only requirements to win a prize would be prompt solution of the puzzle.

No. 2857. A complaint has been issued against **Florida Building Material Institute, Inc.**, of Orlando, Fla., its officers, directors, and members, alleging violation of the Federal Trade Commission Act through suppression of competition in the sale of lumber and other building materials.

Members of the institute, according to the complaint "constitute a group so large and influential in the trade as to be able to control and influence the flow of trade and commerce in lumber, lumber products, building materials and builders' supplies within, to and from the State of Florida." The complaint charges that these members, as allied and banded together in the institute, are enabled more effectively to exercise control and influence over this trade to promote and enhance their own volume of trade and profits. They are charged with entering into an agreement, combination and conspiracy.

No. 2858. Unfair trade practices in the sale of latex bandages in interstate commerce are alleged in a complaint issued against **Roy C. Greenberg** and **Sarah J. Rosenheim**, trading as **Neway Manufacturing Company**, 30 South Clinton St., Chicago.

The respondents are said to have advertised in various magazines usually read by canvassers and sales agents, seeking to induce the purchase of "Neway Latex Bandages" by persons suffering from bodily ailments and malformations, and to obtain canvassers and sales agents.

No. 2859. Charging violation of the Federal Trade Commission Act in the interstate sale of "Bell-Ans," a proprietary remedy for indigestion, a complaint has been issued against **Bell & Company, Inc.**, of Orangeburgh, N. Y.

The complaint charges that the respondent company, in its advertising, is creating upon the public the impression that "Bell-Ans" has beneficial curative effects, will relieve and cure digestive disturbances due to acid conditions, and will relieve and cure indigestion, when, in fact, according to the complaint, this preparation will not relieve or cure digestive disturbances and indigestion.

No. 2860. The **Gulf Coast Oil Company of Mississippi, Inc.**, 3331 St. Charles Avenue, New Orleans, and **Anthony Paciera**, its president, have been served with a complaint alleging unfair competition through imitation of signs, colors and other advertising features used by **Gulf Refining Co.**, of Pittsburgh, which has built up an extensive reputation and goodwill among users generally.

The complaint alleges that the respondent New Orleans firm, among other things, painted its stations, gasoline pumps, tank trucks and other equipment with the same shade of orange color as used by **Gulf Refining Co.**, featured the word "Gulf" in its display advertising in a manner resembling that of **Gulf Refining Co.**, and simulated some of the **Gulf Refining Company's** trade names for its gasoline and oil products.

No. 2861. **Schwabacher Brothers & Co., Inc.**, a Seattle, Wash., candy distributor, is charged with unfair competition in a complaint. The respondent company is alleged to have sold its products in Washington and Alaska through use of a lottery scheme, employing a punch board device.

No. 2862. Misrepresentation in advertising of the therapeutic

value of "Zimmer Radium Emanator" is alleged in a complaint issued against **H. R. Zimmer**, 636 West 77th St., Los Angeles.

Zimmer's product is described in the complaint as a metal holder purported to contain pure, refined radium which, when placed in drinking water, renders the water radioactive.

No. 2863. Trading under the names **Jenner Manufacturing Company** and **Jenner Sales Company**, **R. C. Jenner** and **William DeLapp**, 31 Allison St., Pontiac, Mich., have been served with a complaint charging unfair competition in the sale of a small electric water heater.

Advertising in "Help Wanted" columns of newspapers, the respondents are alleged to have executed a scheme to extract money from persons in need of employment by falsely representing to them the nature of respondents' business and the character and value of their product, and the work to be performed. A cash deposit was required, which, according to the complaint, was turned by the respondents into payment for heaters furnished applicants, or was sometimes retained by the respondents.

No. 2864. **Morris Gottsegon** and **David Jacoby**, trading in interstate commerce as **Mills Sales Company**, 901 Broadway, New York City, have been served with a complaint charging unfair competition.

By means of false and misleading advertising, the respondents, according to the complaint, made representations tending to mislead customers into believing that various catalogued items of merchandise, such as tooth brushes, dental creams and razor blade hones, because of the price stamped thereon, were superior products; that the respondents were manufacturers and large scale operators able to assure purchasers of superior quality and closer prices, and that certain products were made in accordance with the design or under the supervision of a doctor, containing special scientific features.

No. 2865. **Atlantic Coast Oil Company of New York, Inc.**, of Glendale, Queens, New York City, is named respondent in a complaint alleging unfair methods of competition in the sale of motor oils and greases.

One allegation is that the respondent corporation sells its products in containers bearing the emblem of the Pennsylvania Grade Crude Oil Association and certain lettering and numbers implying that the content is a pure, unadulterated Pennsylvania oil, or an oil produced in the Pennsylvania strata of oil fields, and that the respondent is a member of the Pennsylvania association, when, according to the complaint, such are not the facts.

No. 2866. Charging unfair competition in the sale of imitation diamonds and rings, a complaint has been issued against **J. R. Stone**, of Wheeling, W. Va., trading as **Spanish Diamond Co.**, **Chinese Ring Co.**, and **National Jewelry Co.**

In his advertising literature, the respondent, according to the complaint, made representations to the effect that the sets or stones in the rings he sells are gems that baffle and deceive experts, look like diamonds worth \$250 or \$300 each, and cannot be told from genuine diamonds costing many hundreds of dollars. Other representations of like import were made, according to the complaint, such as the assertions that the ring mountings have a "platinum-effect finish" or are "white gold-appearing sterling."

No. 2867. Alleging unfair competition in connection with the sale of bird feed and medicines, a complaint has been issued against **Hartz Mountain Products, Inc.**, 32 Cooper Square, New York City.

Through use in its corporate and trade names of the words "Hartz Mountain," either alone or in connection with the word "Genuine," on labels, in newspaper advertisements, radio broadcasts, and in other ways, the respondent corporation, the complaint alleges, represents to purchasers that its products so labeled and advertised originate in the Hartz, or Harz, Mountain district of Germany, which is said to be well known among bird fanciers as the locality where a high grade species of canary has been bred for many years.

No. 2868. **Associated Rubber Corporation**, 517 West 57th Street, New York, is charged in a complaint with unfair competition in the sale of rubber tires.

The respondent company is alleged to have advertised certain of its tires as "Standard Brand," "First Line," or "Heavy Duty," when in fact, according to the complaint, such tires were not of such quality as to be accurately described by these terms. The descriptions used are said to be well known in the trade as denoting first quality tires.

No. 2869. **Belmont Laboratories, Inc.**, 4430 Chestnut St., Philadelphia, is charged in a complaint with unfair methods of competition in the sale of "Mazon" and "Mazon Soap," preparations offered as treatments for skin diseases.

In magazines, medical journals and in other forms of advertising, the respondent corporation allegedly makes representations to the effect that the two preparations are prescribed by prominent physicians and afford quick and permanent elimination of eczema, ring worm, athlete's foot, and many other skin disorders; that "Mazon" is the original treatment of its character for the skin diseases specified in the respondent's advertising, and that it has no substitute.

No. 2870. False and exaggerated representations as to the benefits to be derived from the use of "Shaddy's Hair Rejuvenator," sold in interstate commerce, are alleged in a complaint issued against **Kelly J. Shaddy**, trading as **Magic Chemical Company**, 370 Turk St., San Francisco.

Among the respondent's assertions, allegedly made in radio broadcasts, in advertising matter and in testimonials, and which the complaint charges are untrue, are claims that his preparation eradicates dandruff, keeps the hair organs functioning normally in accordance with nature, stops falling hair, promotes the growth of hair, and is the world's safest hair dressing.

No. 2871. **South Bend Distributing Co., Inc.**, 210 East Jefferson St., South Bend, Ind., is charged with unfair competition in the sale of candy, in a complaint. The company is said to have sold candy to wholesalers and jobbers in assortments arranged to promote a game of chance.

Stipulations

The Commission has issued the following cease and desist orders and stipulations:

No. 1697. **Joseph Beim**, **Max Ivler**, and **Samuel Breiter**, trading as **Beim, Ivler & Breiter**, 558 Broadway, New York City, are engaged in wholesaling shoes under the brand "Dr. Wainer's Health Shoes." They will cease using this brand name for shoes which are not made in accordance with the design and under the supervision of a doctor and which lack orthopedic features that are the result of medical advice. The respondents agree to cease using the word "Doctor" or the abbreviation "Dr." either alone or with the word "Wainer," or in any manner to imply that their shoes are manufactured under the supervision of a doctor and contain orthopedic features, when such is not the fact.

No. 1698. **Masterpiece Cigar Co.**, 333 Commerce Ave., S. W., Grand Rapids, Mich., in the sale of cigars will discontinue marking them with exaggerated prices in excess of the prices at which they are sold or intended to be sold, and contrary to the price indicated by the internal revenue stamps on the boxes containing such cigars. The stipulation points out that the respondent company, in selling its "Mi Alvina" brand of cigars, displayed the price mark "10¢" on the boxes to which were affixed Class A tax stamps, which are used only for cigars retailing at 5 cents each.

The respondent company stipulates that it will not use on labels or elsewhere the names of the former manufacturers of "Mi Alvina" cigars to imply that such former manufacturers make the cigars, and will discontinue the word "Manufacturers" in connection with the name of any firm which does not actually make the "Mi Alvina" brand.

It is also stipulated by the respondent company that it will stop using the words "Hahana" or "Havana" to describe its cigars, when they are not made from Havana tobacco or from tobacco imported from the island of Cuba.

No. 1699. **General Leather Products, Inc.**, 30 Wilsey St., Newark, N. J., engaged in the manufacture and sale of leather luggage, entered into a stipulation to cease stamping the words "Genuine Cowhide" on its products not made from the top or grain cut of the leather, and to desist from using the word "cowhide" in any manner tending to mislead purchasers into the belief that the products so stamped are manufactured from the top or grain cut of the leather, when such is not the fact.

No. 1700. **Health Products Corp.**, 113 N. 13th St., Newark, N. J., agrees to stop advertising that "Dillard's Aspergum," an aspirin product which it manufactures and sells, "works faster" and "does not harm the heart," and will not make any other assertions tending to cause purchasers to believe that use of the product is not harmful to the heart in any instance regardless of the dosage taken.

No. 1701. **E. C. Hurd**, P. O. Box 211, Ashland, Ore., trading as **Medico Minerals Company** and selling "Medico Mineral Water," signed a stipulation to cease representing that his product has value or possesses therapeutic properties especially beneficial in cases of the kind described in his advertising matter, and that it has any curative properties other or greater than those usually obtained from the use of ordinary drinking water. According to

the stipulation, the respondent claimed that "Medico Mineral Water" is highly beneficial in cases of indigestion, stomach and kidney disorders, rheumatism, and gland troubles, and is valuable in removing the causes of many human ailments.

No. 1702. Bergdorf & Goodman Co., Inc., 754 Fifth Avenue, New York City, a member of the Uptown Creators' Guild of millinery designers and dealers, has entered into a stipulation to discontinue trade practices having the tendency and effect of establishing a boycott in the millinery business, and to otherwise restrain interstate trade in millinery.

The Commission has issued a complaint against the **Millinery Quality Guild, Inc.,** and **Uptown Creators' Guild,** both of New York City, and 27 members who design, manufacture and sell ladies' hats of high quality, alleging unfair practices in restraint of trade. Bergdorf and Goodman Company, Inc., having executed a stipulation which was accepted by the Commission, was not included as a respondent in the complaint.

In its stipulation, Bergdorf & Goodman Co., Inc., agrees to cease and desist from soliciting or obtaining from its fellow members' customers any agreement or "declaration of cooperation" wherein the signers agree to refrain from or refuse to purchase commodities of manufacturers not members of such guild or association.

No. 1703. R. O. W., Inc., 57 East 52nd Street, New York City, engaged in the importation and sale of alcoholic beverages, agrees to discontinue labeling whiskey with the words "MacNab Distilleries Limited," either alone or in connection with the address "266 Clyde St., Glasgow, Scotland," or with the words "Produce of Scotland," to imply that the product is produced by MacNab Distilleries Limited, at the Glasgow address, or that MacNab Distilleries Limited owns or operates a distillery in which such whiskey is manufactured. The stipulation sets out that MacNab Distilleries, Limited, does not exist.

No. 1704. Shulton, Inc., 358 Fifth Avenue, New York City, will stop using on labels for its soap products the words "Royal York," independently or in connection with a picture of a crown, or in any manner implying that its soap products are made in England or are of British origin, when such is not the fact. The respondent corporation also agrees to desist from use on billheads or other printed matter of the word "Soapmakers," to imply that it manufactures soap or owns the plant where its soap products are made, when such is not the fact.

No. 1706. W. J. Ross and George H. Hyland, trading as Dr. W. J. Ross Company, Los Alamitos, Calif., stipulate that in the sale of prepared food for dogs and cats they will discontinue advertising that their products constitute a balanced ration, and are made under the same sanitary conditions as foods intended for human consumption, when such is not the fact. The respondents also agree to cease representing that their products consist of choice cuts of lean, rich meat, to imply that such meat is the sole or predominating content of their products.

No. 1712. Monopolistic trade practices tending toward maintenance of a uniform price level will be abandoned by twelve companies manufacturing decalcomanias or transfer pictures, under a stipulation entered into. Nine of these companies are said to do about 90 per cent of the total business in these pictures in the United States. The respondent companies are:

Meyercoed Company, Rayner Decalcomania Company, American Decalcomania Company, all of Chicago; **Palm-Fechteler & Co.,** New York City; **Commerford-Price Company,** and **Consolidated Decalcomania Corporation,** both of Brooklyn; **National Decalcomania Corporation,** Philadelphia; **Palm Brothers Decalcomania Company,** Cincinnati; **Di-Noc Manufacturing Company,** and **International Transparency Company,** Cleveland; **Borden Decalcomania Company,** San Francisco, and **Kalassign Company of America,** Kalamazoo, Mich.

These companies stipulate that they will cease and desist from collectively agreeing upon uniform prices, terms, discounts, or differentials, or adopting methods which tend to fix the prices, terms, discounts, or differentials at which their products shall be sold, or which are designed to equalize or make uniform such prices, terms, discounts or differentials.

Nos. 2375-2388-2396. Three corporations have been ordered to discontinue representing that they are the distillers of whiskies and other spirituous beverages they sell in interstate commerce until such is the fact.

The respondent corporations are **Old Gold Distillers, Inc.,** 3748 West 26th St., Chicago; **Liberty Distilleries, Inc.,** 18 South Hanover St., Baltimore, and **Rex Distilling Co.,** 369 Fountain St., Providence, R. I.

The orders to cease and desist prohibit the respondents from

using the words "Distillers," "Distilleries" or "Distilling" in their corporate names, on labels, in advertising matter, or in any other manner to represent that their beverages are manufactured by the process of distillation, or that they own or operate places where such beverages are distilled, unless they actually own or operate distilleries.

No. 2421. Grove Distillers & Wine Co., Inc., 347 Grove St., Jersey City, N. J., has been ordered to cease and desist from representing itself as a distiller of liquors unless and until it actually owns and operates a distillery.

With a place of business in a one-story and basement building, the respondent company operated no distilling apparatus, had never applied for a distiller's permit, and engaged only in rectifying liquors and selling them at wholesale, according to findings.

No. 2461. Lawrence F. Milan, a wholesale liquor dealer, of Catonsville, Md., trading as **Catonsville Distilling and Distributing Company,** has been ordered to cease and desist from representing, through use of the word "Distilling," that he is a distiller or owns and controls a distillery, unless and until he shall actually own and control such a place of business.

No. 2676. Dennison Brothers, Inc., 437 11th Ave., New York City, dealers in groceries, drugs and sundries, have been ordered to stop representing, by means of advertising, photographs or price lists that it manufactures the commodities it sells.

The respondent company is also directed to cease labeling a particular soap as "Butt R Milk Soap," when buttermilk is only a minor ingredient thereof, and from representing through use of labels or other identifications upon containers of oil, that a product is "Russian Mineral Oil" or some other type of "heavy oil," or that it complies with the United States Pharmacopoeia specifications for liquid petroleum, when these are not the facts.

No. 2729. Conducting a correspondence school business under the names **Commercial Extension University, Commercial Extension of Omaha,** and **Commercial Extension College, E. F. Agee, Hillcrest Building, Omaha, Nebr.,** has been ordered to discontinue representing through the use of trade names, or in any other manner, that his business is a college or university, or a branch or extension of such an institution.

No. 2811. An order to cease and desist has been issued against **Dr. J. E. Cannaday,** 316 South Ohio Avenue, **Sedalia, Mo.,** dealer in a medicinal preparation, directing him to discontinue representing such product in interstate sales as being capable of effecting a cure or permanent relief in all cases of eczema. The respondent admitted the material allegations of the Commission's complaint to be true, and waived further proceedings.

FTC CLOSES CASES

The Federal Trade Commission has announced the closing or dismissing of the following cases:

No. 2132. An order directing **Progressive Education Society, Inc.,** 407 Hillington Way, **Madison, Wis.,** and its president, **Irving Roy Jacobson,** to discontinue unfair methods of competition in sale of books and an extension service, has been vacated by the Commission.

At the same time the Commission issued a second amended and supplemental complaint against the corporation and Jacobson, and allowed them until August 7 to show cause why an order to cease and desist from the practices complained of should not be issued.

No. 2392. The Commission has issued an order closing its case against **Western Distillers Corporation,** Los Angeles, former wholesale liquor dealer, charged with unfair competition through use of the word "Distillers" in its corporate name when not engaged in the distilling business.

Supplemental investigation by Commission examiners shows that the respondent company appears to have been adjudged a bankrupt, to have discontinued business following sale of its assets to **San Angelo Wine and Spirits Corporation,** Los Angeles, and to have discontinued the practices alleged in the complaint.

No. 2595. Dismissal of a complaint against **Henry S. Blumenthal** and the **Ribbonew Corporation of America,** 3332 71st Street, Jackson Heights, Queens, New York, selling a device for renewing or renovating worn-out typewriter ribbons, has been ordered by the Commission.

The complaint charged the respondents threatened to bring patent infringement suits against purchasers of the products of competitors, and that the threats were not made in good faith.

The Commission dismissed the complaint upon the authority of a Circuit Court of Appeals decision in the case of **Flynn & Emerich Company** against the Federal Trade Commission. In this case the

court held that the question of public interest was not involved, and that the record showed no basis for the action of the Commission in finding the respondent had acted in bad faith in threatening to sue a competitor for alleged patent infringement.

No. 2627. Dismissal of a complaint charging unfair competition in the sale of medicated cleansing tissue has been ordered by the Commission in the case of **Tissue Brands, Inc.**, 27 West 24th Street, New York City. The complaint treated to representations made by the respondent concerning its product "Sankerchief," manufactured from paper and impregnated with various medicaments commonly used in treating colds.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Tuesday, July 14

HEARING BEFORE THE COMMISSION EN BANC

NEW—National Television Corp., New York, N. Y.—C. P. (further hearing), **2000-2100 kc.**, 500 watts, unlimited time.

NEW—National Television Corp., New York, N. Y.—Supplemental petition for special temporary authorization.

National Television Corp., New York, N. Y.—Petition for hearing on Rule 229, as amended, filed in accordance with Commission Order No. 15.

W9XG—Purdue University, Lafayette, Ind.—Protest to Commission Order No. 14 amending Rule 229 in accordance with Commission Order No. 15.

APPLICATIONS GRANTED

NEW—The Exponent Company, Clarksburg, W. Va.—Granted C. P. for new broadcast station at Clarksburg to operate on **1370 kc.**, 100 watts, daytime only, site to be determined.

WCNW—Arthur Faske, Brooklyn, N. Y.—Granted C. P. to move transmitter locally and install vertical radiator. Present assignment: **1500 kc.**, 100 watts night, 250 watts day, specified hours.

KCRJ—Charles C. Robinson, Jerome, Ariz.—Granted C. P. to install new equipment, new transmitter and antenna system, and change hours of operation from specified to daytime. Present assignment: **1310 kc.**, 100 watts day, specified hours.

WGNV—Peter Goelet, Chester Township, N. Y.—Granted C. P. to change equipment, erect an approved antenna system and move transmitter to Newburg, N. Y., site to be determined.

KRGV—KRGV, Inc., Weslaco, Tex.—Granted authority to install automatic frequency control.

KFEL—Eugene P. O'Fallon, Inc., Denver, Colo.—Granted modification of C. P. to move transmitter to location of new vertical radiator at 1900 Sheridan Blvd., near Denver, Colo.

KVCV—Golden Empire Broadcasting Co., Redding, Calif.—Granted modification of C. P. approval of transmitter site and studio locations, also changes in equipment and approval of vertical radiator.

WWSW—Walker & Downing Radio Corp., Pittsburgh, Pa.—Granted license to cover C. P., **1500 kc.**, 100 watts night, 250 watts day, unlimited time.

WJAR—The Outlet Company, Providence, R. I.—Granted license to cover C. P., **890 kc.**, 1 KW, unlimited time, to employ directional antenna day and night.

WCHV—Community Broadcasting Corp., Charlottesville, Va.—Granted renewal of license for period ending January 1, 1937; **1420 kc.**, 100 watts night, 250 watts day. Daytime unlimited. Shares nighttime with WEED.

KALB—Alexandria Broadcasting Co., Inc., Alexandria, La.—Granted renewal of license, **1420 kc.**, 100 watts, daytime only, for period ending January 1, 1937.

WSGN—Birmingham News Co., Birmingham, Ala.—Granted renewal of license, **1310 kc.**, 100 watts night, 250 watts day, unlimited time, for period ending December 1, 1936.

KSLM—Oregon Radio, Inc., Salem, Ore.—Granted C. P. to install new equipment.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Granted modification of C. P. to install new equipment and to delete authorization to install a vertical radiator as authorized in C. P.

KFNF—KFNF, Inc., Shenandoah, Iowa.—Granted authority to determine operating power by direct measurement of antenna input in compliance with the terms of Rule 137.

KGBX—Springfield Broadcasting Co., Springfield, Mo.—Granted license to cover special authorization to operate on **1230 kc.**, 500 watts night with directional antenna, 500 watts day with non-directional antenna, unlimited time.

KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Granted renewal of license on temporary basis for 90 days, **1370 kc.**, 100 watts.

WATL—J. W. Woodruff and S. A. Cisler, Jr., d/b as Atlanta Broadcasting Co., Atlanta, Ga.—Granted extension of license for 90 days, **1370 kc.**, 100 watts, unlimited time.

WMBH—Joplin Broadcasting Co., Joplin, Mo.—Granted consent to transfer control of company from W. M. Robertson and W. H. Spurgeon to Joplin Globe Publishing Company.

KMMJ—The M. M. Johnson Co., Clay Center, Nebr.—Granted consent to voluntary assignment of license from M. M. Johnson Co. to KMMJ, Inc.

WNBR—Memphis Broadcasting Co., Memphis, Tenn.—Granted consent to transfer of control of the Memphis Broadcasting Company from the present stockholders, Francis S. Chamberlin, Mallory Chamberlin, Charles W. Brunner, and Ceylon B. Frazer to the Memphis Commercial Appeal, Inc.

WRDW—Augusta Broadcasting Co., Augusta, Ga.—Granted authority to transfer control of company from J. J. Powell, Louise Powell, and A. E. Groom to Arthur Lucas, William K. Jenkins and Frank J. Miller.

WEBR—Howell Broadcasting Co., Inc., Buffalo, N. Y.—Granted consent to the voluntary assignment of license of WEBR from Howell Broadcasting Co. to WEBR, Inc.

W8XY—Howell Broadcasting Co., Inc., Portahle-Mobile.—Granted consent to the assignment of license for W8XY from Howell Broadcasting Co., Inc., to WEBR, Inc.

W8XX—Howell Broadcasting Co., Inc., Portable-Mobile.—Granted consent to assignment of license for W8XX from Howell Broadcasting Co., Inc., to WEBR, Inc.

KIUJ—W. C. Irvin, Santa Fe, N. Mex.—Granted consent to the voluntary assignment of license of KIUJ from W. C. Irwin to J. Laurance Martin.

W10XIP—Bamberger Broadcasting Service, Inc., Portable-Mobile.—Granted modification of C. P. to make changes in equipment and increase power to 10.5 watts and extend commencement date from 10-29-35 to 4-29-36 and completion date from 6-29-36 to 10-29-36.

W10XIP—Bamberger Broadcasting Service, Inc., Portable-Mobile.—Granted license to cover C. P. modification of relay broadcast station W10XIP on an experimental basis under the provisions of Rules 1000, 1001 (h) and 1003 (d) to be used to relay programs where wire facilities are not available to be broadcast by applicant's station WOR.

NEW—O. Lee Stone, Florence, S. C.—Granted C. P. for a new station to be operated on **1200 kc.**, 100 watts day, daytime only.

KWG—Portable Wireless Telephone Co., Inc., Stockton, Calif.—Granted consent to voluntary assignment of license from the Portable Wireless Telephone Co., Inc., to the McClatchy Broadcasting Co.

KERN—The Bee Bakersfield Broadcasting Co., Bakersfield, Calif.—Granted consent to voluntary assignment of license from the Bee Bakersfield Broadcasting Co. to the McClatchy Broadcasting Co.

KFBK—James McClatchy Co., Sacramento, Calif.—Granted consent to voluntary assignment of license from James McClatchy Co. to the McClatchy Broadcasting Co.

KMJ—James McClatchy Co., Fresno, Calif.—Granted consent to voluntary assignment of license from James McClatchy Co. to the McClatchy Broadcasting Co.

WDSU—WDSU, Inc., New Orleans, La.—Granted C. P. to make changes in equipment.

WCMI—The Ashland Broadcasting Co., Ashland, Ky.—Granted amendment to C. P. to read: Make changes in equipment, install vertical radiator, and increase day power to 250 watts. Present assignment is **1310 kc.**, 100 watts, unlimited time.

WTAG—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Granted C. P. to increase power to 1 KW, employing directional antenna system both day and night, and move station locally from 20 Franklin St., Worcester, to Shrewsbury St., Holden, Mass.

WEEI—The Edison Electric Illuminating Co. of Boston, Boston, Mass.—Granted C. P. to install new equipment and direc-

tional antenna to be used day and night, and to increase day power from 1 KW to 5 KW.

KOIL—Central States Broadcasting Co., Council Bluffs, Iowa.—Granted C. P. to make changes in equipment.

WKBV—Knox Radio Corp., Richmond, Ind.—Granted modification of C. P. to extend completion date from 6-15-36 to 7-15-36.

WMCA—Knickerbocker Broadcasting Co., Inc., New York, N. Y.—Granted modification of license to increase power from 500 watts to 1 KW, with directional antenna.

WIS—Station WIS, Inc., Columbia, S. C.—Granted license to cover C. P. to operate on 560 kc., 1 KW night and 5 KW day, unlimited time. Directional antenna to be used at night.

NEW—Juan Piza, Portable (San Juan, P. R.).—Granted C. P. to construct broadcast pickup station for temporary purposes; frequencies 1622, 2060, 2150, and 2790 kc., 50 watts, A3 Emission, unlimited time.

KXL—KXL Broadcasters, Portland, Ore.—Granted authority to install automatic frequency control.

WNEL—Juan Piza, San Juan, P. R.—Granted modification of permit to make changes in equipment, and extension of commencement date from 2-10-36 to 30 days after grant and completion date from 8-10-36 to 120 days thereafter.

KGIR—KGIR, Inc., Butte, Mont.—Granted C. P. to move both studio and transmitter locations and install vertical radiator and install new equipment.

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Granted modification of C. P. for approval of transmitter site at McCullough Pike, near Silver Creek, New Albany, and studio at 10th and Spring St., New Albany; also approval of vertical radiator.

WSAY—Brown Radio Service & Laboratory, Rochester, N. Y.—Granted C. P. to reinstate C. P. which expired 6-1-36; also extension of commencement date to date of approval and completion date to 90 days thereafter.

WFLA-WSUN—Clearwater Chamber of Commerce & St. Petersburg Chamber of Commerce, St. Petersburg, Fla.—Granted modification of license to change the specified nighttime field intensity at the designated monitoring station from 10 to 50 mv/m. Normally licensed 620 kc., 1 KW night, 5 KW day, unlimited time, employing directional antenna system nighttime.

W8XH—Radio Air Service Corp., Portable-Mobile.—Granted license to cover C. P. heretofore granted under the old Rules and which are still effective until 8-1-36 for new relay broadcast station on an experimental basis. Emissions A3 and Special; frequencies 31100, 34600, 37600 and 40600 kc., 10 watts, unlimited.

SET FOR HEARING

NEW—Bayou Broadcasting Co., Houston, Tex.—Amended application for C. P. for a new station to operate on 1210 kc., 100 watts, daytime only.

WGPC—Americus Broadcast Corp., Albany, Ga.—Application for renewal of license, 1420 kc., 100 watts, unlimited time, for period ending 1-1-37.

WGPC—Americus Broadcast Corp., Albany, Ga.—Application for C. P. to move transmitter and studio locations and install new equipment.

WMBH—Joplin Broadcasting Co., Joplin, Mo.—Application for C. P. to make changes in equipment, install directional antenna for nighttime operation and move transmitter and studio; to change frequency from 1420 kc. to 1380 kc., and increase night power from 100 watts to 500 watts, day power from 250 watts to 500 watts.

KVL—KVL, Inc., Seattle, Wash.—Application for C. P. amended to read: Authority to change frequency from 1370 kc. to 1070 kc.; to make changes in equipment; to delete nighttime operation; and to increase day power from 100 watts to 250 watts, subject to compliance with Rule 131.

NEW—The Courier-Post Publishing Co., Hannibal, Mo.—Application for C. P. for new station to operate on 1310 kc., 100 watts, unlimited time, site to be determined.

NEW—George P. Allison and Thomas R. Waters, Jr., d/b as Skagit Broadcasting Assn., Whitney, Wash.—Application for C. P. for new station to operate on 1420 kc., 100 watts, unlimited time.

WDAE—Tampa Times Co., Tampa, Fla.—Application for modification of license to change frequency from 1220 kc. to 550 kc.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Application for modification of license to increase power from 500 watts to 1 KW.

NEW—The Pottsville Broadcasting Co., Pottsville, Pa.—Application for C. P. for a new station to operate on 580 kc., 250 watts, daytime only.

NEW—C. F. Gaarenstroom, Fairmont, Minn.—Application for C. P. for a new station to operate on 1420 kc., 100 watts night, 250 watts day, unlimited time.

NEW—W. Hanes Lancaster and J. W. Birdwell, d/b as Johnson City Broadcasting Co., Johnson City, Tenn.—Application for C. P. for a new station to operate on 1200 kc., 100 watts night, 250 watts day, unlimited time.

NEW—Clarence C. Dill, Washington, D. C.—Application for C. P. for a new station at Bethesda, Md., to operate on 1390 kc., 1 KW, unlimited time, and to use directional antenna both day and night.

NEW—State Capitol Broadcasting Assn. (R. B. Anderson, pres.), Austin, Tex.—Amended application for C. P. for a new station at Austin, Tex., to operate on 1120 kc., 500 watts night, 1 KW day, specified hours, and to install a directional antenna for nighttime operation only.

NEW—C. W. Snider, Wichita Falls, Tex.—Application for C. P. amended to read: To erect a new station in Wichita Falls, Tex., to operate on 1500 kc., 100 watts night, 250 watts day, unlimited time, site and type of antenna to be determined. Hearing with other applications pending.

NEW—John C. Looney, d/b as High Fidelity Broadcasting Service, Milton, Mass.—Application for C. P. for a new station at Milton, Mass., to operate on 1570 kc., 1 KW, unlimited time, using vertical wire radiator supported by wooden tower.

NEW—Peninsula Newspapers, Inc., Palo Alto, Calif.—Amended application for C. P. for a new station in Palo Alto to operate on 1160 kc., 500 watts, daytime only, site and type of antenna to be determined.

NEW—Valley Broadcasting Co., Cleveland, Ohio.—Application for C. P. for new station in Cleveland to operate on 890 kc., 1 KW, unlimited time, site and antenna to be determined.

NEW—Frank F. Airey, Twisp, Wash.—Application for C. P. for a new station in Twisp, Wash., to operate on 1220 kc., 250 watts, daytime only.

NEW—H. A. Hamilton, Asheville, N. C.—Application for C. P. for a new station in Asheville, N. C., to operate on 1200 kc., 100 watts, unlimited time.

NEW—The Southwestern Broadcasting Co., La Junta, Colo.—Application for C. P. for a new station in La Junta, Colo., to operate on 1370 kc., 100 watts, unlimited time.

KINY—Edwin A. Kraft, Juneau, Alaska.—Application for C. P. to install new equipment, erect a vertical radiator, change frequency from 1310 kc. to 1430 kc., increase power from 100 watts to 250 watts.

NEW—Valley Broadcasting Co., Youngstown, Ohio.—Application for C. P. for a new station at Youngstown, Ohio, to operate on 780 kc., 1 KW, unlimited time. Site and antenna design to be determined.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Application for C. P. to install new equipment and directional antenna for both day and night; change frequency from 1370 kc. to 1390 kc.; increase night power from 100 watts to 500 watts and day power from 250 watts to 1 KW.

NEW—A. Frank Katzentine, Miami Beach, Fla.—Application for C. P. for new station at Miami Beach, Fla., to operate on 1500 kc., 100 watts, unlimited time, site to be determined.

APPLICATION DENIED

NEW—Mrs. E. M. Watkins, Eagle Pass, Tex.—Denied authority to transmit programs relative to the Texas Centennial Pageant from 8 to 12 p. m., EST, July 4, 1936, from a float on the streets of Eagle Pass, Tex., through the facilities of the A. T. & T. Co., and the Mexican Tel. & Tel. Co. to Station XEPN, Piedras Negras, Coahuila, Mexico.

SPECIAL AUTHORIZATIONS

W6XAI—Pioneer Mercantile Co., Bakersfield, Calif.—Granted special temporary authority to operate without an approved frequency monitor for a period of 30 days. Will be held responsible for deviations of more than 50 cycles from assigned frequency even though permitted to operate without approved frequency monitor.

WOI—Iowa State College of Agri. & Mechanic Arts, Ames, Iowa—Granted special temporary authority to remain silent July 4, 1936, in order to observe holiday.

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—Granted extension of special temporary authority to operate without an approved frequency monitor for a period beginning June 24, 1936, and ending in no event later than July 15, 1936.

WRAW—Reading Broadcasting Co., Reading, Pa.—Granted special temporary authority to operate station without antenna ammeter for a period not to exceed ten days, provided, the readings of the plate voltmeter and ammeter are maintained at current values.

WNBf—Howitt-Wood Radio Co. Inc., Binghamton, N. Y.—Granted special temporary authority to operate a 100 watt portable test on the frequency of 1460 kc. for a period not to exceed 30 days, during daylight hours from one hour after sunrise until one hour before sunset in order to determine new transmitter site.

KIDO—Frank L. Hill and C. G. Phillips, d/b as Boise Broadcast Station, Boise, Idaho—Granted extension of special temporary authority to operate with temporary antenna for a period beginning June 23, 1936, and ending in no event later than July 22, 1936, pending action on application to install new antenna system, move transmitter, install directional antenna.

KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—Granted special temporary authority to operate a 50 watt portable test transmitter between the hours of 12:00 midnight and 6:00 a. m., CST, in order to determine new transmitter site, for a period not to exceed 30 days.

WHAZ—Rensselaer Polytechnic Institute, Troy, N. Y.—Granted special temporary authority to remain silent on Monday nights during the month of August and on the first Monday night in September, due to summer vacation.

KGGF—Hugh J. Powell and Stanley Platz, d/b as Power and Platz, Coffeyville, Kans.—Granted special temporary authority to operate from 7:15 to 9:15 p. m., CST, July 2, 7, 9, 14, 16, 21, 25, 28, and 30, 1936, and from 8:15 p. m. to 9:15 p. m., CST, July 1, 5, 15, 22 and 29, 1936, provided station WNAD remains silent.

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Granted special temporary authority to operate station without approved frequency monitor for a period not to exceed three days.

KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to remain silent July 4, 1936, in order to observe national holiday.

KFJR—Ashley C. Dixon—KFJR Inc., Portland, Ore.—Granted special temporary authority to operate station without an approved frequency monitor for a period not to exceed 30 days.

KPDN—Pampa Daily News, Inc., Pampa, Tex.—Granted special temporary authority to operate from 2:00 a. m. to 3:00 a. m., CST, July 3, 17; August 3, 17; September 2, 17; October 3, 17; and November 3 and 17, 1936, in order to broadcast Canadian DX and Newark News DX programs.

WHDF—The Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 6:30 p. m. to 10:00 p. m., CST, July 11, 1936, in order to broadcast special program.

KFNF—KFNF, Inc., Shenandoah, Iowa—Granted special temporary authority to use the time assigned to station KUSD (but not used by that station, KUSD has authority to remain silent) for the period ending in no event later than 3:00 a. m., EST, September 1, 1936.

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted special temporary authority to operate unlimited time July 4, 1936 only, in order to broadcast North Carolina Democratic primary election returns.

WTAW—Agricultural and Mechanical College of Texas, College Station, Tex.—Granted special temporary authority to operate from 11:00 a. m. to 11:25 a. m., CST, July 20, 21, 22, 23 and 24, 1936.

WHDF—The Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 6:30 p. m. to 8:30 p. m., CST, July 3, 1936, in order to broadcast addresses from the Calumet Armory at the Upper Peninsula Convention and reunion of Spanish American War Veterans.

WOCL—A. E. Newton, Jamestown, N. Y.—Granted special temporary authority to remain silent July 4, 1935, in order to observe legal holiday.

KGCA—Charles Walter Greenley, Decorah, Iowa—Granted special temporary authority to remain silent from June 26, 1936, to July 31, 1936.

WMBG—Havens and Martin, Inc., Richmond, Va.—Granted extension of special temporary authority to operate from 5:30 p. m. to 7:00 p. m. EST, on Sundays, for the period beginning July 1, 1936, and ending in no event later than July 3, 1936, provided WBBL remains silent) in order to broadcast special programs

KTAT—KTAT Broadcast Co. Inc., Fort Worth, Tex.—Granted special temporary authority to operate without a plate voltmeter for a period of 10 days; provided that the readings of the plate ammeter and antenna ammeter are maintained at current values.

KIUM—Lee Tracy, aboard Yacht "ADORE"—Granted special temporary authority to operate ship transmitter WIFW located aboard Yacht ADORE as a broadcast pickup station for the period beginning July 4, 1936, and ending in no event later than August 2, 1936, to broadcast Trans-Pacific yacht race to Hawaii.

RATIFICATIONS

The Commission ratified the following acts authorized on dates shown:

WIEW—National Broadcasting Co. Inc., New York, N. Y.—Granted temporary authority to operate broadcast pickup station WIEW as licensed on June 10th aboard Airliner, in connection with broadcast program flying time. (Action taken 6-8.)

W2KKI—National Broadcasting Co. Inc., New York, N. Y.—Granted authority to conduct tests in accordance with Rule 218. (Action taken 6-19.)

KIIH—KFAB Broadcasting Co., Lincoln, Nebr.—Granted temporary authority to operate broadcast pickup station KIIH as licensed from Airplane on June 20, to broadcast flight of Roscoe Turner. (Action taken 6-19.)

KNEF—Radio Service Corp. of Utah, Salt Lake City, Utah—Granted temporary authority to operate broadcast pickup station KNEF as licensed June 21, to broadcast golf tournament. (Action taken 6-19.)

KIKK—S. H. Patterson, Colorado Springs, Colo.—Granted temporary authority to operate broadcast pickup station KIKK as licensed June 26 to June 28, inclusive, to broadcast Pikes Peak or Bust celebration. (Action taken 6-23.)

WOEG—General Electric Co., Schenectady, N. Y.—Granted temporary authority to operate broadcast pickup station as licensed June 27 and 28 in Goodyear Blimp, broadcasting Great Lakes Exposition Opening. (Action taken 6-23.)

WHDL—Radio Station WHDL, Olean, N. Y.—Granted temporary authority to operate without approved frequency monitor period not to exceed 3 days. (Action taken 6-23.)

WJAR—The Outlet Co., Providence, R. I.—Granted authority to extend program test period for 30 days from June 27. (Action taken 6-24.)

KID—Radio Station KID, Idaho Falls, Idaho—Granted extension temporary authority to employ temporary antenna for 30 days pending action on application. (Action taken 6-24.)

WTBO—Associated Broadcasting Corp., Cumberland, Md.—Granted special temporary authority to operate from 7:30 p. m., CST, until the conclusion of President Roosevelt's address, on June 27, 1936, in order to broadcast this address. (Action taken 6-22.)

WSMK—WSMK, Inc., Dayton, Ohio—Granted special temporary authority to operate from 9 p. m. to 10 p. m., EST, simultaneously with station KQV, for the period beginning June 23, 1936, and continuing for the duration of the Democratic National Convention. (Action taken 6-23.)

KOTN—Universal Broadcasting Corp., Pine Bluff, Ark.—Granted special temporary authority to operate unlimited time for the period beginning June 25, 1936, and ending in no event later than 30 days thereafter, in order to broadcast special Arkansas Centennial Programs each night. (Action taken 6-25.)

WAPI—WAPI Broadcasting Corp., Birmingham, Ala.—Granted special temporary authority to operate simultaneously with station KVOO from 8 p. m., CST, to the end of the Louis Schmeling fight, June 19. (Action taken 6-19.)

KABG—Ben S. McGlashan, Aboard Yacht EL PERRITO—Granted special temporary authority to operate ship transmitter WDFL aboard Yacht EL PERRITO as a broadcast pickup station to broadcast paddle boat races between Catalina Island and Santa Monica on June 27 and 28. (Action taken 6-26.)

The Broadcast Division granted a petition filed by A. W. Mills, requesting permission to amend his application for a new station at Gallup, New Mexico by changing the frequencies from 1310 kc. to 1500 kc. (Action taken 6-23.)

The Broadcast Division granted a petition filed by Lester E. Cox, Thomas L. Evans and C. C. Payne (Station KCMO) requesting that the Division reconsider its action of March 17, 1936, in designating for hearing their application for C. P. and grant same without a hearing. Said grant to be subject to the requirement that the antenna be marked in accordance with Rule 131d.

WWSW—Walker & Downing Radio Corp., Pittsburgh, Pa.—Granted extension program test period for 30 days from June 13. (Action taken 6-29.)

KABF—James McClatchy Co., Sacramento, Calif.—Granted temporary authority to operate broadcast pickup station KABF as licensed (rebroadcast KOH), July 4, to broadcast celebration from Rodeo grounds, Reno, Nev. (Action taken 6-29.)

W2XF-W2XK—National Broadcasting Co. Inc., New York, N. Y.—Granted temporary authority to extend equipment tests period ten days beginning June 27. (Action taken 6-26.)

WKBV—Knox Radio Corp., Richmond, Ind.—Granted temporary authority to extend program test period for 30 days from July 5. (Action taken 6-26.)

KIIQ—KMTR Radio Corp., Los Angeles, Calif.—Granted temporary authority to operate broadcast pickup station KIIQ as licensed July 3 and 4, to broadcast start Trans-Pacific Yacht Race. (Action taken 6-26.)

W9XJI—The Reynolds Radio Co. Inc., Denver, Colo.—Granted temporary authority to extend equipment tests for 10 days. (Action taken 6-30.)

KNEF—Radio Service Corp., Salt Lake City, Utah—Granted temporary authority to operate broadcast pickup station KNEF as licensed July 2 to 7, inclusive, to broadcast speed trials. (Action taken 6-30.)

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to remain silent during month of July in order to observe summer vacation. (Action taken 6-30.)

W3XEX—WTAR Radio Corp., Norfolk, Va.—Granted special temporary authority to conduct service tests at its new location at the WTAR Transmitter Bldg., located 1.7 miles east of Norfolk, Va., on the Beach Blvd., for a period not to exceed 30 days, pending receipt and action on formal application for modification of C. P. and license to cover same. (Action taken 6-30.)

WMFJ—W. Wright Esch, Daytona Beach, Fla.—Granted extension special temporary authority to use RCA Victor, Type 100-E transmitter pending completion of construction as authorized by C. P. authorizing installation of such transmitter, but for the period beginning 3 a. m., EST, July 1, 1936, and ending in no event later than 30 days thereafter. (Action taken 6-30.)

WOEH—National Broadcasting Co. Inc., Aboard Douglas Airplane, NC-223-Y—Granted special temporary authority to operate broadcast pickup station WOEH on plane NC-223-Y piloted by Howard Hughes and accompanied by NBC operator announcer, as pickup station on frequencies in addition to licensed frequencies to describe flight from Los Angeles to Nome to Siberia and return to New York via Nome and California for delivery to NBC national network. Operation for the period beginning June 30 and ending in no event later than July 29. Frequencies 1606, 2020, 2102, 2760, 4797.5, 6425, 8655, 12862.5 kc., 100 watts. (Action taken 6-30.)

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Granted extension temporary authority to operate 560 kc., with power of 1 KW night, during the month of July 1936, pending the filing of an action on license to cover C. P. for this authority. (Action taken 6-30.)

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Granted special temporary authority to operate a 50 watt portable test transmitter on frequency of 1460 kc., in the vicinity of St. Paul, between hours of 12 midnight and

6 a. m., CST, for period not exceeding 30 days in order to determine new transmitter site. (Action taken 6-30.)

KGFG—Oklahoma Broadcasting Co. Inc., Oklahoma City, Okla.—Granted special temporary authority to operate station without an approved frequency monitor for a period not to exceed 30 days. (Action taken 6-30.)

WSYB—Philip Weiss, tr/as Philip Weiss Music Co., Rutland, Vt.—Granted special temporary authority to operate EDS time instead of EST as licensed during the time that EDST is recognized as official time in Rutland but for a period ending in no event later than 3 a. m., EST, January 1, 1937. (Action taken 6-30.)

WOW—Woodmen of the World Life Ins. Assoc., Omaha, Nebr.—Granted extension special temporary authority to operate with power of 5 KW night, period beginning July 1, 1936, and ending in no event later than 30 days thereafter. (Action taken 6-30.)

WDBO—Orlando Broadcasting Co. Inc., Orlando, Fla.—Granted extension special temporary authority to operate additional power of 750 watts night for the period beginning June 30, 1936 and ending in no event later than July 29, 1936. (Action taken 6-30.)

KCMO—Lester E. Cox, Thomas L. Evans, and C. C. Payne, Kansas City, Mo.—Granted extension special temporary authority to use and operate the 100 watt transmitter formerly used by station KGBX in Springfield, Mo., transmitter to be located in Commerce Trust Bldg., in Kansas City, Mo., for period beginning 3 a. m., EST, July 1, 1936, and ending in no event later than July 30, 1936. (Action taken 6-30.)

KGKB—East Texas Broadcasting Co., Tyler, Tex.—Granted special temporary authority to operate from 7:00 a. m. to 2 p. m. and 4 p. m. to 10 p. m., CST, during the month of July, instead of hours now licensed pending compliance with Rule 131. (Action taken 6-30.)

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Granted extension special temporary authority to operate with power of 50 watts from local sunset to 11 p. m., EST, Tuesdays, Thursdays, Saturdays and Sundays, during the month of July, 1936, pending action on application for modification of license requesting this authority. (Action taken 6-30.)

KEC-KEI-KKL—RCA Communications, Inc., Bolinas, Calif.—Granted special temporary authority to operate point-to-point telegraph stations KEC, KEI, KKL to communication with broadcast pickup station WOEH aboard plane NC-223-Y for the period beginning June 30 and ending in no event later than July 29, for contact control service to facilitate reception of program material by Pt. Neyes receiving station for delivery to NBC network. Frequencies KEC 5265 kc., KEI 9490 kc., KKL 15475 kc., 40 KW. (Action taken 6-30.)

WKP-WQP—RCA Communications, Inc., Rocky Point, N. Y.—Granted special temporary authority to operate point-to-point telegraph stations WKP and WQP to communicate with broadcast pickup station WOEH aboard NC-223-Y for the period beginning June 30 and ending in no event later than July 29 for contact control service to facilitate reception of program material by Riverhead, N. Y., receiving station for delivery to NBC network. Frequencies for WKP 6950 kc., WQP 13900 kc., 40 KW. (Action taken 6-30.)

WQDM—E. J. Regan and F. Arthur Bostwick, d/b as Regan & Bostwick, St. Albans, Vt.—Granted extension special temporary authority to operate EDST instead of EST as licensed during period that EDST is recognized as official time in St. Albans, Vt., but for the period beginning 3 a. m., EST, July 1, 1936, and ending in no event later than 3 a. m., EST, Jan. 1, 1937. (Action taken 6-30.)

WADC—Allen T. Simmons, Village of Tallmadge, Ohio—Granted modification of C. P. to change type of equipment. (Action taken 6-30.)

The Broadcast Division granted the petition of Independence Broadcasting Co. Inc. (Station WHAT), to intervene in the hearing on the application of Eastern States Broadcasting Corp., Bridgeport, N. J. (Docket No. 3012) and denied the answer in opposition to petition by the Eastern States Broadcasting Corp. (Action taken 6-26.)

The Broadcast Division granted the petition filed in behalf of station KVOS requesting authority to participate in the proceedings relative to the application of Gomer Thomas for a C. P., Bellingham, Wash., and denied that part of their petition requesting that said application be heard in consolidation with the pending KVOS

application for renewal of license and the application of the Skagit Broadcasting Association. The Broadcast Division also *denied* petition seeking relief similar to that in connection with station KVOs filed in behalf of the Whatcom County Democratic Central Committee, the Laundry Workers Local Union No. 127, the Board of County Commissioners of Whatcom County, the Bellingham Central Labor Council, the Culinary and Beverage Workers Union No. 529, the General Teamsters Local Union No. 231 of Bellingham, Wash., and the International Longshoremens' Assoc. Local 38-98. (Action taken 6-26.)

The Broadcast Division denied the petition filed by WCBd, Inc., to correct Commission's records and dismiss its application for transfer of control (Docket No. 3895). (Action taken 6-26.)

ACTION ON EXAMINERS' REPORTS

NEW—Ex. Rep. No. 189: Golden Empire Broadcasting Co., Sacramento, Calif.—Denied C. P. for new broadcast station to operate on **1310 kc.**, 100 watts, unlimited time (site to be determined). Chief Examiner Arnold sustained. Effective Sept. 8, 1936.

NEW—Ex. Rep. No. 189: Royal Miller, Sacramento, Calif.—Granted C. P. for new broadcast station to operate on **1310 kc.**, 100 watts, daytime (site to be determined). Chief Examiner Arnold sustained. Effective Sept. 8, 1936.

NEW—Ex. Rep. No. 191: F. W. Atkinson, Watsonville, Calif.—Granted C. P. for new broadcast station to operate on **1310 kc.**, 250 watts, daytime (site to be determined). Examiner Bramhall reversed. Order effective Aug. 15, 1936.

Ex. Rep. No. 216: Mason City Broadcast Co., Mason City, Iowa—Denied C. P. for new broadcast station to operate on **1420 kc.**, 100 watts, unlimited time. Examiner M. H. Dalberg sustained.

Northern Iowa Broadcasting Co. Inc., Mason City, Iowa—Denied C. P. for new broadcast station to operate on **1420 kc.**, 100 watts, unlimited time. Examiner M. H. Dalberg sustained.

Mason City Globe Gazette Co., Mason City, Iowa—Granted C. P. for new broadcast station to operate on **1210 kc.**, 100 watts, unlimited time. Examiner M. H. Dalberg sustained. Order effective August 1, 1936.

NEW—Ex. Rep. No. 218: Central Broadcasting Co., Eau Claire, Wis.—Denied C. P. for new broadcast station to operate on **1050 kc.**, 250 watts, daytime (site to be determined, subject to Commission's approval). Examiner M. H. Dalberg reversed. Order effective August 15, 1936.

WDBO—Ex. Rep. No. 224: Orlando Broadcasting Co. Inc., Orlando, Fla.—Granted modification of license to increase power from 250 watts to 1 KW, **580 kc.**, unlimited time, subject to Rules 131 and 139. Examiner R. L. Walker sustained. Order effective July 15, 1936.

WIRE—Ex. Rep. No. 226: Indianapolis Broadcasting Inc., Indianapolis, Ind.—Granted C. P. to make changes in equipment and increase power from 500 watts night, 1 KW day to 1 KW night, 5 KW day, **1400 kc.**, unlimited time. Examiner R. H. Hyde sustained. Order effective August 1, 1936.

NEW—Ex. Rep. No. 228: The Farmers & Bankers Life Ins. Co., Wichita, Kans.—Denied as in default C. P. for new broadcast station to operate on **1210 kc.**, 100 watts, unlimited time. Examiner R. H. Hyde sustained. Order effective July 2, 1936.

NEW—Ex. Rep. No. 141: Joplin Broadcasting Co., Pittsburg, Kans.—Denied C. P. for new broadcast station to operate on **1200 kc.**, 100 watts, daytime. Examiner M. H. Dalberg sustained. Order effective July 2, 1936.

Pittsburg Publishing Co., Pittsburg, Kans.—Denied C. P. for new broadcast station to operate on **1500 kc.**, 100 watts, unlimited time. Examiner M. H. Dalberg reversed. Order effective July 2, 1936.

Harold F. Foraker & Ray D. Luzadder, d/b as The Wichita Broadcasting Co., Wichita, Kans.—Denied C. P. for new broadcast station to operate on **1500 kc.**, 100 watts, unlimited time. Examiner M. H. Dalberg sustained. Order effective July 2, 1936.

NEW—Ex. Rep. No. 153: Roberts MacNab Co., Jamestown, N. Dak.—Denied C. P. for new broadcast station to operate on **1310 kc.**, 100 watts, unlimited time. Examiner M. H. Dalberg reversed. Order effective September 15, 1936.

WEAN—Ex. Rep. No. 205: The Shepard Broadcasting Service Inc., Providence, R. I.—Granted C. P. to install new equipment, move transmitter and increase power from 500 watts to 1 KW, **780 kc.**, unlimited time, with directional antenna. Ex-

aminer J. P. Bramhall reversed. Order effective August 15, 1936.

KVSO—Ex. Rep. No. 206: The Ardmoreite Publishing Co., Inc., Ardmore, Okla.—Granted C. P. to make changes in equipment and to operate with 100 watts day and night. Examiner R. H. Hyde reversed. Order effective September 22, 1936.

WFBR—Ex. Rep. No. 209: The Baltimore Radio Show, Inc., Baltimore, Md.—Granted modification of license to increase power, 1 KW day, 500 watts night; **1270 kc.**, unlimited. Examiner M. H. Dalberg sustained. Effective July 15, 1936.

WOOD—Kunsky-Trendle Broadcasting Co., Grand Rapids, Mich.—Granted C. P. to change equipment, move transmitter (site to be determined, subject to Commission's approval), and to increase power to 1 KW day, 500 watts night; **1270 kc.**, share time with WASH. Examiner M. H. Dalberg sustained. Effective July 15, 1936.

WASH—Kunsky-Trendle Broadcasting Co., Grand Rapids, Mich.—Granted C. P. to change equipment, move transmitter (site to be determined, subject to Commission's approval), and to increase power to 1 KW day, 500 watts night; **1270 kc.**, share time with WOOD. Examiner M. H. Dalberg sustained. Effective July 15, 1936.

NEW—Ex. Rep. No. 170: Ralph Perez Perry, Santurce, P. R.—Denied C. P. for new broadcast station to operate on **1340 kc.**, 250 watts, unlimited time. Examiner R. L. Walker sustained. Order effective September 22, 1936.

KGCX—Ex. Rep. No. 164: E. E. Krebsbach, Wolf Point, Mont.—Granted C. P. to move transmitter, to make changes in equipment, change frequency from **1310 kc.** to **1450 kc.**, increase power from 100 watts to 250 watts LS, change hours of operation from specified hours to unlimited time. Examiner J. P. Bramhall sustained. Order effective August 8, 1936.

NEW—Ex. Rep. No. 162: Bell Broadcasting Co., Temple, Tex.—Granted C. P. for new broadcast station to operate on **1370 kc.**, 100 watts, daytime. Examiner M. H. Dalberg sustained. Order effective July 15, 1936.

NEW—Ex. Rep. No. 158: Chicago Broadcasting Assn., Ltd., Chicago, Ill.—Denied C. P. for new broadcast station to operate on **1500 kc.**, 100 watts, unlimited time. Examiner R. L. Walker sustained. Order effective September 22, 1936.

NEW—Ex. Rep. No. 186: Advertiser Publishing Co., Ltd., Honolulu, T. H.—Denied C. P. for new relay broadcast station to operate on **11850** and **15230 kc.**, 2 KW, six days per week (Thursday to Tuesday, inclusive, 2½ hours per day). Examiner R. L. Walker. Order effective September 22, 1936.

NEW—Ex. Rep. No. 204: Christina M. Jacobson, d/b as The Valley Elec. Co., San Luis Obispo, Calif.—Granted C. P. for new broadcast station to operate on **1200 kc.**, 250 watts, daytime. Examiner G. H. Hill sustained. Order effective September 29, 1936.

NEW—E. E. Long Piano Co., San Luis Obispo, Calif.—Denied C. P. for new broadcast station to operate on **1200 kc.**, 100 watts, unlimited time. Examiner G. H. Hill sustained. Order effective September 29, 1936.

NEW—Ex. Rep. No. 200: Merced Star Publishing Co., Merced, Calif.—Granted C. P. for new broadcast station to operate on **1040 kc.**, 250 watts, daytime. Examiner J. P. Bramhall sustained. Order effective July 15, 1936.

KFJM—Ex. Rep. No. 199: University of North Dakota, Grand Forks, N. Dak.—Granted C. P. to change equipment, change frequency from **1370 kc.** to **1410 kc.**, and increase power from 100 watts to 1 KW day, 500 watts night, subject to Rules 131, 132 and 139; unlimited time. Examiner R. L. Walker reversed. Order effective September 29, 1936.

NEW—Ex. Rep. No. 196: V. H. Lake and H. E. Stanford, d/b as L. & S. Broadcasting Co., Atlanta, Ga.—Denied C. P. for new broadcast station to operate on **1210 kc.**, 100 watts, daytime. Examiner R. H. Hyde sustained. Order effective September 29, 1936.

WTFI—Ex. Rep. No. 195: Liberty Broadcasting Co., Atlanta, Ga.—Granted C. P. to move transmitter and studio (site to be determined), **1450 kc.**, 500 watts, unlimited time. Examiner R. L. Walker sustained. Order effective September 8, 1936.

WCAO—Ex. Rep. No. 187: The Monumental Radio Co., Baltimore, Md.—Denied modification of license to increase power from 500 watts, 1 KW LS, to 1 KW; **600 kc.**, unlimited time. Examiner M. H. Dalberg sustained. Order effective September 15, 1936.

WICC—Southern Connecticut Broadcasting Corp., Bridgeport, Conn.—Denied modification of license to increase power from 500 watts, 1 KW LS. to 1 KW; 600 kc., specified hours. Examiner M. H. Dalberg sustained. Order effective September 15, 1936.

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Granted modification of license to increase power from 500 watts to 1 KW day, 500 watts night; 610 kc., unlimited time. Examiner M. H. Dalberg reversed as to daytime power. Order effective September 15, 1936.

KFRO—Ex. Rep. No. 161: Voice of Longview, Longview, Tex.—Denied C. P. to change equipment; increase power from 100 watts day to 250 watts day, 100 watts night; change hours from daytime to unlimited; change frequency from 1370 kc. to 1210 kc. Examiner G. H. Hill sustained. Order effective August 1, 1936.

NEW—Oil Capital Broadcasting Assn., Kilgore, Tex.—Granted C. P. for new broadcast station to operate on 1210 kc., 100 watts, unlimited time. Examiner G. H. Hill sustained. Order effective August 1, 1936.

KWEA—International Broadcasting Corp., Shreveport, La.—Denied renewal of license, 1210 kc., 100 watts, unlimited time. Examiner G. H. Hill sustained. Order effective August 1, 1936.

NEW—Ex. Rep. No. 142: Black Hills Broadcast Co., Rapid City, S. Dak.—Granted C. P. for new broadcast station to operate on 1370 kc., 100 watts, unlimited time. Examiner J. P. Bramhall sustained. Order effective August 1, 1936.

NEW—Ex. Rep. No. 55: J. C. and E. W. Lee (Riverside Broadcasting Co.), Riverside, Calif.—Denied C. P. for new broadcast station to operate on 820 kc., 250 watts, daytime. Examiner R. L. Walker reversed. Order effective September 8, 1936.

NEW—Ex. Rep. No. 108: Robert K. Herbst, Fargo, N. Dak.—Denied C. P. for new broadcast station to operate on 1310 kc., 100 watts, unlimited time, transmitter and studio sites to be determined. Examiner P. W. Seward sustained. Order effective September 15, 1936.

NEW—Ex. Rep. No. 129: F. N. Pierce, Taylor, Tex.—Denied C. P. for new broadcast station to operate on 1310 kc., 100 watts, daytime. Examiner R. L. Walker sustained. Order effective September 8, 1936.

NEW—Eugene DeBogory, tr. as Tem-Bel Broadcasting Co., Temple, Tex.—Denied C. P. for new broadcast station to operate on 1310 kc., 100 watts, daytime, site to be determined. Examiner R. L. Walker reversed. Order effective September 8, 1936.

MISCELLANEOUS

Pittsburg Broadcasting Co., Pittsburg, Kans.—Overruled petition asking Commission to advance date for oral argument on Examiner's Report I-220, not set for September 17, 1936.

WOWO—The Main Auto Supply Co., Fort Wayne, Ind.—Granted control of license to Westinghouse Electric & Manufacturing Co., Pittsburgh, Pa. Reconsidered action of May 1 and May 21.

WGL—F. C. Zieg (Allen Wayne Co.), Fort Wayne, Ind.—Granted application for assignment of license to Westinghouse Electric & Manufacturing Co., Pittsburgh, Pa. Reconsidered action of May 1 and May 21.

Lincoln Memorial University, Harrogate, Tenn.—Suspended effective date of grant for C. P. to erect new broadcast station pending outcome of hearing to be held on application because of protest of Ted R. Woodard, applicant for a station at Kingsport, Tenn.

WKRC—WKRC, Inc., Cincinnati, Ohio.—Reconsidered and granted application to increase daytime power to 5 KW instead of 2½ KW. Station to use directional antenna day and night.

WSB—Atlanta Journal Co., Atlanta, Ga.—Granted permission to intervene at hearing of application of KMMJ for modification of license to operate on 740 kc. with 2½ KW.

WACO—Central Texas Broadcasting Co., Inc., Waco, Tex.—Granted permission to intervene at hearing of application of John S. Braun for C. P. for a broadcast station at Waco to operate on 1500 kc., 100 watts, daytime.

WTAR—WTAR Radio Corp., Norfolk, Va.—Approved spec. of directional antenna system which operates so as to radiate in the direction of CKSO, Canada, not to exceed 1,000 watts and in the direction of WMC, Memphis, and WEAN, Providence, R. I.

WWJ—Evening News Association, Inc., Detroit, Mich.—Granted petition to intervene at hearing on application of Cadillac Broadcasting Co. for new station at Dearborn, Mich., to operate on frequency 1140 kc., 500 watts, daytime.

WROK—Rockford Broadcasters, Inc., Rockford, Ill.—Granted modification of license in conformity with its action of January 10, 1936, when authority was granted to change hours of operation from sharing with WNBL to unlimited time. Effective date July 1, 1936.

WEEI—Edison Electric Illuminating Co. of Boston, Boston, Mass.—Dismissed at the request of applicant request for C. P. to operate on 590 kc., 5 KW, unlimited time.

ORAL ARGUMENT

The Broadcast Division designated September 24th as the date for oral argument in re Examiner's Report I-227, based on application of E. F. Pfeffer (KGDM), Stockton, Calif., to change time of operation from daytime to limited time, i.e., to resume operation after the dominant station on its channel (1100 kc.) suspends operation at night.

SET FOR HEARING—Continued

NEW—The News Press Publishing Co., Santa Barbara, Calif.—Amended application for C. P. to erect a new station at Santa Barbara, Calif., to operate on 1220 kc., with 500 watts, unlimited time, site and type of antenna to be determined.

APPLICATIONS RECEIVED

First Zone

WATR—The WATR Company, Inc., Waterbury, Conn.—Construction permit to make changes in transmitting equipment; install a directional antenna for day and night use; change frequency from 1190 kc. to 1290 kc.; increase power from 100 watts to 250 watts; change hours of operation from limited time to unlimited time; and move transmitter from 47 Grand Street, Waterbury, Conn., to Baldwin Avenue, Waterbury, Conn.

WOV—International Broadcasting Corp., New York, N. Y.—Construction permit to install new transmitter and vertical antenna.

WLLH—Merrimac Broadcasting Co., Inc., Lowell, Mass.—Authority to install automatic frequency control.

WNBC—State Broadcasting Corp., New Britain, Conn.—Construction permit to make changes in equipment; change power from 250 watts to 250 watts, 1 KW day; install directional antenna for day and night use; and change hours of operation from daytime to unlimited time. Amended to change name from William J. Sanders to State Broadcasting Corp.

W2XBH—Radio Pictures, Inc., Long Island City, N. Y.—Modification of license to delete frequencies 2000-2100, 42000-56000, 60000-86000 kc. and add 1614, 2398, 23100, 41000, 86000-400000 kc. and additional frequencies 1600, 2012-2016 or 2276-2280, 41600 kc. for possible interference for free facsimile transmission.

W2XF—National Broadcasting Co., Inc., New York, N. Y.—License to cover changes in power to 12 KW, also request for A1 and A2 emission for test purposes.

W2XK—National Broadcasting Co., Inc., New York, N. Y.—License to cover construction permit for increase in power to 15 KW.

Second Zone

KDKA—Westinghouse Electric & Mfg. Co., Pittsburgh, Pa.—Construction permit to install new equipment, new antenna, and increase power from 50 KW to 500 KW.

WAVE—WAVE, Inc., Louisville, Ky.—Construction permit to 940 install a new transmitter.

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Authority to determine operating power by direct measurement of antenna.

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—License 1260 to cover construction permit (B2-P-838) as modified for new equipment and increase in power.

WADC—Allen T. Simmons, Village of Tallmadge, Ohio.—Modification of construction permit (B2-P-689) for changes in equipment and increase in power, requesting authority to make changes in authorized equipment.

WSMK—WSMK, Inc., Dayton, Ohio.—Modification of license to 1380 change hours of operation from simultaneous day-KQV, specified hours night, to unlimited time, and increase power from 200 watts to 250 watts.

NEW—Lenawee Broadcasting Co., Ferris Hodge, Edward Hodge, 1440 Leon C. Rogers, Clifford J. Hood, John S. Michener, Frank Zimmerman, Karl M. Schneider, Adrian, Mich.—Construction permit for a new station to be operated on 1440 kc., 250 watts, daytime.

NEW—John E. Fetzer, Benton Harbor, Mich.—Construction permit for a new broadcasting station to be operated on 1500 kc., 100 watts, daytime. Amended to omit request to have this application contingent upon WKBZ's application for 1200 kc.

W3XEX—WTAR Radio Corporation, Norfolk, Va.—Modification of construction permit to change transmitter site to Virginia Beach Blvd., 1.7 miles from Norfolk, Va.

W3XEX—WTAR Radio Corporation, Norfolk, Va.—License to cover above.

W3XES—Monumental Radio Co., Baltimore, Md.—License to cover construction permit for a new general experimental station.

NEW—The WGAR Broadcasting Co., Cleveland, Ohio, Portable-Mobile.—Construction permit for a new relay station to be operated on 31100, 34600, 37600, 40600 kc., 100 watts.

NEW—The WGAR Broadcasting Co., Cleveland, Ohio, Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 35 watts.

NEW—The WGAR Broadcasting Co., Cleveland, Ohio, Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 3 watts.

NEW—The WGAR Broadcasting Co., Cleveland, Ohio, Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 35 watts.

NEW—The Crosley Radio Corp., Cincinnati, Ohio.—Construction permit for a high frequency station to be operated on 31600, 35600, 38600, 41000 kc., 100 watts.

NEW—The Crosley Radio Corp., Cincinnati, Ohio.—Construction permit for a high frequency station to be operated on 31600, 35600, 38600, 41000 kc., 100 watts.

NEW—Scranton Broadcasters, Inc., Portable-Mobile.—Construction permit for a new relay station to be operated on 31100, 34600, 37600, 40600 kc., 5 watts.

NEW—Miami Valley Broadcasting Corp., Portable-Mobile.—Construction permit for a new relay station to be operated on 31100, 34600, 37600, 40600 kc., 40 watts.

NEW—Pittsburg Radio Supply House, Portable-Mobile.—Construction permit for a new relay station to be operated on 150000, 200000, 250000, 300000 kc., 5 watts.

Third Zone

WSM—The National Life & Accident Insurance Co., Nashville, 650 Tenn.—Construction permit to install a new transmitter and increase power from 50 KW to 500 KW.

KTHS—Hot Springs Chamber of Commerce, Hot Springs, Ark.—1040 Extension of special experimental authorization to change frequency from 1040 kc. to 1060 kc., hours of operation from share-KRLD to simultaneous WBAL from 6 a. m. to 12 p. m., and unlimited from then until midnight, for period to 2-1-37.

WJBW—Charles C. Carlton, New Orleans, La.—Construction permit to install new transmitter; erect a vertical antenna; change hours of operation from share-WBNO to unlimited time; increase power from 100 watts to 100 watts, 250 watts day; and move studio from 947 Howard Ave., New Orleans, La., to Godchaux Building, 619 Canal Street, New Orleans, La. Requests facilities of WBNO.

WAIM—Wilton E. Hall, Anderson, S. C.—Modification of construction permit (B3-P-737) to change hours of operation from daytime to unlimited time, using 1 KW power; install directional antenna for night use. Amended for approval of transmitter site at Anderson College, Anderson, S. C.

NEW—Okmulgee Broadcasting Corp., Okmulgee, Okla.—Construction permit for a new station to be operated on 1210 kc., 100 watts, daytime.

NEW—William Jerome Vereen and Thomas Hoyt Wimpy, d/b 1240 as Southern Farmer Station, Moultrie, Ga.—Construction permit for a new station to be operated on 1240 kc., 1 KW,

unlimited time. Amended to change name from Vereen-Wimpy to William Jerome Vereen and Thomas Hoyt Wimpy, d/b as Southern Farmer Station.

WDOD—WDOD Broadcasting Corp., Chattanooga, Tenn.—Au-1280 thority to install automatic frequency control.

KRRV—Red River Valley Broadcasting Corp., Sherman, Tex.—1310 Modification of construction permit (B3-P-999) to make changes in equipment, for approval of transmitter site at 1910 South Crockett, 1½ miles from center of city, Sherman, Tex., and to change requested studio site from 221 S. Travis Avenue, Sherman, Tex., to 1910 South Crockett, Sherman, Tex.

WAPO—W. A. Patterson, Chattanooga, Tenn.—Modification of 1420 construction permit (B3-P-588) for a new station, requesting approval of antenna system and to make changes in authorized equipment.

Fourth Zone

KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Modification 560 of construction permit (B4-P-230) for new equipment and increase in power, requesting extension of completion date from 7-21-36 to 1-21-37.

KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Modification 560 of construction permit (B4-P-230) as modified to install new antenna, move transmitter from Beacon Hill Addition, 1008 McGee Street, Springfield, Mo., to Highway No. 13, Springfield, Mo.

WILL—University of Illinois, Urbana, Ill.—Construction permit 890 to install directional antenna, move transmitter from 400 S. Wright St., Urbana, Ill., to south of Champaign, Ill.

KMA—May Seed & Nursery Co., Shenandoah, Iowa.—Modifica-930 tion of construction permit (B4-P-764) for move of transmitter, changes in equipment, and change in hours of operation, requesting further changes in equipment, unlimited time and move of transmitter to 450 feet north of present site.

NEW—C. W. Corkhill, Sioux City, Iowa.—Construction permit 1200 for a new station to be operated on 1200 kc., 100 watts, unlimited time.

KFH—Radio Station KFH Co., Wichita, Kans.—License to cover 1300 construction permit (B4-P-447) for changes in equipment and increase in power.

KSCJ—Perkins Brothers Co. (The Sioux City Journal), Sioux 1330 City, Iowa.—License to cover construction permit (B4-P-639) to install auxiliary equipment for emergency purposes only, using 250 watts power.

WHBL—Press Publishing Co., Sheboygan, Wis.—License to cover 1410 construction permit (B4-P-945) for new equipment and move of transmitter.

NEW—Charles Porter and Edward T. Eversole, Festus, Mo.—1420 Construction permit for a new station to be operated on 1420 kc., 100 watts, limited time. Amended to change hours of operation from limited time to unlimited time, giving transmitter site as 100 Main Street, Festus, Mo.

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—1460 construction permit to make changes in equipment; move transmitter from Radio Center, Minnesota, to approximately 3 miles west of present site, Radio Center, Minnesota. Amended to install vertical antenna, move transmitter to approximately 4½ miles northwest of St. Paul, Minn.

NEW—Howard A. Miller, Galesburg, Ill.—Construction permit 1500 for a new station to be operated on 1500 kc., 100 watts, daytime, some nighttime. Amended to change hours of operation from daytime to specified hours.

NEW—Northwestern Publishing Co., Danville, Ill.—Construction 1500 permit for a new station to be operated on 1500 kc., 250 watts, daytime.

NEW—KFNF, Inc., Portable-Mobile.—Construction permit for a 1500 new relay station to be operated on 31100, 34600, 37600, 40600 kc., 5 watts.

NEW—KFNF, Inc., Portable-Mobile.—License to cover above.

NEW—KFNF, Inc., Portable-Mobile.—Construction permit for a 1500 new relay station to be operated on 31100, 34600, 37600, 40600 kc., 5 watts.

NEW—KFNF, Inc., Portable-Mobile.—License to cover above.

NEW—K. E. Schonert, d/b as Schonert Radio Service, Harrisburg, 103800, 142400, 400000 kc., 50 watts.

NEW—K. E. Schonert, d/b as Schonert Radio Service, Harrisburg, Ill.—Construction permit for a new high frequency broadcast station to be operated on ~~259~~50 ke., 50 watts.

Fifth Zone

KFI—Earle C. Anthony, Inc., Los Angeles, Calif.—Construction
640 permit to install a new transmitter, directional antenna, and increase power from 50 KW to 500 KW. Directional antenna to be used both day and night.

KPPC—Pasadena Presbyterian Church, Pasadena, Calif.—Author-
1210 ity to determine operating power by direct measurement of antenna.

NEW—The News Press Publishing Co., Santa Barbara, Calif.—Con-
1220 struction permit for a new station to be operated on 1280 ke., 500 watts, unlimited time. Amended to change requested frequency from 1280 ke. to 1220 ke.

NEW—Curtis P. Ritchie, Trinidad, Colo.—Construction permit
1310 for a new broadcast station to be operated on 1310 ke., 100 watts, unlimited time.

KERN—The Bee Bakersfield Broadcasting Co., Bakersfield, Calif.
1370 —License to cover construction permit (B5-P-1112) to install new equipment and antenna.

NEW—Jesse G. Bourus, Everett, Wash.—Construction permit for
1500 a new station to be operated on 1500 ke., 100 watts, 250 watts day, unlimited time. Amended to change power from 100 watts, 250 watts day, to 100 watts, make changes in authorized equipment, and change in transmitter site at Everett, Wash.

W6XKK—Don Lee Broadcasting System, San Francisco, Calif.—
License to cover construction permit for a new general experimental station.

NEW—Intermountain Broadcasting Corp., Portable.—Construction permit for a new relay station to be operated on 31100, 34600, 37600, 40600 ke., 2 watts.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

NAB REPORTS

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LARGEST CONVENTION IN NAB HISTORY

The Fourteenth Annual Convention of the NAB, held at Chicago, Illinois, July 5-8, was the largest convention in the history of the Association. Total enrollment was 816, with a delegate list of 261.

Proceedings Will Be Printed

The proceedings of the Fourteenth Annual Convention of the NAB will be published in NAB REPORTS as soon as the official transcript is available.

Officers and Directors for Ensuing Year

The following constitute the Officers and Directors of the Association for the current year:

President—Charles W. Myers, KOIN-KALE, Portland, Oregon.
First Vice President—John Elmer, WCBM, Baltimore, Maryland.
Second Vice President—Gardner Cowles, Jr., KSO-KRNT, Des Moines, Iowa.
Treasurer—Harold Hough, WBAP, Fort Worth, Texas.
Managing Director—James W. Baldwin, Washington, D. C.

Directors

*Edward A. Allen, WLVA, Lynchburg, Virginia.
Ralph R. Brunton, KJBS, San Francisco, California.
Harry C. Butcher, KJSV, Washington, D. C.
*Arthur B. Church, KMBC, Kansas City, Missouri.
Edwin W. Craig, WSM, Nashville, Tennessee.
Wright W. Gedge, WMBC, Detroit, Michigan.
John J. Gillin, Jr., WOW, Omaha, Nebraska.
Alfred J. McCosker, WOR, Newark, New Jersey.
J. O. Maland, WHO, Des Moines, Iowa.
*Eugene P. O'Fallon, KFEL, Denver, Colorado.
*John Patt, WGAR, Cleveland, Ohio.
Gordon Persons, WSFA, Montgomery, Alabama.
*Frank M. Russell, WRC-WMAL, Washington, D. C.
T. W. Symons, Jr., KFPY, Spokane, Washington.
*L. B. Wilson, WCKY, Covington, Kentucky.

* Elected this year.

RESOLUTIONS ADOPTED AT NAB CONVENTION

(Note: Missing numbers represent Resolutions which failed of adoption.)

Resolution No. 2

RESOLVED, That the National Association of Broadcasters sincerely thanks the Hon. Judge Eugene Octave Sykes, Chairman of the Broadcast Division, Federal Communications Commission, for the information, practicability and usefulness of his message delivered at its fourteenth annual convention, and that the membership believes that his message will serve as a potent aid in assisting

the licensees of American broadcasting stations to cooperate with the Federal Communications Commission.

Resolution No. 3

RESOLVED, That the National Association of Broadcasters hereby expresses its sincere thanks to Mr. C. H. Sandage for his contribution to the interest and value of the fourteenth annual convention of this Association.

Resolution No. 4

RESOLVED, That the National Association of Broadcasters hereby extends its hearty thanks to Mr. Glenn Snyder, Mr. Ralph K. Atlass, Mr. H. Leslie Atlass, Mr. H. C. Crowell, Mr. Gene T. Dyer, Mr. W. E. Hutchinson, Mr. Quin A. Ryan, Mr. F. A. Sanford, Mr. Niles Trammel, and Mr. Clinton R. White of the Local Convention Committee, for their admirable services in making the fourteenth annual convention of the National Association of Broadcasters an outstanding success.

Resolution No. 5

RESOLVED, That the National Association of Broadcasters hereby extends its hearty thanks to the management of the Stevens Hotel, and to Mr. Wm. P. Hennessy, Director of Conventions, Chicago Association of Commerce, for their splendid service in making the fourteenth annual convention of this Association an outstanding success; also to the management of the Stevens Hotel, and other hotels for their courtesies in accommodating so many of our guests.

Resolution No. 6

RESOLVED, That the official acts of the Managing Director since the thirteenth annual convention be and the same are hereby approved.

Resolution No. 7

RESOLVED, That the Managing Director be and he hereby is authorized to take such steps as may be necessary adequately to represent the best interests of the broadcasting industry in the forthcoming conferences preparatory to the Fourth Meeting of the CCIR, scheduled for the spring of 1937, and in the meeting of the CCIR.

Resolution No. 8

RESOLVED, That the President be and he hereby is authorized and directed to appoint a committee of three, one of whom shall be the Managing Director, to determine the procedure for most effective presentation of the United States position and proposals to the next administrative international conference scheduled to be held in Cairo early in 1938.

Resolution No. 9

RESOLVED, That the Managing Director be instructed to proceed immediately with the creation of a bureau of agency recognition in accordance with the plan approved and recommended by the Commercial Committee, with the understanding that the said bureau will be finally established only if the cost of its first year of operation is underwritten by the stations proposing to avail themselves of its services.

Resolution No. 10

RESOLVED, That the Board consider the continuance of the establishment of one or more annual NAB awards for conspicuous examples of public service rendered by American broadcasting stations.

Resolution No. 11

RESOLVED, That the NAB continue to cooperate with the Federal Communications Commission and educational groups in all practical efforts to study the application of education to radio.

Resolution No. 12

RESOLVED, That the NAB go on record as favoring the issuance of radio station licenses for a term of at least three years.

Resolution No. 14

RESOLVED, That the Committee on Radio Research for the year 1936-1937 consist of seven members appointed by the president, so as to represent the following groups, in addition to the Managing Director: (1) each major network contributing to the project; (2) local stations; (3) regional stations; and (4) clear channel or high powered stations.

BE IT FURTHER RESOLVED, That the committee be empowered to select five of its membership to represent the broadcasting industry on the Joint Committee on Radio Research.

RESOLVED, That this convention approve the activities of the N. A. B. Radio Research Committee during the past year, and that it commend the excellent progress made by the Joint Committee on Radio Research sponsored by the National Association of Broadcasters, Association of National Advertisers, and American Association of Advertising Agencies.

RESOLVED, That the Board of Directors of the National Association of Broadcasters be empowered to devote for exploratory purposes upon recommendation of the N. A. B. Radio Research Committee the sum of \$10,000.00, and that additional funds be devoted to the project if necessary, and if, in the opinion of the Board, this can be done without impairing the financial position of the Association.

Resolution No. 16

RESOLVED, That the Board of Directors of the NAB be directed and are instructed to carry on negotiations with copyright owners to the end that a per-piece or measured service plan be obtained.

Resolution No. 17

RESOLVED, That the Board of Directors of the NAB be directed to solicit the cooperative assistance of the Radio Manufacturers Association and all others interested in the advancement of the radio art to foster a national educational campaign furthering a public appreciation of radio. We recommend that if the necessary cooperation and funds can be obtained that the directors consider the employment of a competent person to direct this program.

Resolution No. 18

RESOLVED, That the NAB approves of the action taken by the Board of Directors in respect to the Bureau of Copyright and urges the wholehearted support of all members of the program which has been described in the reports made to the membership.

Resolution No. 19

WHEREAS, it is the sense of this convention that the interests of those attending are becoming more and more varied and

WHEREAS, there has been an ever increasing tendency toward the formation of smaller groups within the Association, and

WHEREAS, experience has proven this to be a healthy development, tending to interest a greater number of individuals in the work of the Association, and

WHEREAS, the sales promotion problems of the industry and individual stations both are becoming increasingly important

NOW THEREFORE BE IT RESOLVED, That

1. This Association favors the formation of a Sales Managers Section of the NAB, to be affiliated with the Commercial Committee.

2. This Association recommends to the Board of Directors their approval of this project, and recommends that the Board authorize the Managing Director to pay such incidental expenses as are necessary for postage, printing and similar items out of funds of the Association.

Resolution No. 20

BE IT RESOLVED, by the National Association of Broadcasters that an effort be made to entertain all ladies who attend

the conventions of the National Association of Broadcasters and that during their attendance thereof an effort be made to entertain these ladies who cannot be with us in the meetings held in the interests of our problems.

Resolution No. 21-a

BE IT RESOLVED herewith that the National Association of Broadcasters appreciates the interest in their problems; and

WHEREAS, one who is known to us as "Jim" Hughes of Rock Island, Illinois, and who has attended many of our meetings in the past, and who would be in Chicago today were it not for the fact that health has presented a problem for him and that as he is now in a Rock Island Sanitarium endeavoring to regain his health, we trust that before another N. A. B. convention is held, Jim will be able to be with us.

Resolution No. 21-b

WHEREAS, it has come to the attention of this Convention that Edwin Spence of Baltimore, who has served the NAB for a number of years in a very splendid manner as Chairman of the Convention Committee, is ill

THEREFORE BE IT RESOLVED, That this Convention in session sends greetings and wishes for a very speedy recovery.

Resolution No. 22

WHEREAS, as the Radio Broadcasting Industry continues to grow in size it becomes more and more apparent that if broadcasters are to intelligently handle their state, regional and national programs, they must be organized in State, Regional and National Units.

Such organizations will also serve to keep the rank and file better informed and give the numerous broadcasters more of a voice in the affairs of the industry.

NOW THEREFORE BE IT RESOLVED, the Board of Directors of the NAB be and are hereby instructed to bend every effort during the year 1936-37 to foster such organizations as chapters of the NAB.

COURT BROADCASTING CASES

Paul R. Heitmeyer has filed two appeals in the Court of Appeals of the District of Columbia against decisions of the Federal Communications Commission in which the Commission refused to grant him construction permits for stations to be located at Salt Lake City, Utah, and Cheyenne, Wyo.

In the case of the Utah station the Examiner who heard the case recommended that the Heitmeyer application be granted if another grant then pending was denied. In the other case the Examiner recommended that the application be granted. In both cases the Broadcast Division of the Commission heard argument and decided that the applications should not be granted. The appeal is against these decisions.

Broadcasting Station KGBZ, York, Nebr., appealed in the same court for an order granting a stay of execution of the Commission's order taking the station off the air. Should the stay be granted the station could continue operation. The Commission has filed answer urging that the Court uphold its decision taking the station off the air.

The Eastland Company, the Palmer Broadcasting Syndicate, Inc., and the Congress Square Hotel Company all filed appeals in the Court of Appeals of the District of Columbia in connection with the decision of the Federal Communications Commission of May 1 granting an application of a construction permit to the Portland Broadcasting System, Inc., for a station at Portland, Me.

MUST FILE BROADCAST FACILITY RATES

Chief Examiner Davis G. Arnold of the Federal Communications Commission has handed down Report No. III-9 dealing with a request of the Rochester Telephone Corporation, Rochester, N. Y., taking up as a supplemental issue broadcast facilities.

In this case the telephone company contended that the Commission has only limited jurisdiction over it, while the Chief Examiner contends in his report that it has full jurisdiction.

In connection with the case the Examiner found that "facilities for broadcast purposes are furnished by the respondent." In his conclusions on this point the Examiner states that "pursuant to Section 202(b) (of the Communications Act) the respondent is required to file with the Commission their schedules and charges in connection with this type of service."

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

American Coach & Body Company, Cleveland, Ohio. (2-2291, Form A-2)
Cumberland Basin Mines, Inc., Denver, Colo. (2-2293, Form A-1)
Consolidated Retail Stores, St. Louis, Mo. (2-2295, Form A-2)
Richman Brothers Company, Cleveland, Ohio. (2-2296, Form A-2)
Lord Craven Hotel Corporation, New Bern, N. C. (2-2297, A-1)
Gannett Company, Inc., Rochester, N. Y. (2-2298, Form A-2)
Northwest Publications, Inc., St. Paul, Minn. (2-2299, Form A-2)
U. S. Radiator Corp. Committee, Detroit, Mich. (2-2300, Form D-1)
Abasand Oils, Ltd., Toronto, Canada. (2-2301, Form A-1)
Dejay Stores, Inc., New York City. (2-2302, Form A-2)
Gardner-Denver Company, Quincy, Ill. (2-2303, Form A-2)
North American Car Corp., Chicago, Ill. (2-2304, Form A-2)
Reiter-Foster Oil Corp., Tulsa, Okla. (2-2305, Form A-1)
Hudson Motor Car Co., Detroit, Mich. (2-2306, Form A-2)
First Reinsurance Co. of Hartford, Hartford, Conn. (2-2307, Form A-2)
V. J. Emore Stores, Inc., Clanton, Ala. (2-2308, Form A-1)
Public Service Electric & Gas Co., Newark, N. J. (2-2309, Form A-2)
Kansas Pipe Line & Gas Co., Topeka, Kans. (2-2310, Form A-1)
John R. Wright Corp., Detroit, Mich. (2-2311, Form A-1)
Akron Brass Mfg. Company, Wooster, Ohio. (2-2312, Form A-2)
Interstate Debenture Corp., Newark, N. J. (2-2313, Form E-1)
Standard Oil Company, New York City. (2-2314, Form A-2)
Soundview Pulp Company, San Francisco, Calif. (2-2315, Form A-2)
North Bangor Slate Co., Bangor, Pa. (2-2318, Form A-2)
Stearman-Hammond Aircraft Corp., San Francisco, Calif. (2-2319, Form A-1)
San Antonio Milam Building, Inc., San Antonio, Tex. (2-2322, Form F-1)
Ryerson & Haynes, Inc., Jackson, Mich. (2-2323, Form A-2)
Petersen Engine Company, Inc., Brooklyn, N. Y. (2-2324, Form A-1)

NEW STATION RECOMMENDED WITH CONDITIONS

The Community Broadcasting Company filed an application with the Federal Communications Commission asking a construction permit for a new broadcasting station at Toledo, Ohio, to use 1200 kilocycles, 100 watts power, and daytime operation.

Examiner Ralph L. Walker, in Report No. I-254, recommended that the application be granted "in the event the applications of WALR and the Continental Radio Company are denied * * * subject to the later approval by the Commission of the exact transmitter site." The Examiner found if the other pending applications referred to above are denied, that "the granting of the pending application will not result in objectionable interference."

RECOMMENDATIONS ON WALR

Broadcasting Station WALR, Zanesville, Ohio, applied to the Federal Communications Commission to move to Toledo, Ohio. The station operates with 100 watts power, unlimited time, on 1210 kilocycles.

Examiner Ralph L. Walker, in Report No. I-253, recommends that "the Commission either revoke its order of September 25, 1934, granting the application here involved, or, in the alternative, that the Commission modify said order to permit the operation of Station WALR, at Toledo, Ohio, during daylight hours only."

The Examiner states that the operation of WALR at Toledo "will result in serious and objectionable interference which will substantially reduce the present good service area of Station WJIM, at Lansing, Mich., and listeners in a substantial area which now receives a satisfactory signal from WJIM will be deprived of that service."

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents

will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

No. 2869. Belmont Laboratories, Inc., 4430 Chestnut St., Philadelphia, is charged in a complaint with unfair methods of competition in the sale of "Mazon" and "Mazon Soap," preparations offered as treatments for skin diseases.

In magazines, medical journals and in other forms of advertising, the respondent corporation allegedly makes representations to the effect that the two preparations are prescribed by prominent physicians and afford quick and permanent elimination of eczema, ring worm, athlete's foot, and many other skin disorders; that "Mazon" is the original treatment of its character for the skin diseases specified in the respondent's advertising, and that it has no substitute.

These representations are untrue, according to the complaint, which alleges that the ingredients in "Mazon" have been known to the medical profession for many years, and that there are a number of proprietary preparations for skin diseases similar to "Mazon."

Nos. 2872-2873. Two companies and their officers are named respondents in separate complaints charging unfair methods of competition in connection with the sale of field and garden seed.

In one complaint, the respondents are **American Field Seed Co.,** 1929 West 43rd St., Chicago, also trading as **Sun-Field Seed Service and Standard Seed Co.,** and its officers, **Ernest E. Elder,** president, and **J. F. Sinn,** vice-president and treasurer. These respondents deal only in field seed.

Sinn also is named a respondent in the second complaint, as are the **Berry Seed Co., Clarinda, Iowa,** of which he is president, and the company's other officers, **Charles M. Kelly,** vice-president, **Joseph F. Faassen,** secretary, and **Charles S. McKee,** treasurer. Both field and garden seed are sold by these respondents.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

No. 1707. Edna Wallace Hopper, Inc., 4316 North Kilpatrick Ave., Chicago, engaged in the compounding or manufacture of cosmetics and toilet preparations, agrees to discontinue advertising that its "Special Restorative Cream" will restore the oils of youth to the skin or supply the skin with natural oils, and will keep the skin young and free of wrinkles or age lines. Other representations to be abandoned are that the preparation is the discovery of a great French scientist or of a famous beauty expert, and that the respondent company's "White Youth Pack (clay)" is of French origin.

No. 1708. The Parmeda Company, Bowling Green, Va., stipulates that in the sale of "Parmeda," which it manufactures, it will cease the use in advertising matter of the phrase, "Hair Tonic and Restorative," and of representations that its preparation "restores the natural color to gray and fading hair," or that it will "bring back the color of the hair to a natural shade." According to the stipulation, the product does not accomplish these things. The respondent corporation also will desist from the assertion that its product will stimulate hair growth or promote hair and scalp health and will stop falling hair, and that its product is not a dye.

No. 1709. Scientific Laboratories of America, 2567 38th Ave., Oakland, Calif., manufacturer of household remedies, agrees to discontinue use of the words "Scientific" and "Laboratories" as part of its trade name or in any way which may imply that it owns or operates a scientific laboratory, when this is not true. Under the stipulation, its remedies will no longer be advertised as prepared in one of the world's largest laboratories, nor will it be represented that the company spent many years in research before offering its remedies to the public; or that it has a staff of expert chemists. The respondent company agrees not to use in advertising matter the word "Doctor" or the abbreviation "Dr." to imply that the product so labeled has been compounded in accordance with the prescription of a doctor and contains special scientific features, when this is not a fact.

No. 1710. Whitney Payne Corporation, 152 West 42nd St., New York City, manufacturer and distributor of medical preparations under the trade names "Pheno-Cosan" and "Pheno-Cosan Medicated Soap," agrees to cease alleging in advertising matter that these preparations will cure or permanently relieve eczema, psoriasis, or general skin diseases, and will discontinue use of all representations not correctly describing its products and the results which can be obtained by their use.

No. 1711. Frank J. Speckert, 105 Cherry St., Seattle, Wash., selling "Leyden's Hair Tonic," agrees to stop representing the product in a manner implying that it will impart nourishment to the hair roots, thereby bringing gray or faded hair back to its natural color, or that through its use the product will restore the natural or original color to gray or faded hair, or that it will

impart color to hair except in the sense that it may dye it. The respondent stipulates that it will cease advertising that the preparation is capable of bringing the scalp to a healthy condition or of removing dandruff completely, stopping falling hair and starting it to grow, stopping itching scalp, or restoring new life to the hair. Speckert also agrees to desist from employing the phrase "It is good for children to use as well as adults," and of the assertion, "It is positively harmless."

No. 1713. Salts of Siloam Company, 1112 Porter Building, Portland, Ore., is engaged in packing mineral salts obtained from the waters of Soap Lake, Wash. According to its stipulation, the company's product, though laxative and diuretic in its action, and of possible use as a cleansing agent, was not properly designated, either directly or by implication, as having curative, remedial or beneficial properties other than those belonging to a laxative, diuretic or cleansing agent. The respondent agreed to cease and desist from representations that its product had curative or beneficial properties other than those mentioned, and from use of the statement, "This Water Analyzed by the United States Government," or any other assertions implying that the United States Government actually made an analysis of the water of Soap Lake, as set forth in the company's advertising, when this was not true.

No. 1714. Maud J. Taylor, 184 Summer St., Boston, trading as M. J. Taylor Company, engaged in printing and engraving social and business stationery, will discontinue using in advertising matter the words "engraving," "engraved" and "engravers" as descriptive of the respondent's products, which are not, in fact, made in accordance with the process of producing an impression on paper from inked plates containing inscriptions which have been carved, cut or stamped, according to the process of engraving or embossing. The respondent also will not use the word "engrave" alone or in connection with the word "semitone," implying that her products are manufactured by the well-known engraving or embossing process, when this is not true.

No. 1715. Nu-Tone Laboratories, Inc., 115 South Market St., Chicago, manufacturing electrical, radio and household specialties, will cease advertising to the effect that its "Nu-Tone Aerial Eliminator," when used according to directions, will result in less static, in a perfect tone, perfect selectivity, or greater distance, or that its use will reduce static and noise or eliminate all outside wires, in the sense that it will obviate the use of an outside aerial. In soliciting the sale of its "Line Noise Eliminator," the respondent company agrees to desist from representations to the effect that it will eliminate line noise or reduce static and noise, when used on a radio set.

No. 1716. Charles E. Berry, Jr., 1826 20th St., Washington, D. C., trading as Best Products Company, agrees that in selling combination cigarette lighters and cases he will cease and desist from the use in advertising matter of any pictorial representations imitating the "Ronson" combination lighter and case manufactured and sold by Art Metal Works, Inc., Newark, N. J., and which is priced at \$7.50.

According to the stipulation, Berry obtained a quantity of combination lighters and cases, so made as to imitate in design and appearance the "Ronson" product. In his advertisements carrying a picture of a lighter and case simulating the "Ronson" type, Berry is said to have offered it for sale at \$1, thereby implying that purchasers could obtain the "Ronson" type product at a greatly reduced price.

No. 1717. Lew Bradley, Room 505, Tabor Building, Denver, Colo., operates a correspondence school under the name of Modern Institute of Denver. In selling courses of instruction, he agrees to discontinue the use in advertising matter of exaggerated and inaccurate representations concerning the probability of students obtaining Civil Service positions, and stop misleading assertions as to the number of Civil Service employees being appointed and the probability of examinations being held. Misleading representations to the effect that the Government is in need of Civil Service employees and that the positions are permanent, steady, and well-paying are barred, under the stipulation.

The respondent also stipulates that he will neither advertise nor enter into any so-called agreements to refund tuition fees to his students who fail to obtain positions, unless he specifies the time within which such refunds are to be made.

No. 1718. Graham-Brown Shoe Company, Main and Austin Sts., Dallas, Tex., stipulates that in the sale of shoes it will stop using the word "Doctor" or the abbreviation "Dr." with the name "Austin" as a brand for its shoes which are not manufactured under the supervision of a doctor and do not contain orthopedic features resulting from medical advice and service. The respondent company also will cease use of the title "Doctor" or its abbreviation, either alone or with other words, implying that its

shoes are made in accordance with the design of a doctor and contain orthopedic features, when such is not the case.

No. 1719. Ben Greenberg & Brother, Inc., 2911 South La-Salle St., Chicago, agrees that in the sale of pillows it will desist from use of the word "kapok," alone or with the word "processed," or with any other words as a brand name for pillows not filled with kapok, or otherwise imply that the filling of such products is composed of kapok, when such is not the fact. Kapok is the silky fiber obtained from the seed of the Javanese kapok tree, and, after being subjected to a certain blowing process, is said to be a superior filling for pillows and mattresses.

No. 1720. Annette Lauzette, Inc., 30 East Randolph St., Chicago, trading as "Lanzette Laboratories," in the sale of a pumice stone device for removing superfluous hair will cease representations to the effect that the use of depilatories may cause erosion of the skin or blood poisoning; that, either shaving or the use of depilatories makes hair return thicker and darker, or that the use of waxes enlarges pores and increases hair growth. The respondent corporation also will stop advertising, directly or by inference, that the medical profession generally recognizes the pumice stone method to be probably the best known method of removing hair, when such is not the fact.

No. 2214. Unauthorized use of several well-known trade names, such as Edison, Marconi, Majestic and others, in the sale of radio sets, tubes and appliances, is prohibited under an order to cease and desist issued against six manufacturing and sales companies operating in New York, Boston and other cities.

The respondents are: **Marconi Radio Corporation, Edison Radio Stores, Inc.,** both of 23 East 21st Street, New York City; **Stuart Radio Corporation,** 58 Stuart Street, Boston; **Joseph E., S. A. and A. M. Frank and G. Blumenthal,** trading under the names **Perfection Radio Stores, Harvard Radio Stores and Post Radio Company,** formerly operating in various communities of Massachusetts, New York, Pennsylvania, Maryland, and in Washington, D. C.

These respondents are ordered to cease representing through advertisements, trade promotion literature and through the use of corporation, company or trade names, that the radio sets, tubes and appliances manufactured or assembled for, or by, and sold by them, are radio sets, tubes and appliances made, sold, sponsored or licensed by Thomas A. Edison, Thomas A. Edison, Inc., American Telephone & Telegraph Company, Western Electric Company, Marconi Wireless Telegraph Company of America, Radio Corporation of America, Victor Talking Machine Company, Brunswick-Balke-Collender Company, Warner Brothers Pictures, Inc., and its subsidiary, Brunswick Radio Corporation, Grigsby-Grunow Company, and General Electric Company.

The order also bars representation through use of the names "Edison," "Edison-Bell," "Edison Radio Stores, Inc.," "Edison International," "Bell," "Marconi," "Marconi Radio Corporation," "Victor," "Brunswick," "Bronswick," "Majestic," "Radio Corporation of America," "General Electric Company," or the letters "R. C. A.," "R. S. A.," "R. C. I.," "G. E." or "E. B.," or through picturization of a bell, alone or in connection with other words or symbols, that the radio sets, tubes, and appliances made or assembled for or by and sold by the respondents are made, assembled, approved or licensed by the Edison Company, American Telephone & Telegraph Company, and the other large, well-known companies above designated.

A third provision of the order prohibits the use on radio sets, tubes, and appliances sold by the respondent companies, of escutcheon plates, brands, or other marks bearing the names "Edison," "Edison Radio Stores, Inc.," "Edison International," "Edison-Bell," "Bell," or the representation of a bell, and various other names and initials of large and well-known companies so as to imply that these products are made, assembled, sold or licensed by these prominent manufacturers.

Findings are that Joseph E. Frank controls the business of the several respondent corporations and companies, and extended his business activities throughout the United States and into foreign countries, attempting to register with the Spanish Government the names "Edison" and "Marconi" as trade marks or trade names for radio and television sets and related products. This registration was denied by the Spanish Government upon objection of Thomas A. Edison, Inc., and the Marconi Wireless Telegraph Company of America, according to findings.

No. 2371. Morgen Distilling Corporation, 107 Hudson St., Jersey City, N. J., has been ordered to discontinue representing through use of the word "Distilling" in its corporate name, on labels, in advertising matter, or in any other manner that it is a

distiller, that it manufactures by a process of distillation the products it sells, or that it owns or operates a place where its spirituous beverages are distilled, until it actually owns or operates such a place.

Nos. 2423-2424-2432-2442-2449. Selling whiskies, gins and other spirituous beverages, five corporations have been ordered to discontinue representing they are distillers until such is a fact.

The orders to cease and desist direct that the respondent corporations discontinue representing through use of the words "Distilling," "Distillery," or "Distillers" in their corporate names, on stationery, labels, or in any other manner that they are distillers of spirituous beverages, that such beverages are manufactured by them through the process of distillation, or that they own or control places where such beverages are manufactured by distillation unless that be true.

The respondent corporations are **International Distilling & Distributing Corporation**, Washington, D. C.; **Sunrise Distilling Corporation**, Chicago; **LaSalle Distillery, Inc.**, Stamford, Conn.; **Raritan Distillers Corporation**, Perth Amboy, N. J., and **United Distillers Corporation**, Providence, R. I.

No. 2428. **Esbeco Distilling Corporation**, 25 Jefferson St., Stamford, Conn., has been ordered to cease representing through use of the word "Distilling" in its corporate name that it is a distiller of liquors, until such time as it shall actually own, operate or control a distillery.

No. 2430. An order has been issued prohibiting unfair competition on the part of **Finishing Products Company, Inc.**, 3725 East 13th Street, Indianapolis, in the sale of lacquers, stains, fillers, and other wood-finishing products.

Practicing what is known as commercial bribery, the respondent company, according to the Commission's findings in the case, attempted to promote the sale of its products by secretly paying to superintendents or finishing foremen in furniture factories sums of money to induce them to influence their employers to purchase the respondent's products in preference to those of competitors.

Findings are that through the medium of Walter J. Murray, its president, and Frank A. Metzger, its former vice-president, and David G. Small, its salesman, respectively, the respondent company secretly gave money or gratuities to superintendents and finishing foremen employed by customers in Sheboygan, Wis., Stevens Point, Wis., Sheboygan Falls, Wis., Appleton, Wis., Piqua, O., and Zeeland, Mich.

The order to cease and desist prohibits the respondent company, in the sale of its products, from giving and offering to give, directly or indirectly to superintendents, finishing foremen or other employees of furniture factories and other purchasers of furniture finishing products, without the knowledge and consent of their employers, money or gratuities to induce such employees to recommend the respondent company's products to their employers, or to induce such employers to purchase such products in preference to or to the exclusion of competing products.

No. 2438. **Old Rose Distilling Co.**, 222 West Madison St., Chicago, has been ordered to cease and desist representing through use of the word "distilling" in its trade name that it is a distiller of liquors, owning, operating or controlling a distillery, unless and until it shall own, operate or control such a plant.

Nos. 2443-2678. **Potomac Distilling Corporation**, 2700 Wilmarco Ave., Baltimore, Md., and **Old Colonel Distillery, Inc.**, 427 West Main St., Louisville, Ky., have been ordered to discontinue unfair methods of competition by improper use of the words "Distilling" or "Distillery" in their corporate names.

Each company is directed to stop representing through use of the word "Distilling" or "Distillery," respectively, in its corporate name, on stationery and in advertising matter, that it is a distiller of liquors; that these liquors or other spirituous beverages are manufactured by it through the process of distillation, or that it owns, operates or controls a place of business in which these products are distilled, unless and until it shall actually own, operate or control such a distillery.

No. 2497. **Henry L. Hughes, Inc.**, and its subsidiary, **Autograf Toothbrush Company**, 300 Madison Avenue, New York City, have been ordered to cease and desist from making misleading representations in the interstate sale of their product.

The order directs that the respondents cease representing through the medium of labeling, stamping or imprinting on the handles of toothbrushes sold by them, that such articles are made wholly in the United States, when in fact the handles have been imported from a foreign country, the name of which has been obliterated or obscured.

The order also directs the respondents to discontinue represent-

ing by imprinting on boxes, cartons or other packages containing their toothbrushes, the words "Made in U. S. A.," implying that these articles are manufactured in the United States, when in fact the handles have been imported from abroad.

No. 2553. **Gus Martel, New Fairfield, Conn.**, has been ordered to discontinue false representations in connection with the sale of correspondence courses of instruction in physical culture and boxing.

Martel is prohibited, among other things, from representing in advertising matter or in any other manner that his courses can be immediately mastered by amateur or professional fighters, and by non-amateurs or non-professionals in a relatively short period of time.

No. 2597. **Sanderson Adjustment Bureau, Inc.**, 1042 Citizens and Southern National Bank building, Atlanta, Ga., has been ordered to discontinue unfair methods of competition in the sale of collection systems for the use of merchants, professional men, and others.

The order requires the respondent corporation to cease representing in advertising that it is an old established concern selling collection systems for which there is a great demand, and that reliable men with managerial ability and sufficient capital to invest should earn from \$500 to \$1500 a month selling such systems, while the minimum earnings for agents should be \$50 a week.

No. 2658. Prohibiting unfair competition in the sale of leather luggage, an order has been issued to cease and desist against **Meyer Brodie and Morris White**, trading as **M & M Bag and Suit Case Co.**, 15 West 20th Street, New York City.

The order directs cessation of the practice of labeling or stamping luggage made in whole or in part from split leather as "Warranted Walrus Grained Leather" without at the same time and in connection therewith, clearly stating that split leather has been used in the manufacture of such luggage.

No. 2683. An order has been issued against **Dr. S. B. Heininger** directing him to discontinue unfair methods of competition in offering for sale and selling dental plates manufactured in his laboratory at 440 Huron St., Chicago.

Dr. Heininger's method of business, according to findings, is to have laymen who reply to his advertisements, take impressions of their own teeth and gums with wax materials he sends them, and, upon return of the impressions, make from them the dental plates he sells to the purchasers.

Under the order, Dr. Heininger is required to cease representing that purchasers of his artificial teeth can make as correct impressions of their own teeth and gums as members of the dental profession; that from such impressions he can make dentures that will give full power of mastication and look and feel better than the wearer's natural teeth, and that purchasers can obtain from him artificial teeth that fit as well and are as comfortable as those made in the usual manner by members of the dental profession.

No. 2759. Under an order to cease and desist, the **Hollywood Mask, Inc.**, 105 West Monroe St., Chicago, is prohibited from misrepresenting in advertising matter the nature and effect of the cosmetic preparations it sells in interstate commerce.

The order directs the respondent corporation to discontinue representing that any of its cosmetics serve as a food for the skin, tissues or muscles, or have a beneficial effect in nourishing, filling out and tightening the lines of broken tissues; that they eliminate dryness, banish wrinkles and remove blackheads, and that they penetrate the skin beyond the epidermis, so as to produce any beneficial results on the underlying muscles, tissues, or layers of skin.

No. 2831. **Buno Company, Inc.**, 507 Green St., Philadelphia, has been ordered to stop making misleading representations in the sale of its medicinal preparation called "Buno."

The order directs the respondent to stop alleging that this product will keep the skin clear and healthy, give instant relief from sunburn, mosquito and other insect bites, and that it is an effective treatment for dandruff, eczema, athlete's foot, and other skin eruptions.

FTC VACATES ORDER

No. 2168. The Federal Trade Commission has entered an order vacating a cease and desist order issued in November, 1934, against **Maid-O-Best, Inc.**, of St. Paul, and its president, G. M. Moses, and against **Morris Averbach**, of St. Paul, trading as **The Muriel Company**.

The Commission directed that the order to cease and desist be set aside, and that taking of testimony on the charges of the prior complaint begin at a time to be determined.

The vacated order to cease and desist prohibited unfair representations in the sale of flavoring compounds, foodstuffs, toilet articles and household novelties.

FEDERAL COMMUNICATIONS COMMISSION ACTION

The Broadcast Division of the Commission did not meet at its regular time this week. A meeting will be held later.

No hearings are scheduled before the Commission during the week beginning Monday, July 20.

APPLICATIONS RECEIVED

First Zone

- WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—
710 Construction permit to install a new transmitter, new antenna, and increase power from 50 KW to 500 KW.
- WHDH—Matheson Radio Co., Inc., Boston, Mass.—Special experimental authorization to operate from sunset at Denver, Colo., to 11 p. m., EST, using directional antenna, from 8-1-36 to 2-1-37.
- NEW—George M. Haskins, Hyannis, Mass.—Construction permit for a new station to be operated on 1210 kc., 100 watts, 250 watts day, unlimited time.
- NEW—Continental Radio Co., Washington, D. C.—Construction permit for a new station to be operated on 1230 kc., 1 KW, unlimited time. Amended to give transmitter site as approximately 1 mile northwest of north corner of District of Columbia, Montgomery County, Md., and install directional antenna for day and night use.
- NEW—Julio M. Conesa, Mobile, Puerto Rico.—Construction permit for a new relay station to be operated on 1622, 2058, 2150, 2790 kc., 75 watts.

Second Zone

- NEW—Radio Air Service Corp., Portable-Mobile.—Construction permit for a new relay station to be operated on 3110, 34600, 37600, 40600 kc., 10 watts.
- NEW—The Ohio State University, Portable.—Construction permit for a new relay station to be operated on 31100, 34600, 37600, 40600, 93300, 12440, 155500, 248800 kc., 1 watt.
- NEW—Radio Air Service Corp., Portable-Mobile.—Construction permit for a new relay station to be operated on 31100, 34600, 37600, 40600 kc., 10 watts.
- NEW—Radio Air Service Corp., Portable-Mobile.—License to cover above.

Third Zone

- NEW—Pee Dee Broadcasting Co., James A. Bradley, Pres., 950 Florence, S. C.—Construction permit for a new station to be operated on 950 kc., 1 KW, daytime.
- NEW—Carolina Advertising Corp., Florence, S. C.—Construction permit for a new station to be operated on 1200 kc., 100 watts, unlimited time.
- WJNO—Hazlewood, Inc., West Palm Beach, Fla.—License to 1200 cover construction permit (B3-P-159) as modified for a new station.
- WSIX—Jack M. Draughon & Louis R. Draughon, d/b as 638 1210 Tire & Vulcanizing Co., Nashville, Tenn.—Modification of construction permit (B3-P-227) for move of transmitter and studio, requesting extension of completion date from 8-4-36 to 11-1-36.
- WATL—J. W. Woodruff & S. A. Cisler, d/b as Atlanta Broadcasting Co., Atlanta, Ga.—Construction permit to install a new transmitter, make changes in antenna, increase power from 100 watts to 100 watts, 250 watts day, move studio from Room 707, Volunteer Life Bldg., Forsyth & Luckie Sts., Atlanta, Georgia, to 26 Cain Street, Atlanta, Georgia, and transmitter from Yaarab Shrine Mosque, 660 Peachtree Street, Atlanta, Georgia, to 26 Cain Street, Atlanta, Georgia.
- NEW—Carolina Advertising Corp., Columbia, S. C.—Construction permit for a new station to be operated on 1370 kc., 100 watts, 250 watts day, unlimited time.

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Construction permit to install a new transmitter, change frequency from 1370 kc. to 1120 kc., power from 100 watts, 250 watts day to 1 KW.

Fourth Zone

- WLBL—State of Wisconsin, Dept. of Agriculture & Markets, 900 Stevens Point, Wisc.—Construction permit to install a new transmitter and antenna, change power and hours of operation from 2½ KW, specified hours to 5 KW, daytime, move transmitter from 8½ mi. N. E. of Stevens Point (near Ellis), Wisconsin, to 1 mi. S. of Auburndale, Wisconsin.
- NEW—Walter H. McGenty, Rice Lake, Wisc.—Construction permit for a new station to be operated on 1200 kc., 100 watts, 250 watts day, unlimited time.
- KGFV—Central Nebraska Broadcasting Corp., Kearney, Nebr.—1310 Construction permit to install a new antenna, move studio and transmitter from 919 West 27th Street, Kearney, Nebraska, to site to be determined, Omaha, Nebraska.
- WMIN—Edward Hoffman, St. Paul, Minn.—Construction permit 1370 to make changes in equipment and increase power from 100 watts to 100 watts, 250 watts day.
- WHLB—Head of the Lakes Broadcasting Co., Virginia, Minn.—1370 Modification of construction permit (B4-P-329) to make changes in equipment, install a vertical antenna, for approval of transmitter and studio sites at 6th Ave. W. & 17th, Virginia, Minn., and extend commencement and completion dates.
- KOVC—George B. Bairey, Valley City, N. D.—Modification of 1500 construction permit (B4-P-224) for a new station requesting authority to install a new transmitter and antenna and for approval of transmitter site at 312½ Fifth Ave., Valley City, North Dakota.

Fifth Zone

- KHQ—Louis Wasmer, Inc., Spokane, Wash.—Modification of construction permit (B5-P-925) as modified, giving transmitter site as R. F. D. No. 3, Spokane, Wash., and height of antenna to be determined.
- KMO—KMO, Inc., Tacoma, Wash.—Construction permit to make 1330 changes in equipment, install a vertical antenna, increase power from 250 watts to 1 KW, and change transmitter site from 1623 East "J" St., Tacoma, Wash., to site to be determined, Tacoma, Wash.
- KMED—Mrs. W. J. Virgin, Medford, Ore.—Construction permit 1410 to make changes in transmitter, install a new antenna, move transmitter from Sparta Building, Main & Riverside Avenues, Medford, Ore., to Ross Lane, Medford, Ore.
- NEW—Earle C. Anthony, Inc., Portable-Mobile.—Construction permit for a new relay station to be operated on 31100, 34600, 37600, 40600 kc., 25 watts.
- NEW—Standard Radio, Inc., Hollywood, Calif.—Authority to transmit electrical transcriptions to foreign countries (CJRJ, Winnipeg, Manitoba, Canada, and other Canadian stations).
- NEW—Earle C. Anthony, Inc., Mt. Wilson, Calif.—Construction permit for a new high-frequency station to be operated on 31600, 35600, 38600, 41000 kc., 100 watts.
- NEW—Lee Tracy, Mobile, aboard yacht *Adore*.—Construction permit for a new relay station to be operated on 1622, 2058, 2150, 2790 kc., 100 watts.
- NEW—Earle C. Anthony, Inc., Los Angeles County, California, near Buena Park.—Construction permit for a new international station to be operated on 6020, 9510, 11750, 15150, 21480 kc., 10 KW.

Puerto Rican Zone

- WPRP—Julio M. Conesa, Ponce, P. R.—Modification of license 1420 to operate an additional hour from 11 p. m. to 12 daily.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
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DETAILS OF OCTOBER 5 BROADCAST HEARING ANNOUNCED

The Federal Communications Commission this week made public details of the informal hearing to be held before the Broadcast Division of the Commission on October 5 in connection with Docket No. 4063 relating to the allocation of frequencies in the broadcast band and with the prevention of interference in that band. In an official statement on this subject the Commission announced the following:

Notice is hereby given of an informal hearing before the Broadcast Division of this Commission, to be held in the offices of the Commission at Washington, D. C., beginning at 10 A. M., October 5, 1936, for the purpose of determining what principles should guide the Commission in matters relating to or affecting the allocation of frequencies and the prevention of interference in the band 550-1600 kc, and, in particular, what changes, if any, should be made in the Commission's existing regulations or in the standards heretofore applied by it and its Engineering Department, in order to give effect to those principles.

Individual applications, individual assignments, and requests for allocation of broadcast facilities to particular groups or organizations will not be considered.

The Broadcast Division of the Commission desires to obtain the most complete information available with respect to this broad subject of allocation, not only in its engineering but also in its corollary social and economic phases, to the end that such regulations and standards as it may retain or adopt will make possible such use of the band 550-1600 kc as will provide maximum service (both transmission and reception) in the public interest. The improvements in, and the increased knowledge of, the engineering aspects of broadcasting since the inauguration of the present allocation system in 1928 will be taken into consideration; also the amendment of June 5, 1936, to the Communications Act of 1934, repealing Sec. 302 and modifying Sec. 307 (b).

Specifically, the Broadcast Division will consider proposals and evidence for or against such proposals, as to the principles that should guide it with respect to its regulations and standards on such subjects as the following:

I. Classification of broadcast stations:

1. Desirability of establishing new classes, or of subdividing, modifying or abolishing any existing class.
2. Proper definition of each class with respect to purpose and character of service.
3. Number of frequencies to be allocated to each class.

4. Suitability of various bands of frequencies (e.g., propagation characteristics and noise levels) in the range 550-1600 kc for the service to be rendered by each class.
5. Extent to which freedom from interference is to be secured to each class and extent to which duplicated use, night or day, of frequencies allocated to each class is to be permitted, including
 - (a) number of stations to be permitted to operate simultaneously on frequencies of each class;
 - (b) mileage-frequency separation tables as a method for determining permissible duplications;
 - (c) advisability of establishing subclassifications of any of the principal classes;
 - (d) use of frequencies allocated to one class by stations of another class;
 - (e) possibility of duplicated use of a frequency by two 50 kw stations separated by a substantial distance;
 - (f) consideration of hour of sunset as the dividing line between daytime and nighttime permissible duplications, and location at which sunset or other hour should be taken as such dividing line;
 - (g) application of directional antennas; and
 - (h) application of synchronization.
7. Maximum and minimum power requirements with respect to each class, including
 - (a) increases in power above 50 kw on any class of frequency;
 - (b) horizontal increases in power on frequencies on which nighttime duplicated operation is permitted, and
 - (c) differentiation in maximum power at day and at night.

II. Standards to be applied in determining coverage and the presence or absence of objectionable interference.

1. Propagation characteristics of the various frequencies in the range 550-1600 kc, including comparison of east-west and north-south transmission, effect of intervening mountain ranges, and seasonal variations.
2. Prevailing attenuation in various parts of the country.
3. Proper ratio of desired to undesired signal.
4. Signal intensity necessary to render satisfactory service in various types of community (e.g., urban, residential, rural, etc.).
5. Relative electrical noise levels, natural and man-made, in the range 550-1600 kc and in various types of communities.
6. Frequency separation, including
 - (a) the prescribed 10 kc separation between frequencies used by broadcast stations;
 - (b) the customary 50 kc separation between frequencies used by broadcast stations in the same community;
 - (c) mileage-frequency separation tables as a method for determining minimum geographical separation between stations using frequencies separated by from 10 to 40 kc;
 - (d) permissible disparity in power between stations on adjacent frequencies;
 - (e) practicable standards of receiver selectivity, and
 - (f) practicable standards of receiver fidelity.
7. Proper definition of blanketing signal.
8. Legitimate assumptions with respect to Heaviside layer and sunspot cycle.

III. Geographical distribution of broadcast facilities.

1. Weight to be given to such factors as area, population and economic support.
2. Desirability of establishing a system for evaluating facilities (e.g., a quota system) in order to comply with Sec. 307 (b) of the Communications Act of 1934, as amended, and "to provide a fair, efficient, and equitable distribution of radio service" among the several States and communities.

3. Feasibility of allowing adherence to sound engineering principles automatically to effect the distribution required by Sec. 307 (b).

IV. *Standards and methods of measurement with respect to*

1. Power.
2. Tolerance.
3. Field intensity.
4. Determination of service.
5. Determination of interference.

V. *Apparatus performance requirements to be imposed on broadcast stations.*

1. Frequency stability.
2. Antenna efficiency.
3. Modulation.
4. Suppression of harmonics.
5. Fidelity of transmission.
6. Transmitter location.

VI. *Effect of any proposals regarding the foregoing subjects.*

1. Socially and economically, upon the public and the industry.
2. Internationally, upon use of the band 550-1600 kc by other countries in North and Central America.
3. Upon possible future use of frequencies in the band 6000-30,000 kc and in the band above 30,000 kc for broadcasting.

This outline is not to be taken as excluding evidence and proposals bearing on allocation matters not specifically enumerated, provided such evidence and proposals otherwise come within the limitations set forth in this notice.

Cross-examination of witnesses will be limited to questions by Commissioners and members of the Commission's legal and technical staffs.

Persons or organizations desiring to appear and testify should notify the Commission of such intention on or before September 15, 1936. In such notification the number of witnesses who will appear and the time estimated to be occupied by each should be stated. This information is necessary in order more efficiently to organize the hearing. Proposals seeking amendment of existing regulations should be accompanied by written drafts of the amendments desired, to be submitted at the time such proposals are made during the hearing.

Prior to this hearing, the Broadcast Division will publish the results of the so-called "clear channel survey," undertaken during the past year, in order that all persons who desire to appear at the hearing will have as much information as is practicable with respect to the performance of stations operating under practical conditions.

By the Commission,

(Seal)

JOHN B. REYNOLDS,
Acting Secretary.

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

- Brown Forman Distillery Co., Louisville, Ky. (2-2325, Form A-1)
- Merchants Industries, Inc., Dayton, Ohio (2-2326, Form A-2)
- Security Holders Protective Committee, Newark, N. J. (2-2327, Form D-1)
- Charleston Shipbuilding & Drydock Co., Charleston, S. C. (2-2329, Form A-1)
- Chamberlin Metal Weather Strip Co., Detroit, Mich. (2-2330, Form A-2)
- Johnson Furniture Co., Shreveport, La. (2-2331, Form A-1)
- Froedtert Grain & Malting Co., Greenfield, Wis. (2-2332, Form A-2)
- Carroll Stores of America, Inc., West Haven, Conn. (2-2333, Form A-1)
- Powdrell & Alexander, Inc., Danielson, Conn. (2-2334, Form A-2)
- Silver Dollar Mining Co., Wallace, Idaho (2-2335), Form A-1)

TEXAS STATION RECOMMENDED

The Navarro Broadcasting Association filed an application with the Federal Communications Commission asking for a construction permit for a new broadcasting station to be erected at Corsicana, Texas, to use 1320 kilocycles, 100 watts power and daytime operation.

Examiner George H. Hill in Report No. I-260 recommended that the application be granted subject to the condition that the towers be marked in accordance with the specifications of the Bureau of Aeronautics. The Examiner found that there is need for the additional radio service in the area and that there is adequate local talent to supply the needs of such a station. Some interference would be caused with Station WRR, Dallas, Texas, however, says the Examiner, "it is shown that it would not be classed as serious."

BROADCAST RECEIPTS IN WEST SOUTH CENTRAL STATES

Total receipts of the 65 broadcast stations in the west south central states from the sale of radio time last year amounted to \$3,684,427 according to the Bureau of the Census, Department of Commerce in a report of the new business census series on the broadcasting business.

The report covers all stations in the four west south central states including 11 stations in Arkansas, 12 in Louisiana, 12 in Oklahoma and 30 in Texas.

NEW FLORIDA STATION RECOMMENDED

Earl Weir filed an application with the Federal Communications Commission asking for a permit to erect a new broadcasting station at St. Petersburg, Florida, to use 1370 kilocycles, 100 watts power and unlimited time on the air.

Examiner Melvin H. Dalberg in Report No. I-261 recommended that the application be granted. The Examiner states that it is apparent that there is a genuine need for local broadcasting facilities. There is no question, says the Examiner, "of objectionable interference involved in this application."

NEW SERVICE ANNOUNCED FOR BROADCASTERS AND EDUCATORS

Another constructive move to improve local educational radio programs has been announced jointly by the United States Commissioner of Education, J. W. Studebaker and James W. Baldwin, managing director of the National Association of Broadcasters.

Recognizing that radio scripts, improved production techniques and closer cooperation of educators and broadcasters were the keys to better local educational radio programs, Commissioner Studebaker, requested the Educational Radio Project to prepare materials to meet these needs. The result is "Interviews with the Past," a series of 15 minute radio scripts with accompanying suggestions for production by high school or college radio units.

"Interviews with the Past" are imaginary interviews by a group of reporters for a local school paper. They interview successfully six celebrities of the past who reply to the young newspapermen and newspaperwomen in the exact language history records them as using.

Celebrities interviewed are: Benjamin Franklin, William Shakespeare, Queen Elizabeth, Napoleon Bonaparte, Catherine of Russia, and George Washington.

Scripts, a production manual, a glossary of radio terms, incidental theme music and bibliographies are being mailed today from the Office of Education to city school superintendents, heads of higher institutions and CCC district advisers who wish to produce the programs with school groups during the coming school year with the cooperation of their local station managers. Copies of this material are also going out to the Nation's station managers from the National Association of Broadcasters office.

Before drawing up the manual of suggestions for broadcasting, Maurice Lowell, the Project's production director, cast and produced the "Interviews with the Past" program with the help of a radio guild from McKinley High School, Washington, D. C., over Station WMAL.

Production Director Lowell observed the difficulties of this group, and on the basis of these observations wrote a "Radio Manual of Suggestions for Production," to serve as a guide for schools, universities, CCC camps and other nonprofessional groups. He also prepared a glossary of terms used in studios.

Music arrangements for theme and signature by school orchestras or choruses were written by Music Director Rudolf Schramm.

Since it was discovered in the experimental production of the series that the broadcasts stimulated interest in the lives of the celebrities, the Project prepared a series of bibliographies for distribution among schools and CCC camps.

Written by Dr. Donald G. Calhoun, formerly professor of history at the University of Southern California, and feature writer for the Los Angeles Times, and Miss Dorothy Donnell, formerly educa-

tional editor, Macmillan Book Company, magazine editor, and author of children's books, the scripts were edited by Leo S. Rosencrans, Educational Radio Project's script director, who formerly was with the National Broadcasting Company. Mr. Rosencrans is author of "Sally of the Talkies," "Nickelodeon" and other nationally-known programs. He is co-author with Irene Rich of "Behind the Screen."

An advisory committee of historians and educators guided the preparation of the series. The committee includes Dr. C. C. Tansill, professor of history, American University; Belmont Farley, director of publicity, National Educational Association; Miss Olga Jones, administrative assistant in the editorial division, Office of Education, and William Dow Boutwell, editor-in-chief of the Office of Education, and director of the Project.

While Commissioner Studebaker expects that most educators and broadcasters will wish to produce the series during the Fall, some school officials have indicated their desire to put the series on the air during their Summer school session. Mr. Baldwin indicated that many station managers will welcome this new material for Summer production.

In cooperation with the National Broadcasting Company and the Columbia Broadcasting System, the Educational Radio Project is now producing five program series as experimental demonstrations of new educational broadcasting techniques. These programs go over Nation-wide hook-ups and include: "The World Is Yours"—dramatizations based on activities of the Smithsonian Institution; "Safety Musketeers"—safety education; "Answer Me This"—social science; "Have You Heard?"—natural science and "Education in the News."

In order that teachers, school officials and other workers in educational radio may have an opportunity to learn the latest methods of the art, the Educational Radio Project established a workshop in cooperation with New York University. A script exchange service has also been set up to serve educators in need of educational scripts.

RECOMMENDS NEW CALIFORNIA GRANT

K. K. Kidd and A. C. Kidd, applied to the Federal Communications Commission for a construction permit for the erection of a new station at Taft, Cal., to use 1420 kilocycles, 100 watts and daytime operation.

Examiner R. H. Hyde, in Report No. I-259 has recommended that the application be granted. The Examiner states that "the evidence shows that there is a public need and a demand in the applicants' area for the proposed new broadcast service," also, that "the construction and operation of the proposed station could not reasonably be expected to cause interference to the fair and efficient service of any other station or stations."

WATSON AND BLAZ WANTED

Broadcasting station KFH, Wichita, is anxious to know the whereabouts of M. V. Watson and Ned E. Blaz connected with National Features Service, Inc.

COURT APPROVES BANK NIGHT

"Bank night" is not a lottery according to a ruling of the Supreme Court of Massachusetts. The court held that a man could not be held guilty of promoting a lottery without specifically selling lottery tickets.

As is generally known bank night is a night set aside by various theatres during which a sum of money is given to a patron whose name is drawn from among those of patrons who hold gratuitously distributed tickets.

SOUTH DAKOTA STATION RECOMMENDED

The Sioux Falls Broadcasting Association, Inc., applied to the Federal Communications Commission for a construction permit for the erection of a new station at Sioux Falls, S. D., to use 1200 kilocycles, 100 watts power and unlimited time on the air.

Examiner George H. Hill in Report No. I-262 recommends that the application be granted subject to the approval of the antenna and transmitter sites. He found that there is need for the facilities of a local station at Sioux Falls and states that no interference would result to any existing service from the operation of the proposed station.

STAY ORDERS GRANTED

The Court of Appeals of the District of Columbia has granted a stay order to station KGBZ, York, Nebr., and in another case a stay order was granted to the Palmer Broadcasting Syndicate.

Station KGBZ was taken off the air by the Federal Communications Commission and was actually off the air from July 7 to July 14. Under the court's stay order, however, the station is back on the air until its appeal against the decision of the Commission is disposed of.

The Commission granted a construction permit to the Portland Broadcasting System, Inc., for the erection of a new station at Portland, Me. The Palmer Broadcasting Syndicate and several others who had applications pending for a station at the same time appealed to the Court against the decision of the Commission. The court has granted a stay order against the erection of the new station pending disposition of the case.

RECOMMENDS DENYING NEW STATION

Ted R. Woodard applied to the Federal Communications Commission for a construction permit for the erection of a new station at Kingsport, Tenn., to use 1210 kilocycles, 100 watts power and daytime operation.

Examiner Ralph L. Walker in Report No. I-257 has recommended that the application be denied. The Examiner found that "the operation of a station as proposed will result in objectionable interference to a new station now being constructed at Middleboro, Ky.; likewise, the service area of the proposed station would be restricted by objectionable interference from the Middleboro station."

MOVE OF KGKO RECOMMENDED

Broadcasting station KGKO, at Wichita Falls, Texas, applied to the Federal Communications Commission to install new equipment and to move its transmitter and studios to Fort Worth, Texas. The station operates on 570 kilocycles, 250 watts and 1,000 watts LS and unlimited time.

Chief Examiner Davis G. Arnold in Report No. I-255 recommends that the Commission confirm a former order granting the station permission to make the move. Following the granting of this permission by the Commission chambers of commerce and radio stations objected to the move and the case was set for further hearing.

The Chief Examiner in recommending to the Commission that it allow the change to be made states that "considering the entire record it is not shown that the protestants have discharged the burden of proof resting upon them."

MEXICAN STATION WANTS TO IMPORT POWER

The Federal Power Commission has announced receipt of an application from the Piedras Negras Broadcasting Company, Piedras Negras, Coahuila, Mexico, for authority to import electric energy from the United States, to be purchased from the Central Power & Light Company at a point of delivery on the Texas side of the Rio Grande River near Eagle Pass, Texas.

The application was filed under the requirements of Section 202 (e) of the Federal Power Act, and is the twenty-third application involving the international transmission of electric energy received by the Commission.

The applicant, which serves the City of Piedras Negras and vicinity, states that the amount of energy expected to be imported during the next twelve months will be approximately 950,000 kilowatt-hours, to be used for stand-by emergency service and to supplement, when necessary, the output of the broadcasting company's power plant in Piedras Negras.

Adding that the proposed importation will be in the public interest because of the need for emergency service in Piedras Negras and because it will provide an outlet for surplus energy in the United States, the applicant further states that due to recent heavy rainfall the power house at Piedras Negras has been incapacitated, making the City of Piedras Negras and vicinity dependent upon energy to be obtained from the United States.

DAYTIME HOURS RECOMMENDED FOR NEW STATION

Jonas Weiland filed an application with the Federal Communications Commission asking for a construction permit for the erection of a new station at Kinston, N. C., to use 1200 kilocycles, 100 watts and 250 watts LS and unlimited time on the air.

Examiner Ralph L. Walker in Report No. I-258 recommended that the application be granted for daytime operation only; denying nighttime operation.

The Examiner states that "operation of the proposed station during the day would not result in objectionable interference to any existing station, but its operation at night would cause objectionable interference to and curtail the good service area of Station WLVA, Lynchburg, Va."

RECOMMENDS NEW TEXAS STATION

Dorrance D. Roderick applied to the Federal Communications Commission for a construction permit for the erection of a new

broadcasting station at El Paso, Texas, to use 1500 kilocycles, 100 watts power and unlimited time on the air.

Examiner George H. Hill in Report No. I-256 recommends that the application be granted "on condition that the towers of the proposed station be marked and lighted in accordance with the specifications of the Department of Commerce."

The Examiner contends that a city the size of El Paso can support two broadcasting stations, the proposed new one and KTSM, and he states that no objectionable interference would result from the operation of the proposed station.

BROADCAST STATION CORRECTIONS

The Federal Communications Commission has issued the following list of broadcast station alterations and corrections (underlined> to the edition dated January 1, 1936 for the month of June.

<i>Call Letters</i>	<i>Main Studio Location</i>	<i>Name of Licensee</i>	<i>Power</i>	<i>Frequency (kc)</i>	<i>Time Destination</i>
KCMO	Kansas City, Mo.	Lester E. Cox, Thos. L. Evans and C. C. Payne	100w	1370	U
KDON	Del Monte, Calif. T-Monterey	Monterey Peninsula Broadcasting Co.	100w	1210	U
KELD	N. Eldorado, Ark.	Radio Enterprises, Inc.	100w	1370	U
KFJZ	Fort Worth, Tex.	Fort Worth Broadcasters, Inc.	100w 250w-LS	1370	U
KFVD	Los Angeles, Calif.	Standard Broadcasting Co.	250w	1000	L-WHO
KGBZ	York, Nebr.	KGBZ Broadcasting Co.	1kw 2½kw-LS	930	S-KMA
Date of deletion extended to 7-7-36 Strike out 6-30-36					
KHBC	Hilo, Hawaii	Honolulu Broadcasting Co., Ltd. C. P. covered by license	250w	1400	U
KHQ	Spokane, Wash.	Louis Wasmer, Inc.	1kw 2kw-LS	590	U
C. P. 5kw-LS					
KMA	Shenandoah, Iowa	May Seed and Nursery Co.	1kw 2½kw-LS	930	S-KGBZ
Effective 7-7-36..... U Strike out 6-30-36					
KOB	Albuquerque, N. Mex.	Albuquerque Broadcasting Co.	10kw	1180	Simultaneous D. S-KEX night
KOL	Seattle, Wash.	Seattle Broadcasting Co.	1kw 5kw-LS	1270	U
KOVC	Valley City, N. D.	George B. Bairey Effective 7-2-36	100w	1500	U (C. P. only)
KRSC	Seattle, Wash.	Radio Sales Corp.	100w C. P. 250w.....	1120	D U
KUOA	Fayetteville, Ark. C. P. Siloam Springs.....	KUOA, Inc.	1kw 2½kw	1260	D
KVI	Tacoma, Wash. T-nr. Des Moines C. P. T-N. of Tacoma.....	Puget Sound Broadcasting Co., Inc.	1kw 5kw-LS	570	U
KWYO	Sheridan, Wyo.	Big Horn Broadcasting Co., Inc.	100w C. P. 250w-LS	1370	U
WBNX	New York, N. Y. T-Cliffside Park, N. J.	Standard Cahill Co., Inc. Effective 6-20-36..... Strike out 9-15-36	250 w C. P. 1kw	1350	S-WAWZ
WEEI	Boston, Mass. T-Weymouth	WEEI Broadcasting Corp.	1kw	590	U
WELI	New Haven, Conn.	City Broadcasting Corp.	500w	900	D
WFIL	Philadelphia, Pa	WFIL Broadcasting Co.	500w 1kw-LS	560	U
S. A. 1kw-night-Exp. C. P. 1kw					
WGBI	Scranton, Pa.	Scranton Broadcasters, Inc.	500w Strike out S. A. 500w-Exp.	880	S-WQAN
WHBB	Selma, Ala.	W. J. Reynolds, Jr., J. C. Hughes and J. S. Allen, d/b as Selma Broadcasting Co.	100w	1500	D
WHBU	Anderson, Ind.	Anderson Broadcasting Corp.	100w 250w-LS	1210	U
WHIS	Bluefield, W. Va. T-nr. Bluefield	Daily Telegraph Printing Co.	500w 1kw-LS	1410	U

Call Letters	Main Studio Location	Name of Licensee	Power	Frequency (kc)	Time Destination
WLAK	Lakeland, Fla.	Lake Region Broadcasting Co. <i>C. P. covered by license</i>	100w	1310	U
WMC	Memphis, Tenn. T-Bartlett, <i>C. P. T-nr. Memphis</i>	Memphis Commercial Appeal, Inc.	1kw 2½kw-LS 5kw-LS	780	U
WMT	Cedar Rapids, Iowa T-nr. Marion	Iowa Broadcasting Co.	1kw 2½kw-LS <i>C. P. 5kw-LS</i>	600	U
WNBC	New Britain, Conn. <i>T-Newington</i>	State Broadcasting Corp.	250w	1380	D
WREC	Memphis, Tenn. T-nr. Rugby Park	WREC, Inc.	1kw 5kw-LS	600	U
WSPR	Springfield, Mass. T-West Springfield	Quincy A. Brackett, Lewis B. Breed, Edmund A. Laport, co-partners, d/b as Connecticut Valley Broadcasting Co. <i>C. P. covered by license</i>	500w	1140	L-KVOO, WAPI

NOTE: Section 302 of the Communications Act of 1934 repealed as of June 5, 1936. *Strike out all quota.*

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them:

No. 2874. Wilson Chemical Company, Inc., Tyrone, Pa., is named respondent in a complaint alleging unfair methods of competition in the sale of medicinal salves and miscellaneous merchandise, the latter designated as "premiums."

According to the complaint, the respondent corporation advertises in newspapers and magazines for sales agents, and represents to them that by selling a specified number of boxes of salve, usually twelve, they may receive one of several articles of merchandise as a premium. The respondent corporation is said to allow agents 30 days in which to sell a consignment of salve, and either to remit such portion of the sales proceeds agreed upon or to return the unsold merchandise.

No. 2875. Charging unfair competition in the sale of baby foods and health preparations, a complaint has been issued against **Adah Alberty, 729 Seward Avenue, Hollywood, Calif.,** trading as **Alberty's Food Products, Alberty's Food Lab., Alberty's Food Laboratories, The Alberty Food Laboratories, Cheno Laboratories, Cheno Products, and U. S. Okey.**

Selling products through wholesale houses, physicians and health food stores, and advertising in newspapers, health magazines, and booklets distributed through food stores, the respondent is alleged to have circulated deceptive and misleading allegations concerning the curative value and benefits to be obtained by using her baby foods and health preparations.

No. 2876. Charged with using unfair methods of competition in connection with the sale of proprietary and patent medicines, **Reliable Specialty Corporation, 1030 Lafayette Ave., Buffalo, N. Y.,** is named respondent in a complaint alleging violation of Section 5 of the Federal Trade Commission Act.

In a booklet entitled "Hints in Health and Beauty," and on labels and in circulars, the respondent corporation is charged with making false representations in advertising certain of its products, including "Great Christopher Corn Cure," "Reliable Hair Food," "Dr. King's Ointment," "Reliable Herb Tablets," "Beat-Sall Iron Compound Tonic Tablets," "Reliable Anti-Stout Tablets," "Reliable Cold Tablets," "Romola Antiseptic Powder," "Reliable Herb Tea," "Reliable Asthma Remedy," and "Egyptian Asthma Remedy."

The complaint alleges that in such advertising many of the representations made by the respondent corporation are misleading and deceptive in that in some cases they do not truthfully and accurately state the therapeutic value of the preparations, and in other cases exaggerate such therapeutic values.

No. 2877. A complaint alleging unfair competition in the sale of a safety appliance for use on radiant-type stoves has been issued against **Health Guard, Inc., 110 East Utica St., Buffalo, N. Y.**

Selling "Health Guard," a cylinder-shaped device designed to remove carbon monoxide from gases produced by radiant-type stoves, the respondent company is alleged to have advertised that its appliance contains a catalyst that oxidizes the deadly, poisonous

carbon monoxide, changing it to a harmless gas, and that the product is the only safe device for eliminating unsightly pipes on stoves and radiant heaters, and the first and only completely safe substitute for stove pipes.

According to the complaint, the respondent's product does not oxidize carbon monoxide, nor change it to a harmless gas, nor does it accomplish the other things claimed, and the respondent's representations tend to deceive purchasers, and may cause them to do away with flues or other means of removing carbon monoxide products from a room, thereby endangering health and lives because of a false sense of security induced by the respondent company's representations.

No. 2878. A complaint has been issued against **Giacomo LaGuardia, trading as Herba Medicinal Laboratory, 537 Broadway, New York City,** charging him with misrepresenting the therapeutic value of the herb medicines he compounds and sells in interstate commerce.

The respondent is said to represent in advertisements, by radio broadcasts, and otherwise, that his products are a competent treatment and an effective remedy for 28 different diseases or ailments, when, according to the complaint, they are not as efficacious as claimed; do not have the medical value represented in reducing weight and clearing the skin of impurities and eruptions; do not cure stomach and intestinal disorders, and are not competent in the treatment and relief of the various other ailments and diseases as advertised by the respondent.

Other representations of the respondent alleged in the complaint to be untrue are that he is a great specialist in herbs and that his store is the only place where herbs "adapted for any one of your troubles" can be found.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

No. 01406. International Laboratories, Inc., Rochester, N. Y., agrees that in the sale of "Moone's Emerald Oil" it will stop advertising that "dangerous" varicose veins can be reduced by use of the preparation; that it dissolves simple swellings, except in the sense that it aids nature in reducing such swellings through its penetrative and counter-irritative nature, and that it is of benefit in the treatment of boils, ulcers, open sores or skin disorders, other than such benefit as reasonably may be expected from a wet dressing exercising an inhibitory effect upon germ or fungus growth. Representations that users of the preparation will have "no more crippling pain" and that there is "nothing so good" as the respondent's product, will be discontinued.

No. 01407. Lechler Laboratories, Inc., 334 Audubon Ave., New York City, selling a hair bleaching product designated "Lechler's '569' Instantaneous Hair Lightener," agrees to cease representing that the preparation will lighten hair without peroxide, and does not contain peroxide; that it is the only preparation that lightens the scalp and is an effective remedy for dandruff, and that one application keeps the scalp beautifully clean.

No. 01408. Mantho Kreoamo, Inc., 301 North Center St., Clinton, Ill., stipulates that it will discontinue advertising that its "M-K Liquid Rub" controls inflammation and is a competent treatment for rheumatism, lumbago, athlete's foot, colds, aches and

pains, unless such claims are limited to the palliative relief afforded by the preparation. The respondent corporation also agrees to cease advertising that its "M-K Cold Remedy" prevents pneumonia and is effective for coughs, colds, bronchitis, or complications of colds, unless such representations are limited to symptomatic relief.

No. 01409. **Sterling Wiener, trading as Wiener's Nu-Way Laboratories, 20 Vine St., Evansville, Ind.,** entered into a stipulation not to represent that "P. D. Q. Cough Control" is effective in the relief of coughs and colds, unless such representations are limited to the relief of coughs which may result from colds, and that it is a beneficial remedy for sore throat, unless such claim is confined to the relief of minor throat irritations and sore throats due to colds.

No. 01410. **Vladimir Mohnach and Michael Homa, trading as The Remasol Company, P. O. Box 6419, Philadelphia,** and dealing in a medicinal preparation designated "Remasol," signed an agreement to discontinue representations that their product is a new and remarkable remedy which rids the skin of pimples, blackheads, and other skin eruptions, and assures a normal complexion; that it is harmless to the most sensitive skin; that its harmlessness is guaranteed, and that medical men endorse it.

No. 01411. **The Quaker Oats Company, 141 West Jackson Blvd., Chicago,** will stop advertising that "Quaker Oats" is the only protective food that is rich in the nerve-nourishing Vitamin B that combats nervousness and constipation; that most foods lack a sufficient amount of the yeast Vitamin B present in "Quaker Oats," and that Vitamin B is "oatmeal vitamin."

No. 01412. **A. H. Smith, trading as Three Threes Sales Company, Sumner, Miss.,** engaged in the sale of a medicinal preparation designated "Three Threes Pellagra Remedy," will discontinue claims that the product prevents or cures pellagra and prevents death, and that it is guaranteed and is effective in supplying iron or vitamins to the blood, in increasing appetite and weight, and in aiding digestion.

No. 2223. An order has been issued prohibiting unauthorized use by seven New York radio dealers of well-known trade names, such as **Edison, Marconi, Majestic** and others, in the sale of radio sets, tubes and appliances.

The respondents are: **Edison-Bell Co., Inc., 60 Courtlandt St.; Fox Radio & Television Company, Inc., 60 Courtlandt St.; Atlas Television Co., Inc., 58 Courtlandt St.; York Television and Radio Corporation, 166 Greenwich St.; Bob Radio Corporation, 174 Greenwich St.; Music Masters Corporation, 71 Courtlandt St.; and Fox Radio Corporation, 60 Courtlandt St., all of New York City.** The order also names as respondents **Robert Siegel, Aaron L. Siegel, Samuel Fox Barsky and Simon Barsky, individually and trading under the name Edison-Bell Company.**

The respondents are ordered to cease representing through advertisements, trade promotion literature, and through the use of corporation, company or trade names, that the radio sets, tubes and appliances manufactured or assembled for, or by, and sold by them, are radio sets, tubes and appliances made, sold, sponsored or licensed by **Thomas A. Edison, Thomas A. Edison, Inc., American Telephone & Telegraph Company, Western Electric Company, Marconi Wireless Telegraph Company of America, Radio Corporation of America, Victor Talking Machine Company, Brunswick-Balke-Collender Company, Warner Brothers Pictures, Inc., and its subsidiary, Brunswick Radio Corporation, Grigsby-Grunow Company, and General Electric Company.**

The order also bars representation through use of the names "Edison," "Edison-Bell," "Edison-Bell Company," "Edison Radio Stores, Inc.," "Edison International," "Bell," "Marconi," "Marconi Radio Corporation," "Victor," "Brunswick," "Bronswick," "Majestic," "Majestic Radio Corporation," "Majestic International," "Radio Corporation of America," "General Electric Company," or the letters "R.C.A.," "R.S.A.," "R.C.I.," "G.E." or "E. B.," or through picturization of a bell, alone or in connection with other words or symbols, that the radio sets, tubes and appliances made or assembled for, or by, and sold by the respondents, are made, assembled, approved or licensed by the Edison Company, American Telephone & Telegraph Company, and the other large, well-known companies above designated.

The order also prohibits the use on radio sets, tubes and appliances sold by the respondent companies, of escutcheon plates, brands or other marks bearing the names "Edison," "Edison Radio Stores, Inc.," "Edison International," "Edison-Bell," "Edison-Bell Company," "Bell," or the representation of a bell, and various other names and initials of large and well-known companies so as to imply that these products are made, assembled, sold or licensed by these manufacturers.

No. 2583. Under an order entered, **Sam Fisher, trading as**

Hollywood Shirt Company, 8 Allen St., New York City, is directed to discontinue representing that he manufactures the shirts he sells in interstate commerce, and that persons who purchase them in preference to the shirts of competitors are buying from a manufacturer, thereby saving a middleman's profit.

Fisher buys his shirts from an independent corporation, according to the Commission's findings, but in advertising his products used the words "manufacturer" and "direct from manufacturer to wearer."

No. 2645. Trading as **Diamond Knitting Mills, Jack Diamond, 1225 Broadway, New York City,** has been ordered to discontinue representing that he owns or operates a mill or factory in which the knitted products he sells are manufactured.

The order directs the respondent to cease making such representation through his trade name by use of the words "Knitting" or "Mills" alone or in connection with any other words, or in any other manner.

No. 2671. **Ross Knitting Mills, Inc.,** and others, of 522 East 8th St., Brooklyn, distributor of knitted garments and other wearing apparel, have been ordered to cease and desist from representing through their trade names, or in other ways, that they own, operate or control a mill or factory in which their products are knitted or manufactured.

Findings are that the respondents do not knit or manufacture the garments they sell and that their representations tend to deceive buyers, many of whom prefer to deal directly with manufacturers, believing that they can, in this way, eliminate middlemen's profits and buy at lower prices.

No. 2674. Under an order issued, **Griffith Piano Company, 605 Broad St., Newark, N. J.,** is directed to discontinue unfair competition in the sale of its products in interstate commerce.

The order directs the respondent, in connection with the sale and advertising of pianos, to cease and desist from altering the illustrations of pianos sold by it so as to give the impression that the article offered is of square, colonial design, when this is not true, and from simulating the advertising or illustrations of competitors in such manner as to mislead buyers as to the design or type of the piano offered for sale. The respondent also is directed to cease permitting or authorizing its agents to make false and misleading assertions or false, disparaging comments concerning pianos of its competitors.

FEDERAL COMMUNICATIONS COMMISSION ACTION

No hearings are scheduled at the Commission during the week beginning Monday, July 27.

APPLICATIONS GRANTED

WAVE—WAVE, Inc., Louisville, Ky.—Granted C. P. to install new equipment.

KWTO—Ozarks Broadcasting Co., Inc., Springfield, Mo.—Granted modification of C. P. extending completion date from July 21, 1936, to January 21, 1937, to enable applicant to erect a 429-foot antenna in conformance with engineering rules of the Commission.

KALB—Alexandria Broadcasting Co., Inc., Alexandria, La.—Granted consent to the transfer of control from the present stockholders to W. H. Allen; frequency 1420 kc., 100 watts, daytime only.

WCAX—Burlington Daily News, Inc., Burlington, Vt.—Granted consent to the transfer of control from Bertha Jackson to Marie Jackson Forbes; frequency 1200 kc., 100 watts day and night, specified hours.

KIDO—Frank L. Hill and C. G. Phillips, d/b as Boise Broadcast Station, Boise, Idaho.—Granted C. P. to move transmitter locally and install vertical radiator.

KUJ—KUJ, Inc., Walla Walla, Wash.—Granted consent to the transfer of control from Louis Wasmer to H. E. Studebaker; frequency 1370 kc., 100 watts, unlimited time.

KSUN—Copper Electric Company, Inc., Lowell, Ariz.—Granted C. P. to make changes in equipment, to install vertical radiator, and increase day power from 100 watts to 250 watts; frequency 1200 kc., 100 watts night, 250 watts day, unlimited time.

W9XAA—Chicago Federation of Labor, York Township (DuPage Co.), Illinois.—Granted C. P. to make changes in transmitter equipment and increase power from 500 watts to 5,000 watts; frequencies 6080, 11830, 17780 kc. unlimited time.

WKBZ—Karl L. Ashbacher, Muskegon, Mich.—Granted C. P. requesting approval of transmitter site and installation of new vertical radiator; frequency 1500 kc., 100 watts night, 250 watts day, unlimited time.

WAAB—Bay State Broadcasting Corp., Boston, Mass.—Granted C. P. to install new equipment; frequency 1410 kc., 500 watts, unlimited time.

W2XMN—Edwin H. Armstrong, site to be determined.—Granted modification of C. P. for new high-frequency broadcast station on an experimental basis requesting additional frequency of 41600 kc. Original permit authorized 86500 and 111000 kc., 40 KW, for experimental operation, with frequency and amplitude modulation.

KFWB—Warner Bros. Broadcasting Corp., Hollywood, Calif.—Granted modification of C. P. requesting approval of antenna, move of transmitter site and installation of new equipment; frequency 950 kc., 1 KW night, 5 KW day, unlimited time.

WDOD—WDOD Broadcasting Corp., Chattanooga, Tenn.—Granted authority to install automatic frequency control; frequency 1280 kc., 1 KW night, 5 KW day, unlimited time.

W9XJM—WCBS, Inc., Portable-Mobile.—Granted license to cover C. P. for a new relay broadcast station on an experimental basis, under provisions of Rules 1000, 1001 (b) and 1003 (d), to be used in relaying programs where wire facilities are not available, to be broadcast by applicant's broadcast station WCBS; frequencies 31100, 34600, 37600, 40600 kc., 2 watts, unlimited time.

W2XF—National Broadcasting Co., Inc., New York, N. Y.—Granted license to cover C. P. for changes in equipment and increase power from 5 KW to 12 KW; frequencies 42000-56000, 60000-86000 kc., unlimited time.

KFH—Radio Station KFH Co., Wichita, Kans.—Granted license to cover C. P. for changes in equipment and increase day power to 5 KW; frequency 1300 kc., 1 KW night, 5 KW day, unlimited time.

WHBL—Press Publishing Co., Sheboygan, Wis.—Granted license to cover C. P. which authorized changes in equipment, installation of vertical antenna and the moving of the transmitter; frequency 1300 kc., 250 watts, unlimited time.

WKBI—WKBI, Inc., Cicero, Ill.—Granted modification of license requesting a change in hours as specified on license from CST to EST; frequency 1420 kc., 100 watts.

WEHS—WEHS, Inc., Cicero, Ill.—Granted modification of license, as amended, requesting a change in specified hours from daily (except Sundays): 4 p. m. to 6 p. m., 1 a. m. to 7 a. m.; Sundays: 4 p. m. to 8 p. m., and 1 a. m. to 7 a. m., CST, to daily (except Sundays): 4 p. m. to 6 p. m.; Sundays: 4 p. m. to 8 p. m., EST. Frequency 1420 kc., 100 watts, specified hours.

WHFC—WHFC, Inc., Cicero, Ill.—Granted modification of license requesting change in hours as specified from CST to EST; frequency 1420 kc., 100 watts, specified hours.

KYA—Hearst Radio, Inc., San Francisco, Calif.—Granted C. P. amended to read: Move transmitter locally, install new equipment, increase day power from 1 KW to 5 KW, and commencement date 30 days after grant, completion date 90 days thereafter; frequency 1230 kc., 1 KW, unlimited time.

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Granted C. P. to move transmitter locally 2.5 miles, install vertical radiator, and authority to operate with 1 KW, unlimited time, permanently; frequency 580 kc., 1 KW, unlimited time.

WABI—Community Broadcasting Service, Bangor, Me.—Granted C. P. to move transmitter locally 2 miles to Brewer, Me., install vertical radiator, make changes in equipment, change hours of operation from specified hours to unlimited time, and increase day power from 100 watts to 250 watts; frequency 1200 kc., 100 watts night, 250 watts day.

WAPO—W. A. Patterson, Chattanooga, Tenn.—Granted modification of C. P. to make change in equipment and antenna system; frequency 1420 kc., 100 watts, daytime only.

WSB—Atlanta Journal Co., Atlanta, Ga.—Granted renewal of license for period August 1, 1936, to February 1, 1937; frequency 740 kc., 50 KW, unlimited time.

NEW—Puerto Rico Advertising Co. (Emilio Defillo Ramirez), Mayaguez, Puerto Rico.—Granted amended application for C. P. for a new station at Mayaguez, P. R., to authorize operation on 1370 kc., 100 watts night, 250 watts day, specified hours. Exact studio and transmitter sites are to be determined with Commission's approval.

NEW—Mutual Broadcasting System, Inc., Chicago, Ill.—Granted extension of authority to exchange programs with Station CKLW, Windsor, Ontario, and other Canadian broadcast stations through the telegraph office of Canadian Pacific Railway at Windsor with Canadian Radio Broadcasting Commission from June 1, 1936, to December 1, 1936.

RENEWAL OF LICENSES

KDKA—Westinghouse Electric & Manufacturing Co., Pittsburgh, Pa.—Granted renewal of license.

KDKA—Westinghouse Electric & Manufacturing Co., Pittsburgh, Pa. (Alternate).—Granted renewal of license.

KEX—Oregonian Publishing Co., Portland, Ore.—Granted renewal of license.

The following stations were also granted renewal of licenses:

KFAB, KFAB Broadcasting Company, Lincoln, Nebr.; KFEQ, KFEQ, Inc., St. Joseph, Mo.; KFI, Earle C. Anthony, Inc., Los Angeles, Calif.; KFI (Auxiliary), Earle C. Anthony, Inc., Los Angeles, Calif.; KGO, National Broadcasting Co., Inc., San Francisco, Calif.; KGO (Auxiliary), National Broadcasting Co., Inc., San Francisco, Calif.; KIRO, Queen City Broadcasting Co., Seattle, Wash.; KJBS, Julius Brunton and Sons Co., San Francisco, Calif.; KMOX, The Voice of St. Louis, Inc., St. Louis, Mo.; KOA, National Broadcasting Co., Inc., Denver, Colo.; KPO, National Broadcasting Co., Inc., San Francisco, Calif.; KPO (Auxiliary), National Broadcasting Co., Inc., San Francisco, Calif.; KRLD, KRLD Radio Corp., Dallas, Tex.; KSOO, Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.; KTHS, Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.; KTRB, Thomas R. McTammany and William H. Bates, Jr., Modesto, Calif.; KVOO, Southwestern Sales Corp., Tulsa, Okla.; KXA, American Radio Telephone Co., Seattle, Wash.; KYW, Westinghouse Electric & Manufacturing Co., Philadelphia, Pa.; WAAW, Omaha Grain Exchange, Omaha, Nebr.; WABC-WBOQ, Atlantic Broadcasting Corp., New York, N. Y.; WAPI, WAPI Broadcasting Corp., Birmingham, Ala.; WATR, The WATR Company, Inc., Waterbury, Conn.; WBAL, The WBAL Broadcasting Co., Baltimore, Md.; WBBM, WBBM Broadcasting Corp., Chicago, Ill.; WBBM (Auxiliary), WBBM Broadcasting Corp., Chicago, Ill.; WBT, Station WBT, Inc., Charlotte, N. C.; WBZ, Westinghouse Electric and Manufacturing Co., Boston, Mass.; WCAZ, Superior Broadcasting Service, Inc., Carthage, Ill.; WCFL, Chicago Federation of Labor, Chicago, Ill.; WCFL (Auxiliary), Chicago Federation of Labor, Chicago, Ill.; WDGY, Dr. George W. Young, Minneapolis, Minn.; WEA, National Broadcasting Co., Inc., New York, N. Y.; WEA (Auxiliary), National Broadcasting Co., Inc., New York, N. Y.; WEEU, Berks Broadcasting Co., Reading, Pa.; WENR, National Broadcasting Co., Inc., Chicago, Ill.; WENR (Auxiliary), National Broadcasting Co., Inc., Chicago, Ill.; WEW, The St. Louis University, St. Louis, Mo.; WGN, WGN, Inc., Chicago, Ill.; WGY, General Electric Co., Schenectady, N. Y.; WGY (Auxiliary), General Electric Co., Schenectady, N. Y.; WHAM, Stromberg-Carlson Telephone Mfg. Co., Rochester, N. Y.; WHAM (Auxiliary), Stromberg-Carlson Telephone Mfg. Co., Rochester, N. Y.; WHAS, The Courier-Journal Co. and The Louisville Times Co., Louisville, Ky.; WHB, WHB Broadcasting Co., Kansas City, Mo.; WHKO, Associated Radiocasting Corp., Columbus, Ohio; WINS, Hearst Radio, Inc., New York, N. Y.; WJJD, WJJD, Inc., Chicago, Ill.; WJR, WJR, The Goodwill Station, Detroit, Mich.; WJR (Auxiliary), WJR, The Goodwill Station, Detroit, Mich.; WJZ, National Broadcasting Co., Inc., New York, N. Y.; WJZ (Auxiliary), National Broadcasting Co., Inc., New York, N. Y.; WKAR, Michigan State College, East Lansing, Mich.; WMAQ, National Broadcasting Co., Inc., Chicago, Ill.; WOAI, Southland Industries, Inc., San Antonio, Tex.; WOAI (Auxiliary), Southland Industries, Inc., San Antonio, Tex.; WPTF, WPTF Radio Co., Raleigh, N. C.; WPTF, WPTF Radio Co., Raleigh, N. C. (Auxiliary); WSAZ, WSAZ, Inc., Huntington, W. Va.; WTAM, National Broadcasting Co., Inc., Cleveland, Ohio; WTBO, Associated Broadcasting Corp., Cumberland, Md.; WTIC, The Travelers Broadcasting Service Corp., Hartford, Conn.

WHDF, The Upper Michigan Broadcasting Co., Calumet, Mich., was granted renewal of license for period ending 3 a. m., EST, January 1, 1937.

The following applications for renewal of special experimental station license for experimental service were granted for the periods specified in exact conformity with the existing licenses:

W1XKB, Westinghouse Electric & Manufacturing Co., Portable, effective 3 a. m., EST, July 21, 1936, and expiring 3 a. m., EST, October 31, 1936; W1XEH, The Travelers Broadcasting Service Corp., Avon, Conn., effective 3 a. m., EST, July 24, 1936, expiring

3 a. m., EST, October 24, 1936; W3XDD, Bell Telephone Laboratories, Inc., Whippany, N. J., effective 3 a. m., EST, July 29, 1936, expiring 3 a. m., EST, October 29, 1936; W1XKA, W3XKA, W8XKA, Westinghouse Electric & Manufacturing Co., Portable-Mobile, effective 3 a. m., EST, July 30, 1936, expiring 3 a. m., EST, October 30, 1936.

The Commission also granted the following applications for renewal of licenses:

KFBI, The Farmers and Bankers Life Insurance Co., Abilene, Kans.; WBZ, Westinghouse Electric and Manufacturing Co., Boston, Mass.; WDW, WDW Broadcasting Co., Tuscola, Ill.; WHDH, Matheson Radio Co., Inc., Boston, Mass.; WHDH (Auxiliary), Matheson Radio Co., Inc., Boston, Mass.; WHEB, Granite State Broadcasting Corp., Portsmouth, N. H.; WHO, Central Broadcasting Co., Des Moines, Iowa; WMBI, The Moody Bible Institute Radio Station, Chicago, Ill.; WOR, Bamberger Broadcasting Service, Inc., Newark, N. J.; WOR (Auxiliary), Bamberger Broadcasting Service, Inc., Newark, N. J.; WSB, The Atlanta Journal Company, Atlanta, Ga. (Auxiliary); WSM, The National Life and Accident Insurance Company, Nashville, Tenn.; WSM, The National Life and Accident Insurance Company, Nashville, Tenn.; WRVA, Larus & Bro. Company, Inc., Richmond, Va.; KFVD, Standard Broadcasting Company, Los Angeles, Calif.; KGDM, E. F. Peffer, Stockton, Calif.; KIEV, Cannon System, Ltd., Glendale, Calif.; KJR, Fisher's Blend Station, Inc. (Lessee), Seattle, Wash.; KOB, Albuquerque Broadcasting Company, Albuquerque, N. M.; KSL, Radio Service Corporation of Utah, Salt Lake City, Utah; WIBG, Seaboard Radio Broadcasting Corp., Glenside, Pa.; WLS, Agricultural Broadcasting Co., Chicago, Ill.; WLS (Auxiliary), Agricultural Broadcasting Company, Chicago, Ill.; WLW, The Crosley Radio Corp., Cincinnati, Ohio; WMAZ, Southeastern Broadcasting Co., Inc., Macon, Ga.; WOI, Iowa State College of Agriculture and Mechanic Arts, Ames, Iowa; WRUF, University of Florida, Gainesville, Fla.

The Commission granted applications for renewal of license for period ending 3 a. m., EST, January 1, 1937, in the following cases:

KELD, Radio Enterprises, Inc., El Dorado, Ark.; WJMS, WJMS, Inc., Ironwood, Mich.; WOPI, Radiophone Broadcasting Station WOPI, Inc., Bristol, Tenn.

The Commission directed that renewal of licenses be granted to the following stations on a temporary basis only for the term beginning 3 a. m., EST, August 1, 1936, and ending 3 a. m., EST, February 1, 1937, subject to such action as the Commission may take upon the licensee's pending application for renewal of license:

KNX, Western Broadcast Company, Los Angeles, Calif.; KWJJ, KWJJ Broadcast Co., Inc., Portland, Ore.; KWKH, International Broadcasting Corp., Shreveport, La.; WBAP, Carter Publications, Inc., Fort Worth, Tex.; WCCO, Northwestern Broadcasting, Inc., Minneapolis, Minn.; WESG, Cornell University, Elmira, N. Y.; WFAA, A. H. Belo Corp., Dallas, Tex.; WJAG, The Norfolk Daily News, Norfolk, Nebr.; WNYC, City of New York, Department of Plant and Structures, New York, N. Y.; WOV, International Broadcasting Corp., New York, N. Y.; WPG, City of Atlantic City, Atlantic City, N. J.; WWL, Loyola University, New Orleans, La.

The Commission directed that a temporary renewal of license be issued to KGBZ, KGBZ Broadcasting Co., York, Nebr., for use of frequency 930 kc., 1 KW, 2½ KW day, sharing time with Station KMA; and a temporary renewal of license to KMA, May Seed and Nursery Co., Shenandoah, Iowa, for the use of frequency 930 kc., 1 KW night, 2½ KW day, sharing time with Station KGBZ, for the period beginning July 14, 1936, pursuant to and in conformity with the stay order granted July 14, 1935, by the Court of Appeals of the District of Columbia in Cause No. 6770, KGBZ Broadcasting Co., appellant, v. FCC, and pending decision of said appeal on the merits by the Court of Appeals of District of Columbia.

SET FOR HEARING

XXL—XXL Broadcasters, Portland, Ore.—Application for consent to the transfer of control of XXL Broadcasters from A. B. Read to T. W. Symons, Jr., and E. B. Craney. Frequency 1420 kc., 100 watts night, 250 watts day, sharing time with KBPS.

KTHS—Hot Springs Chamber of Commerce, Hot Springs, Ark.—Application for consent to the assignment of license of station KTHS from Hot Springs Chamber of Commerce to Radio Enterprises, Inc. Frequency 1040 kc., 10 KW night and day, sharing with KRLD.

NEW—Dixie Broadcasting System, Stokes Gresham, Jr., President, Valdosta, Ga.—Application for C. P. for a new station at Valdosta, Ga., to operate on 1500 kc., 100 watts daytime only, site to be approved.

WSPA—Virgil V. Evans, d/b as The Voice of South Carolina, Spartanburg, S. C.—Application for C. P. to make changes in equipment, install vertical radiator, increase day power from 1 KW to 5 KW. Present assignment: 920 kc., 1 KW, daytime only.

NEW—Vincennes Newspapers, Inc., Vincennes, Ind.—Application for C. P. to erect a new broadcast station on 1200 kc., 100 watts night, 250 watts day, unlimited time, exact site to be determined.

KFI—Earle C. Anthony, Inc., Los Angeles, Calif.—Hearing before Broadcast Division on application for C. P. to install new equipment and directional antenna and increase power from 50 KW to 500 KW. Frequency 640 kc., unlimited time.

WJR—WJR, The Goodwill Station, Detroit, Mich.—Hearing before Broadcast Division on application for C. P. to install new equipment and to increase power from 50 KW to 500 KW. Frequency 750 kc., unlimited time.

WSM—The National Life & Accident Insurance Co., Nashville, Tenn.—Hearing before Broadcast Division on application for C. P. to install new equipment and to increase power from 50 KW to 500 KW. Frequency 650 kc., unlimited time.

WHDH—Matheson Radio Co. Inc., Boston, Mass.—Hearing before Broadcast Division on application for special experimental authorization to operate from local sunset at Denver, Colo., to 11 p. m. EST, using directional antenna at present site for a period from August 1, 1936 to February 1, 1937. Frequency 830 kc., 1 KW night, 1 KW day, daytime to sunset at Denver, Colo.

WCFL—Chicago Federation of Labor, Chicago, Ill.—Hearing before Broadcast Division on application for C. P. to install new equipment and increase power from 5 KW to 50 KW with unlimited time experimentally. Frequency 970 kc., 5 KW, unlimited time, experimentally.

KDKA—Westinghouse Electric & Mfg. Co., Pittsburgh, Pa.—Hearing before Broadcast Division on application for C. P. to install new equipment (new transmitter and new antenna) subject to Commission approval, and to increase power from 50 KW to 500 KW. Frequency 980 kc., 50 KW, unlimited time.

KGO—National Broadcasting Co., Inc., San Francisco, Calif.—Application for C. P. to move transmitter to same site as KPO near Belmont, Calif., install new equipment, increase power from 7.5 KW to 50 KW, and install directional antenna for night operation. Frequency 790 kc., 7.5 KW, unlimited time.

WSMK—WSMK, Inc., Dayton, Ohio—Application for modification of license to authorize change in hours of operation from simultaneous day QOV and specified hours night to unlimited time, and to increase power from 200 watts to 250 watts. Frequency 1380 kc.

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Application for modification of license to authorize increase in day power from 500 watts to 500 watts, 1 KW LS and continue to share with WQAN. Frequency 880 kc.

WDRC—WDRC, Inc., Hartford, Conn.—Hearing before Broadcast Division on application for modification of license to change power from 1 KW, 5 KW LS to 5 KW, unlimited time. Frequency 1330 kc., unlimited time.

NEW—Farnsworth Television, Inc., of Pennsylvania, Springfield, Pa.—Application for C. P. for a new television broadcast station to operate on 42000-56000 kc. and 60000-86000 kc. on an experimental basis under provision of Rules 1031, 1033 and 1034. It is proposed to be used in a program of research for the development of the art of television in the metropolitan areas of Springfield and Philadelphia.

The hearing of the so-called Brooklyn cases, involving stations WLTH, WEVD, WBBC, WVFW, et al., scheduled before the Commission, sitting en banc, for September 9, 1936, was postponed to October 26, 1936.

ACTION ON EXAMINERS' REPORTS

NEW—Ex. Rep. I-235: Carl S. Taylor, DuBois, Pa.—Denied C. P. for new broadcast station to operate on 780 kc., 250 watts daytime. Examiner R. H. Hyde sustained. Effective October 13, 1936.

WISN—Ex. Rep. I-230: Hearst Radio, Inc., Milwaukee, Wis.—Denied C. P. to make changes in equipment, move transmitter from 533 E. Wells St., Milwaukee, Wis. to 231 W. Michigan St., Milwaukee, Wis., to increase power from 250 watts night, 1 KW day, to 1 KW, unlimited time. Frequency 1120 kc. Examiner M. H. Dalberg reversed. Effective Oct. 6, 1936.

WGBF—Ex. Rep. I-232: Evansville On The Air, Inc., Evansville, Ind.—Granted C. P. to make changes in equipment and increase power from 500 watts to 500 watts night, 1 KW day. Frequency 630 kc. Simultaneous day and shares night with WOS and KFRU. Examiner R. H. Hyde sustained. Effective October 6, 1936.

WQDM—Ex. Rep. I-236: E. J. Regan & F. Arthur Bostwick, d/b as Regan & Bostwick, St. Albans, Vt.—Granted C. P. to install new equipment, move transmitter from 16 Kingman St., St. Albans, Vt. to St. Albans Bay, Vt., change frequency from 1370 kc. to 1390 kc., and increase power from 100 watts to 1 KW, specified hours. Examiner M. H. Dalberg sustained. Effective September 8, 1936.

Heard Before Broadcast Division:

KNX—Western Broadcast Co., Los Angeles, Calif.—Granted renewal of license. Frequency 1050 kc., 50 KW, unlimited time. Also granted authority to transfer control of the corporation from Edwin Earl, Guy C. Earl, Jr., Naylor Rogers, Ranson Henshaw, Calmon Lubovski, Paul G. Hoffman Co., Inc., to Columbia Broadcasting System, Inc., effective September 15, 1936.

NEW—Ex. Rep. I-225: Wilbur M. Havens, Charles H. Woodward, Calomb B. Jones, Wilfred H. Wood, d/b as Petersburg Broadcasting Co., Petersburg, Va.—Set for oral argument, October 22, 1936.

WLBG—Ex. Rep. I-225: WLBG, Inc., Petersburg, Va.—Set for oral argument, October 22, 1936.

WLBG—Ex. Rep. I-225: WLBG, Inc., Petersburg, Va.—Set for oral argument, October 22, 1936.

WHB—Ex. Rep. I-229: WHB Broadcasting Co., Kansas City, Mo.—Set for oral argument, October 22, 1936.

KFOX—Ex. Rep. No. I-233: Nichols and Warinner, Inc., Long Beach, Calif.—Set for oral argument October 22, 1936.

NEW—Ex. Rep. No. I-234: B. A. Thompson, Santa Cruz, Calif.—Set for oral argument October 22, 1936.

NEW—Ex. Rep. No. I-234: William B. Smullin, Sacramento, Calif.—Set for oral argument October 22, 1936.

NEW—Ex. Rep. No. I-234: Howard N. Mitchell, Sacramento, Calif.—Set for oral argument October 22, 1936.

NEW—Ex. Rep. No. I-234: The Press Democrat Publishing Co., Santa Rosa, Calif.—Set for oral argument October 22, 1936.

NEW—Ex. Rep. No. I-237: Miles J. Hansen, Fresno, Calif.—Set for oral argument October 29, 1936.

NEW—Ex. Rep. No. I-237: Julius Brunton & Sons Co., Fresno, Calif.—Set for oral argument October 29, 1936.

NEW—Ex. Rep. No. I-238: Harold H. Hanseth, Fresno, Calif.—Set for oral argument October 29, 1936.

NEW—Ex. Rep. No. I-238: Fresno Broadcasting Co., Fresno, Calif.—Set for oral argument October 29, 1936.

SPECIAL AUTHORIZATIONS

KOTN—Universal Broadcasting Corp., Pine Bluff, Ark.—Granted special temporary authority to operate unlimited time for period beginning July 25, 1936, and ending in no event later than 30 days thereafter, in order to broadcast special Arkansas Centennial programs each night.

WOW—Woodman of the World Life Ins. Assn., Omaha, Nebr.—Granted extension of special temporary authority to operate with power of 5 KW night for period beginning July 31, 1936, and ending in no event later than 30 days.

WHAS—The Courier-Journal Co. and the Louisville Times Co., Louisville, Ky.—Granted extension of special temporary authority to operate a 50-watt test transmitter from 12 midnight to 6 a. m., CST, for period beginning July 19, 1936, and ending in no event later than 30 days thereafter, in order to determine new transmitter site.

WIBM—WIBM, Inc., Jackson, Mich.—Granted special temporary authority to operate two unlicensed portable-mobile broadcast pickup transmitters on July 20 and 21, 1936, during the Michigan Open Golf Tournament. The transmitter to

operate on 2 watts power, on frequencies 31100, 34600, 37600, 40600 kc., A3 emission, Radio Transceiver Labs. TR-6A6 equipment.

WBAA—Purdue University, West Lafayette, Ind.—Granted special temporary authority to remain silent during month of August, 1936, in order to observe summer vacation.

WINS—Hearst Radio, Inc., New York, N. Y.—Granted special temporary authority to operate a 100-watt portable test transmitter on 1160 kc., between the hours of 1 a. m. and 6 a. m. in the vicinity of Jersey Meadows, for a period beginning July 24, 1936, and ending in no event later than 30 days thereafter, in order to make field tests to determine new transmitter site.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Granted extension of special temporary authority to operate with power of 50 watts from local sunset to 11 p. m., EST, on Tuesdays, Thursdays, Saturdays and Sundays, during the month of August, 1936, pending action on application for modification of license requesting this authority.

WBDO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Granted extension of special temporary authority to operate with additional power of 750 watts at night for the period beginning July 30, 1936, and ending in no event later than August 28, 1936.

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—Granted extension of special temporary authority to operate without an approved frequency monitor for period beginning July 16, 1936, and ending in no event later than September 1, 1936. Station will be responsible for deviations of more than 50 cycles from the assigned frequency.

WFAB—Fifth Avenue Broadcasting Corp., New York, N. Y.—Granted special temporary authority to operate without an approved frequency monitor for period not to exceed 30 days. Station will be responsible for deviations of more than 50 cycles from assigned frequency.

WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Granted special temporary authority to operate without antenna ammeter for period of 10 days provided readings of the plate voltmeter and ammeter are maintained at normal values.

WLAK—Lake Region Broadcasting Co., Lakeland, Fla.—Granted special temporary authority to operate without antenna ammeter for period of 30 days provided readings of plate voltmeter and ammeter are maintained at normal values.

WCBD—WCBD, Inc., Waukegan, Ill.—Granted extension of special temporary authority to use studio located at Zion, Ill., as main studio, pending action on application to move studio to Chicago, Ill., for period beginning July 23, 1936, and ending in no event later than August 21, 1936.

WAPI—WAPI Broadcasting Corp., Birmingham, Ala.—Granted special temporary authority to operate simultaneously with Station KVOO, using power of 1 KW, from 8 p. m., CST, to the conclusion of the acceptance speech of Gov. Alfred Landon, July 23, 1936.

KVOO—Southwestern Sales Corp., Tulsa, Okla.—Granted special temporary authority to operate simultaneously with Station WAPI, using power of 1 KW, from 8 p. m., CST, to the conclusion of the acceptance speech of Gov. Alfred Landon, July 23, 1936.

WRAW—Reading Broadcasting Co., Reading, Pa.—Granted special temporary authority to operate without an antenna ammeter pending repair of that apparatus damaged by storm, but for a period beginning July 10, 1936, and ending in no event later than 10 days thereafter, provided readings of plate voltmeter and ammeter are maintained at normal values.

WEST—Associated Broadcasters, Inc., Easton, Pa.—Granted extension of special temporary authority to operate simultaneously with Station WKBO from 10 a. m. to 11 a. m. and 5 p. m. to 6 p. m., EST, for period beginning July 26, 1936, and ending in no event later than August 24, 1936, pending agreement on division of time due to adoption of DST in Easton, Pa.

WMBG—Havens and Martin, Inc., Richmond, Va.—Granted extension of special temporary authority to operate from 5:30 p. m. to 7 p. m., EST, on Sundays, for period beginning August 1, 1936, and ending in no event later than August 31, 1936 (provided WBBL remains silent) in order to broadcast special programs.

WSUI—State University of Iowa, Iowa City, Iowa.—Granted extension of special temporary authority to operate a minimum of six hours daily, instead of unlimited time, for period

beginning August 1, 1936, and ending in no event later than September 1, 1936, in order to observe summer vacation.

KGGF—Hugh J. Powell and Stanley Platz, d/b as Powell and Platz, Coffeyville, Kans.—Granted extension of special temporary authority to operate from 7:15 p. m. to 9:15 p. m., CST, August 4, 6, 11, 13, 18, 20, 25, and 27, 1936, and 8:15 p. m. to 9:15 p. m., CST, August 5, 12, 19, and 26, 1936 (provided Station WNAD remains silent) in order that WNAD may observe summer vacation.

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to remain silent during month of August, 1936, in order to observe summer vacation.

WDBJ—Times-World Corp., Roanoke, Va.—Granted special temporary authority to operate station without an approved frequency monitor for period beginning July 25, 1936, and ending in no event later than 30 days thereafter. Station will be responsible for deviations of more than 50 cycles from assigned frequency.

National Broadcasting Co., Inc., New York, N. Y.—Granted extension of authority to transmit programs to foreign countries for period not to exceed 30 days from July 11, 1936, pending receipt and/or action on formal application.

WMEG—United Air Lines Transport Corp., aboard regularly licensed aircraft NC-13361.—Granted special temporary authority to operate regularly licensed aircraft transmitter, KHSZ, aboard NC-13361, as a broadcast pickup station on July 21 and 22, 1936, in connection with Great Lakes Exposition program to be rebroadcast over WTAM and WLW.

RATIFICATIONS

The Broadcast Division ratified the following acts authorized on the dates shown below:

KABF—James McClatchy Co., Sacramento, Calif.—Granted authority to operate Broadcast Pickup Station KABF as licensed from July 3 to July 5, inclusive, in order to broadcast celebration at Rodeo Grounds, Reno, Nev. Action taken 7-1.

WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Granted authority to extend program test period of station 30 days from July 9, 1936. Action taken 7-1.

WABG—Memphis Commercial Appeal, Inc., Memphis, Tenn.—Granted authority to extend test period for 30 days beginning July 7, 1936. Action taken 7-6.

WGBE—Onondaga Radio Broadcasting Corp., Syracuse, N. Y.—Granted authority to operate Broadcast Pickup Station WGBE as licensed from July 16 to July 20, 1936, inclusive, in order to broadcast description of New York State Amateur Golf Tournament from Bellevue Golf and Country Club. (Action taken 7-9.)

Radio Air Service Corp., Cleveland, Ohio.—Granted special temporary authority to operate unlicensed transmitter as a general experimental broadcast pickup station for period beginning July 4, 1936, and ending in no event later than August 2, 1936, to broadcast public activities. Frequencies 31100, 34600, 37600, 40600 kc., 10 watts. (Action taken 7-3.)

KGCX—E. E. Kresbach, Wolf Point, Mont.—Granted special temporary authority to operate from 3:30 p. m. to 6 p. m., July 9, 10 and 11, 1936, in order to broadcast annual Wolf-point Stampede. (Action taken 7-6.)

WCOL—WCOL, Inc., Columbus, Ohio.—Granted special temporary authority to operate using the equipment as authorized by C. P., for a period not to exceed 30 days, pending completion of equipment and program tests as authorized by this permit. (Action taken 7-6.)

WHBF—Rock Island Broadcasting Co., Rock Island, Ill.—Granted special temporary authority to relocate (and use) main studio from 102 18th Street, Rock Island, Ill., to 1630 5th Avenue, Moline, Ill., for a period not to exceed 30 days. (Action taken 7-6.)

WPRP—Julio M. Conesa, Ponce, P. R.—Granted special temporary authority to operate without approved frequency monitor for a period of 30 days. Station will be responsible for deviations of more than 50 cycles from assigned frequency. (Action taken 7-9.)

WABY—The Adirondack Broadcasting Co., Inc., Albany, N. Y.—Granted special temporary authority to operate a 100-watt portable test transmitter between the hours of 1 a. m. and 6 a. m., EST, for a period from July 15 to August 7, 1936, inclusive, only, in order to make field tests for relocation of transmitter. (Action taken 7-9.)

WEER—Howell Broadcasting Co., Inc., Buffalo, N. Y.—Granted special temporary authority to operate a 100-watt portable transmitter on 1310 kc., from 1 a. m. to 6 a. m., EST, for a period not to exceed 10 days, provided no operation occurs during silent periods designated for monitoring schedule, in order to determine new transmitter site. (Action taken 7-9.)

WEER—Howell Broadcasting Co., Inc., Buffalo, N. Y.—Granted special temporary authority to operate without an approved frequency monitor for a period not to exceed 30 days. Station will be responsible for deviations of more than 50 cycles from assigned frequency. (Action taken 7-9.)

KIDW—Southwest Broadcasting Co., Lamar, Colo.—Granted special temporary authority to operate without an approved frequency monitor for a period not to exceed 30 days. Station will be responsible for deviations of more than 50 cycles from assigned frequency. (Action taken 7-9.)

WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—Granted special temporary authority to operate from 7:45 p. m. to 9 p. m., EST, using 100 watts, July 12, 19 and 26, 1936, and from 7 p. m. to 9 p. m., EST, using 100 watts, August 2, 9, 16, 23 and 30, 1936, in order to broadcast Catholic Summer School. (Action taken 7-9.)

WGNV—Peter Goelet, Chester Township, N. Y.—Granted special temporary authority to operate a 50-watt portable test transmitter on 1210 kc. in vicinity of Newburgh, N. Y., between the hours of 1 a. m. and 6 a. m., EST, provided no operation occurs during silent periods designated for monthly monitoring schedule, for period not to exceed 30 days, in order to determine new transmitter site. (Action taken 7-11.)

WGST—Georgia School of Technology, Atlanta, Ga.—Granted special temporary authority to operate a 100-watt portable test transmitter of 890 kc. between the hours of 12 midnight and 6 a. m., EST, for period beginning July 13, 1936, and ending in no event later than 30 days thereafter, in order to determine new antenna location. (Action taken 7-11.)

NEW—The WGAR Broadcasting Co., Portable-Mobile.—Granted C. P. as follows: Frequencies 31100, 34600, 37600 and 40600 kc., 3 watts; Emission A-3 and Special for high quality telephony, the maximum frequency band of emission 5000 cycles; portable-mobile; authority is granted to communicate as a broadcast pickup station only in the temporary service on an experimental basis under provision of Rule 320 subject to conditions (1) that the provisions of Rule 357 (b) shall not be applicable hereto, and (2) that this authority is granted upon a temporary basis and may be cancelled at any time without notice or hearing.

NEW—The WGAR Broadcasting Co., Portable-Mobile.—Granted C. P. same as above, except 35 watts emission A-3 and special for high quality telephony, and the maximum frequency band of emission 17000 cycles. (Action taken 7-11)

NEW—The WGAR Broadcasting Co., Portable-Mobile.—Granted C. P. same as above except 100 watts. (Action taken 7-11)

KFBB—Buttrey Broadcast, Inc., Great Falls, Mont.—Granted C. P. to move transmitter locally approximately 7 miles, install new equipment and new vertical radiator; tower to be marked in accordance with Rule 131-d; application granted upon express condition contained in a waiver submitted by counsel for applicant under date of July 3, 1936, that the action of Commission in granting this permit shall not be construed to affect in any manner any of the issues in any proceeding or application now pending before the Commission in which station KFBB is involved. (Action taken 7-3)

WRR-KVPA—City of Dallas, Dallas, Texas.—Granted authority to police station KVPA to use antenna system licensed to WRR for purpose of making equipment tests. (Action taken 7-6)

The Broadcast Division granted the request of Harold Johnson and Leland M. Perry, d/b as Johnson and Perry, for an order to take depositions in support of their application for C. P. (Docket 3843). (Action taken 6-30)

The Broadcast Division approved the design of the proposed directional antenna system for station WNBX, Springfield, Vt. and authorized the installation of same provided it is marked in accordance with Rule 131-d. (Action taken 7-10)

MISCELLANEOUS

- KGFI**—Gulf Coast Broadcasting Co., Corpus Christie, Texas.—Denied petition of Eagle Broadcasting Co., KGFI, for further hearing of application of Gulf Coast Broadcasting Co. for new station to operate on 1330 kc., 250 watts, 500 watts LS, unlimited time.
- NEW**—C. E. Wilkinson Broadcasting Co. Inc., Mason City, Iowa.—Denied motion asking Commission to stay action of July 2, 1935, denying applications of Mason City Broadcasting Company and Northern Iowa Broadcasting Co. for new stations at Mason City, and granting application of Mason City Globe-Gazette Company. Action in effect is a denial of application of C. E. Wilkinson Broadcasting Company for new station at Mason City.
- NEW**—Hunt Broadcasting Association, Greenville, Texas.—Denied petition asking Commission to reopen hearing on application for C. P. to erect a new station at Greenville, Texas.
- WAAB**—Bay State Broadcasting Corp., Boston, Mass.—Denied petition asking Commission to reconsider action in designating for hearing application for modification of license to increase daytime power to 1 KW and to grant the same without a hearing.
- KXL**—KXL Broadcasters, Inc., Portland, Ore.—Denied petition asking Commission to reconsider action in designating renewal of license for hearing and to grant the same.
- Black River Valley Broadcasts Inc.**, Watertown, N. Y.—Denied motion asking Commission to dismiss application of Brockway Company for C. P. to erect new station at Watertown, N. Y.
- KVOS**—KVOS, Inc., Bellingham, Wash.—Denied petition asking Commission to issue subpoenas relative to proceedings before the Commission for transfer of majority of stock and for renewal of license, since issues have already been heard by an examiner.
- Pittsburg Publishing Co.**, Pittsburg, Kan.—Denied petition asking postponement from July 2, 1936 of decision upon applications of Pittsburg Publishing Co., the Joplin Broadcasting Co., both of Pittsburg, Kans., and the Wichita Broadcasting Co., Wichita, Kans.
- Wayne Broadcasting Co.**, Hamtramck, Mich.—Denied application requesting Commission to reconsider its action in refusing C. P. for new broadcast station at Hamtramck to operate on 1370 kc., 100 watts daytime.
- WBBR**—Peoples Pulpit Assn., New York, N. Y.—Granted permission to withdraw without prejudice application for C. P. to increase power from 1 KW to 5 KW daytime and to change station's equipment.
- WRAW**—Reading Broadcasting Co., Reading, Pa.—Denied motion to dismiss as in default WBBR'S application recorded above.
- WWL**—Loyola University, New Orleans, La.—Granted further extension for period ending in no event later than 3 a. m. EST, Sept. 1, 1936, of the special temporary experimental authorizations heretofore issued, subject to same conditions as contained in the existing authorizations, pending consideration of the pending petition of station WLWL and petitions in opposition thereto.
- KWKH**—International Broadcasting Corp., Shreveport, La.—Granted further extension for period ending in no event later than 3 a. m. EST, Sept. 1, 1936, of the special temporary experimental authorizations heretofore issued, subject to same conditions as contained in the existing authorizations, pending consideration of the pending petition of station WLWL and petitions in opposition thereto.
- NEW**—Lookout Broadcasting Corp., Chattanooga, Tenn.—Granted dismissal of application at request of applicant. Application was for a C. P. for station to operate on 1420 kc., 100 watts, daytime.
- NEW**—J. E. Churchwell, G. O. Russell, H. O. Freeman, Jr., d/b as Panama City Broadcasting Co., Panama City, Fla.—Granted dismissal of application at request of applicant. Application was for a C. P. for new station to operate on 1500 kc., 100 watts, daytime.

APPLICATIONS RECEIVED

First Zone

- NEW**—General Electric Co., Schenectady, N. Y.—Construction 790 permit for a new experimental broadcast station to be operated on 790 kc., 250 watts, 12 midnight to 6 a. m.

WESG—Cornell University, Elmira, N. Y.—Extension of special 1040 experimental authorization to operate on 850 kc., daylight to sunset at New Orleans, La., for period from 8-1-36 to 2-1-37.

WCBM—Baltimore Broadcasting Corp., Baltimore, Md.—Construction 1370 permit to install a new transmitter, antenna, and move transmitter from 114 W. Lexington St., Baltimore, Md., to Cold Spring Lane, Baltimore, Md.

NEW—WEEI Broadcasting Corp., Medford, Mass.—Construction permit for a new high-frequency broadcast station to be operated on 31600, 35600, 38600, 41000 kc., 100 watts.

Second Zone

WHAS—The Courier-Journal Co. and The Louisville Times Co., 820 Louisville, Ky.—Construction permit to install new equipment, increase power from 50 KW to 500 KW, and move transmitter from Rural Route No. 1. near Jeffersonton, Ky., to site to be determined, Oldham County, Ky. Amended to change application from a special experimental authorization to a construction permit.

WMMN—A. M. Rowe, Inc., Fairmont, W. Va.—Modification of 890 license to change name from A. M. Rowe, Inc., to Monongahela Valley Broadcasting Co.

W3XAU—WCAU Broadcasting Co., Newton Square, Pa.—Modification of construction permit for a relay broadcast station, requesting extension of completion date for period of 60 days.

NEW—WIBM, Inc., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 2 watts.

NEW—WIBM, Inc., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 2 watts.

NEW—James F. Hopkins, Inc., Highland Park, Mich.—Construction permit for a new high-frequency broadcast station to be operated on 26050 kc., 100 watts.

Third Zone

WFLA-WSUN—Clearwater Chamber of Commerce, Clearwater, 620 Fla.—Voluntary assignment of license of WFLA only from Clearwater Chamber of Commerce to Florida West Coast Broadcasting Co., Inc., St. Petersburg Chamber of Commerce to remain licensee of WSUN.

WOAI—Southland Industries, Inc., San Antonio, Tex.—Construction 1190 permit to move transmitter from Austin Highway, Selma, Tex., to site to be determined, Texas; increase power from 50 KW to 500 KW, install a new transmitter and antenna.

WAML—New Laurel Radio Station, Inc., Laurel, Miss.—Construction 1310 permit to install a new transmitter and move transmitter from 429 Magnolia Street, Laurel, Miss., to Laurel, Miss. (no street address).

WLAC—WLAC, Inc., Nashville, Tenn.—Construction permit to 1470 install a new transmitter and make antenna changes and increase power from 5 KW to 50 KW.

NEW—The Atlanta Journal Co., Portable-Mobile.—Construction permit for a new relay station to be operated on 31100, 34600, 37600, 40600 kc., 10 watts.

Fourth Zone

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Modification 550 of license to limit night radiation in the direction toward WKRC to 123.7 mv/m at one mile or 88.3 mv/m at monitor point.

NEW—Vincennes Newspapers, Inc., Vincennes, Ind.—Construction 1200 permit for a new station to be operated on 1200 kc., 100 watts, 250 watts day, unlimited time.

NEW—Falls City Broadcasting Corp., Falls City, Nebr.—Construction 1310 permit for a new station to be operated on 1310 kc., 100 watts, unlimited time. Amended to install a vertical antenna and give transmitter site as NW Cor. of SW $\frac{1}{2}$ of SE $\frac{1}{4}$, Sec. 3, Twp. 1, Range 16, East of 6 PM and being $\frac{1}{2}$ mile north of city limits of Falls City, Nebr.

NEW—Sioux City Broadcasting Co., Sioux City, Iowa.—Construction 1420 permit for a new station to be operated on 1420 kc., 100 watts, 250 watts day, unlimited time.

WKBB—Sanders Brothers Radio Station, East Dubuque, Ill.—1500 License to cover construction permit (B4-P-1102) to install a new transmitter.

NEW—The Journal Co. (The Milwaukee Journal), Milwaukee, 1570 Wis.—Construction permit for a new special broadcast station to be operated on 1570 kc., 1 KW, unlimited time.

NEW—First National Television, Inc., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600, 87600, 89600, 91600, 93600 kc., 150 watts.

NEW—First National Television, Inc., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600, 87600, 89600, 91600, 93600 kc., 5 watts.

KABJ—Central States Broadcasting Co., Portable.—License to cover construction permit for a new broadcast pickup station.

Mutual Broadcasting System, Inc.—Extension of the authority to transmit sustaining programs to a foreign country, CKLW (Western Ontario Broadcasting Co., Ltd), Windsor, Ontario, Canada (B4-FP-13), for period from 6-1-36 to 12-1-36.

Fifth Zone

KVOA—Arizona Broadcasting Co., Inc., Tucson, Ariz.—Modification of construction permit (B5-P-1096) for changes in equipment, requesting further changes in equipment, to install a vertical antenna, increase power from 500 watts to 1 KW, and move transmitter from corner Congress St. and Stone Ave., Tucson, Ariz., to West Lee at 10th St., Tucson, Ariz., and extend commencement and completion dates.

KVOR—S. H. Patterson, Colorado Springs, Colo.—Voluntary assignment of license from S. H. Patterson to Out West Broadcasting Co.

Puerto Rican Zone

NEW—Julio M. Conesa, Ponce, P. R.—Construction permit for a new experimental broadcast station to be operated on 8655, 12862.5 kc., 100 watts.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

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NEW RULES POSTPONED

The effective date of new rules of the Federal Communications Commission pertaining to relay broadcast, international broadcast, visual broadcast, high frequency broadcast, experimental broadcast stations and rebroadcasting have been postponed until September 15. In a statement on this subject the Commission says:

"In view of the Commission's action postponing the effective date of Rule 229, as amended, to September 15, 1936, and in order to permit full consideration of the suggestions submitted by the licensees of stations, the Broadcast Division has extended the effective date of Rules 970 to 1076, inclusive, and Rules 177 and 177-1 to September 15, 1936."

KGBZ APPEAL DISMISSED

The Court of Appeals of the District of Columbia has dismissed the appeal of broadcasting station KGBZ, York, Nebr., on the application of the appellant.

A short time ago the Court granted a stay order to the station when it filed its appeal. In this case the station was taken off the air by the Federal Communications Commission and was actually off from July 7 to July 14 when the stay order was granted. The station appealed the action of the Commission and later applied for dismissal of its appeal which was granted by the Court. The station is off the air.

WISCONSIN STATION RECOMMENDED

Fred A. Baxter applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Superior, Wis., to use 1200 kilocycles, 100 watts power, and unlimited time on the air.

Examiner Melvin H. Dalberg, in Report No. I-266, recommended that the application be granted. The Examiner states that "it is apparent from the testimony given at the hearing and in the depositions, which are in evidence, that there exists a need for broadcast facilities of a purely local nature in the area sought to be served." He states further that there is no question of any interference with other stations.

CHANGES RECOMMENDED FOR KRLC

Broadcasting station KRLC, Lewiston, Idaho, applied to the Federal Communications Commission to change its frequency from 1420 to 1390 kilocycles, and to increase its power from 100 to 250 watts. The station operates unlimited time and its application asked that that remain unchanged.

Examiner George H. Hill, in Report No. I-265, recommended that the application be granted. He found that the operation of the station with the new frequency and increased power "would render service to an area not now receiving consistent service from any station." The Examiner also found that the change would not result in any interference with any existing radio service.

COMMUNICATIONS COMMISSION ON OCTOBER 5 HEARING

The Federal Communications Commission this week issued a supplemental statement in connection with the hearing of the Broadcast Division on allocations to be held October 5. This statement is as follows:

"Many inquiries have been made with respect to the proper and ultimate consequences of the proposed broadcast allocation hearing set for October 5th. In order that the industry may thoroughly understand the situation, it is believed they should be informed that the evidence given at the October 5th hearing will form a basis for such changes which may be shown to be desirable in the existing regulations of the Commission with respect to broadcasting allocations, engineering requirements or standards.

"With respect to the foregoing, the industry may recall that the Commission has approved the following procedure as a basis for attacking the solution of the problems confronting the public, the Commission and the industry:

- "1. In new allocations or in reallocations of radio frequencies to services or to stations within services, proceed on the basis of 'evolution, experimentation and voluntary action' rather than by radical and enforced costly changes. Modifications which do not involve large expenditures or are necessary requirements to keep abreast of the technical art should be accomplished.
- "2. Encourage communication development along specific lines as may be indicated from time to time from accumulated data and from evidence secured from such informal engineering meetings as may be necessary to facilitate progress in detail.
- "3. Direct engineering and other interested departments to prepare modification of existing regulations pertaining to frequencies for various classes of broadcast stations between 550 and 1600 kc. in such a manner that they are sufficiently flexible to permit the adaptation of new technical developments and allocation principles which, upon proper showing at hearings, indicate that a needed improvement in service will result.

"At the June 5th hearing, at which was considered the broader aspects of the allocation of the entire spectrum to various services, the Commission pursued the policy of cooperation with the industry in solving the basic radio problems confronting the nation. There is no contemplated change in policy in this respect on the part of the Commission with reference to the October 5th broadcast hearing.

"As is well known in the industry, the existing practical allocations depart somewhat from the empirical standards which became the basis of the regulations in 1928, and which have not been changed since that date. It is believed that at least one of the outcomes of the October 5th hearing will be to modify the regulations so that they will conform to the actual practice of today.

"As is also well known to the industry, there are many proponents for high power stations, as well as many who oppose such increases in power. There are also many who desire horizontal power increases for regional stations, and there are certain uneconomic situations which exist, such as those experienced by stations sharing time. In addition, the repeal of the Davis Amendment has removed certain limitations upon the engineering solution of the radio problem.

"Some of the schools of thought affect the entire allocation system, and some of the proposals will have advantages as well as disadvantages. Therefore, it is felt that prior to any basic decision on the part of the Commission to change or not to change its regulations, the entire industry should have an opportunity to come before the Commission in an informal public discussion of the existing broadcasting problems, as well as to determine the

merits of any proposals for changes in the principles of allocation. "It is felt that the hearing on October 5, 1936, will afford the Commission and the industry the opportunity to cooperate in an open manner toward a logical solution of the existing broadcast problems confronting the nation."

NEW ALABAMA STATION RECOMMENDED

The Jefferson Broadcasting Company applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Birmingham, Ala., to use 1200 kilocycles, 100 watts and 250 watts LS, and unlimited time. Also, Wilton H. Pollard applied to the Commission to erect a new station at Huntsville, Ala., to use 1200 kilocycles, 100 watts power, and unlimited time.

Examiner P. W. Seward, in Report No. I-263, recommended that the Jefferson Company application be denied and that the Pollard application be granted.

The Examiner found in the case of the application for a station at Birmingham that it was not shown that a need exists for additional radio service there and that objectionable interference would result with several existing stations.

In the case of the proposed Huntsville station the Examiner states that there is need for additional radio service in that area and no interference would result either with existing or proposed stations.

RULE 229 AMENDED AND MADE PERMANENT

Effective September 15, Rule 229 of the Federal Communications Commission is amended and made permanent. At a general session of the Commission it took the following action:

In the following cases, Protest of Purdue University to Commission Order No. 14 amending Rule 229, Docket 4057; Petition of National Television Corporation for hearing on Commission Order No. 14 amending Rule 229, Docket 4058; and application and supplemental petition of National Television Corporation, Docket No. 3029, the Commission entered the following order:

That Rule 229 as amended May 13, 1936, be made permanent, effective September 15, 1936, except as to the frequency band 2000-2100 kc. As to the frequencies 2000-2100 kc., the Commission ordered that Rule 229 be further amended as follows:

Frequency	Allocation
2000	Amateur
a2004	Govt. & exp. vis. broadcast
h2008	Do. Do.
2012	Exp. vis. broadcast
2016	Do.
2020	Relay broadcast & exp. vis. broadcast
)2022	Do. Do.
a2024	Govt., relay broadcast & exp. vis. broadcast
)2026	Govt. & exp. vis. broadcast
2028	Do. Do.
i2032	Do. Do.
2036	Police (intercity teleg.) & exp. vis. broadcast
2040	Do. Do. Do.
2044	Do. Do. Do.
i2048	Govt. & exp. vis. broadcast
a2052	Govt. & exp. vis. broadcast
2056	
)2058	Relay broadcast & exp. vis. broadcast
2060	
2064	Govt. & exp. vis. broadcast
)2066	Do. Do.
2068	Do. Do.
h2072	Do. Do.
i2076	Do. Do.
2080	Do. Do.
)2082	Do. Do.
2084	Do. Do.
2088	
)2090	Relay broadcast & exp. vis. broadcast
2092	
a2096	Govt. & exp. vis. broadcast

That the further amendment be effective 3:00 A. M., E.S.T., September 15, 1936.

National Television Corporation, New York, N. Y.—Granted special temporary experimental authorization for operation of a visual broadcast station for a period beginning upon the issuance

thereof and ending not later than 3 A. M., E.S.T., September 15, 1936. Said authorization to contain the following express terms:

(1) That National Television Corporation furnish the Commission on or before September 1, 1936, complete report showing all data and results obtained to that date with particular reference therein to results obtained from transmission of pictures and narrow band communication system, and such further information as the Commission may require.

(2) That at any time during the operation of the station authorized by this permit the results of the experimentation and the operations carried on may be viewed and tests conducted by persons authorized by the Commission so to do in such manner as may be prescribed, including the introduction of what otherwise might be an interfering signal, subject however to the condition that National Television Corporation be not required to disclose inventions used in its operations, or otherwise.

(3) That the action of the Commission in issuing this special temporary experimental authority is for the purpose of making tests only and such action shall not be construed as a finding that the granting of the application of National Television Corporation in Docket No. 3029 is in the public interest, convenience, or necessity.

(4) That with, or without, further hearing and at any time in its discretion, the Commission may enter its final order upon the application of National Television Corporation in Docket No. 3029.

NOTE: Commissioner Stewart dissented as to grant of special temporary experimental authorization to the National Television Corporation.

The application, Docket 3029, for a CP to construct and operate a new visual broadcast station to operate in the band 2000-2100 kc., 500 watts, unlimited time, in accordance with Rule 308, is to remain on the hearing calendar for further consideration and decision.

Denied supplemental petition in Docket 3029 for special temporary authorization for the month of July, 1936.

Purdue University, Lafayette, Ind.—Modified existing experimental visual broadcast license in accordance with consent in writing of Purdue University, so as to authorize the operation of an experimental visual broadcast station upon the band of frequencies 2000-2100 kc. in lieu of the frequencies now authorized; all other terms of the existing license to remain the same. Effective at 3 A. M., EST, September 15, 1936.

NEW CALIFORNIA STATION RECOMMENDED

The Marysville-Yuba City Publishers, Inc., applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Marysville, Calif., to use 1140 kilocycles, 250 watts power, and daytime operation.

Examiner R. H. Hyde, in Report No. I-264, recommended that the application be granted. He found that "there is a public need in the applicant's area for the local service the applicant proposes to provide." The Examiner also found that "the operation of the proposed new station could not reasonably be expected to cause interference to the reception of any other station or stations."

WJBO CHANGES RECOMMENDED ON CONDITIONS

Broadcasting station WJBO, Baton Rouge, La., applied to the Federal Communications Commission to change its frequency from 1420 to 1120 kilocycles, and to increase its power from 100 to 500 watts. The station now operates unlimited time and it asks for the same except from 8 to 9 p. m. on Mondays and Fridays.

Examiner Melvin H. Dalberg in Report No. I-267 recommends that the application be granted if the pending applications of stations WISN and WHB are denied, otherwise that the application of WJBO be denied. The Examiner states that the changes asked by WJBO would result in extending the service of that station and he says further that the hearing disclosed the public need for this additional coverage. However the other two stations have applications pending and should they be granted the changes asked by WJBO would cause interference.

ADVERTISING TO BENEFIT

A marked upsurge in advertising and research expenditures by corporations this fall as the result of the new tax laws, was predicted before the meeting sponsored by the National Association of Manufacturers, at the New York Museum of Science and Industry, Radio City, when addressed by Dr. Orestes H. Caldwell, trustee of the Museum and editor of Radio Today.

"When American business men get to looking over their profit statements near the close of this year, and discover what a large part of these profits they will have to pay out as taxes, many are going to prefer to increase their appropriations for advertising and research to get the benefit of money that will otherwise be swept largely into the tax-collector's till," said the speaker.

Besides a normal tax of 15% on each dollar of profit, a business may have to pay an additional excess-profits tax of 12%, and another 27% "undistributed-profits" tax, or 54% in Federal taxes. In addition, there may be a 6% state tax (as in New York), making 60%. And if profits are held or "improperly accumulated," 25% more may be added, making a possible total tax of 85%, or 85 cents for taxes out of each dollar of profits!

Faced with such a situation, explained Dr. Caldwell, many manufacturers have concluded that it will be better business judgment to spend money for business promotion, advertising, newspaper campaigns, radio time, technical research, etc., where they get full benefit of each dollar in building up the business.

FEDERAL TRADE COMMISSION ACTION COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

No. 2879. Allegedly misrepresenting "Nacor" and "Nacor Kaps" as an effective remedy or cure for asthma, **The Nacor Medicine Co.**, 405 State Life Building, Indianapolis, is respondent in a complaint charging unfair competition in connection with the sale of such medicine.

The respondent company's representations in advertising matter and radio broadcasts are alleged to be false in that its medicine is not an efficacious treatment for asthma and bronchial coughs in all cases and does not benefit all persons suffering with such ailments; is not free from drugs or harmless ingredients and is not safe in all instances; is not effective where other treatments have failed, and does not afford permanent or lasting relief in all cases.

According to the complaint, the respondent company's practices tend to deceive purchasers and divert trade to the respondent from competitors who truthfully advertise their products.

No. 2880. Unfair competition in the sale of books is alleged in a complaint issued against **Gold Medal Books, Inc.**, 915 Broadway, New York City.

The respondent company allegedly represents that a set of five books of fiction which it sells for 98 cents has a usual and regular sales price of \$11.50, when according to the complaint, the ordinary and usual price is 98 cents. The books, described by the respondent as "best sellers," are "The Desert of Love," "Georgie May," "Private Secretary," "Five Sisters," and "Show Girl."

The respondent company's practice of misrepresenting the value of the books and the price at which they are customarily sold tends to deceive purchasers, the complaint charges, and unfairly to divert trade to the respondent from competitors.

No. 2881. A complaint has been issued against **Hogan Advertising Co.**, trading as the **Sendol Co.**, 1008-10 Walnut St., Kansas City, Mo., alleging unfair methods of competition in the sale of "Sendol," offered as a remedy for colds, headaches and pains.

The complaint charges that the respondent company, by means of representations and testimonials in newspapers, magazines, advertising literature, and radio broadcasts claims that its product is a safe medicine in all cases, even for children; is effective and reliable in cases of muscular rheumatic or neuralgia aches and pains; affords quick relief for headaches, colds and pains, and is an efficacious remedy for nervousness.

Such representations are false and misleading, according to the complaint, which points out that "Sendol" contains aspirin and digitalis and is not safe to administer to all persons or to children.

STIPULATIONS AND ORDERS

The Commission has issued the following cease and desist orders and stipulations:

No. 01413. **Bio-Products, Inc.**, 500 North Dearborn St., Chicago, stipulates it will cease representations that "Vitalin Tablets" are a competent treatment for coughs, colds, impure blood, aches or pains, and are an effective remedy in the treatment of indigestion, dyspepsia, acidosis, nervousness and biliousness, unless such claims are limited to conditions due to improper diet, hyperacidity, or mineral or vitamin deficiency. The respondent corporation also will stop advertising that "Vitalin Tablets" supply the mineral elements or vitamins necessary to at-

tain good health or to avoid the cause that leads to the most serious diseases, and that users of the product have experienced almost immediate improvement in health.

No. 01414. **The McFadden Institute of Physical Culture, Inc.**, 903 King St., Wilmington, Del., agrees to discontinue claims that its course in physical culture assures students that they will not have rheumatism, heart trouble, hardening of the arteries or breaking down of the body, and that such course will make one successful, strong, magnetic, and able to overcome any obstacle.

No. 01415. **General Mills, Inc.**, Minneapolis, selling a cereal designated "Wheaties," will cease advertising that the whole wheat from which "Wheaties" is made contains almost twice the body-building protein of corn.

The respondent corporation admits that in radio broadcasts advertising "Wheaties," certain characters impersonated and referred to are fictitious persons. In this connection the respondent corporation stipulates that it will stop representing that any of the proceeds from the sale of "Wheaties" is used to defray the costs of an operation or medical attention for a fictitious person named in a broadcast, or that any such operation or medical attention is dependent upon the sale of "Wheaties."

No. 01416. **William T. Drouillard**, trading as **No-Gray Laboratories**, 738 Noble St., Toledo, Ohio, will discontinue representing that his hair treatment, designated "No-Gray," prevents hair from turning or staying gray, or restores gray hair to its natural color; that one cannot have dandruff if he uses "No-Gray," and that the product is not a dye. The respondent agrees to discontinue use of the word "laboratories" in his trade name until he operates a laboratory.

No. 01417. **N. M. Markwood**, trading as **Anti-Pelade Company**, Kelso Park, Erie, Pa., and selling a treatment for the hair designated "Anti-Pelade," signed an agreement to discontinue claims that the preparation is effective in treating any type of baldness, unless the representations are limited to falling hair attributed to an organism which a proper germicide may kill; that it grows or restores hair, or is guaranteed, and has the approval of the government agency charged with administration of the Food and Drug Act.

No. 01418. **Biovegetin Products, Inc.**, 500 North Dearborn St., Chicago, agrees that in the sale of "Vegemucene," also designated "V. M. Tablets," it will discontinue representing that the product is effective in the treatment of gastro-intestinal ailments, stomach and duodenal ulcers and inflammations, acid stomach, colitis, gas or heartburn; that it completely relieves gastric ulcers of ten years' standing, and safeguards patients against conditions that may lead to ulcers of the stomach.

No. 01419. **Joe Anderson**, trading as **The A. & O. Company**, New Bern, N. C., will refrain from making claims in advertising that his medicinal preparation, designated "A and O," relieves the most stubborn colds when other treatments fail; gives relief after the first dose; heals irritated membranes, clears the nasal passages and clears the digestive tract, and protects users from influenza, pneumonia or serious lung trouble.

No. 01420. **Martin Stearn**, trading as the **Oecult Company**, 217 East 34th St., New York City, selling "Black Herman's Dream Book and the Secret System," agrees to cease representations to the effect that his publication contains information by means of which one may gain sufficient knowledge of black magic, kabalism, numerology, astrology, or any of the so-called mystic arts, to enable him to attain success in love, health, or business. The respondent also will refrain from advertising that "Black Herman" was the world's greatest magician and that \$6 is the regular price of the book, or that \$1 is a special or reduced price.

No. 01421. **Frances Denney**, a corporation, and **Anthony De P. Denney**, **John D. Denney**, **Anne Denney Fleming**, and **William F. Denney, Jr.**, copartners trading as **Denney & Denney**, 1500 Walnut St., Philadelphia, selling a cosmetic designated as "Eyelash Grower," will stop representing that the product increases the growth or length of eyelashes; makes them healthy, unless the assertion is specifically limited to the effect in inducing softness and flexibility; or that it is a competent treatment for granulated eyelids, or anything more than a palliative to relieve the pain due to conditions such as granulated lids. The respondents also will discontinue use of the word "Grower" as part of the trade name for their product.

No. 01422. **Don L. Baxter**, trading as **Major Kord**, Del Rio, Tex., selling a correspondence course in piano instruction, will stop representing that there are no notes, scales or exercises accompanying the course; that use of the course enables one to play the piano in any specified time, and that results are guaranteed.

No. 01423. **Ace Feature Syndicate, Inc.**, 1296 Broadway, New York City, stipulates that in the sale of books it will cease

and desist from representing that such hooks are bound in leather when such is not the fact.

No. 01424. A. S. Thomas, trading as Santa Fe Watch Company, 457 Thomas Building, Topeka, Kans., selling watches, watch chains, and necklaces, will cease representing by use of the words "Direct to You" that the prices charged for his watches are the prices at which such watches would ordinarily be sold by a manufacturer direct to the public; that he has eliminated the middleman, and that his watches are sold at prices lower than those charged by other distributors for watches of equal grade, unless such representation is supported by factual evidence.

The respondent further agrees to discontinue use of the words "pearl" and "gold" to designate or describe, respectively, necklaces not composed of pearls formed by natural processes in the shells of mollusks, and any articles not composed wholly of gold.

No. 01425. William Carroll, 201 E. 46th St., New York City, selling "Pepzt Ointment," entered into an agreement to cease advertising that his preparation is an effective remedy for weakened glands, vitalizes the nerves and invigorates the whole system; that "one cannot fail to benefit by using Pepzt," and that it brings quick and lasting results. The respondent admits that, according to the weight of scientific opinion, the therapeutic value of the product is limited to its effect as a lubricant and an emollient.

No. 01426. Knight Laboratories, Inc., 2201 West Broadway, Minneapolis, agrees, in advertising "Phen-o-cin," to discontinue representing that this preparation is an effective remedy for neuritis, all forms of aches and pains, influenza, colds, rheumatism, tonsillitis or fever; that it is "The Miracle Pain Tablet"; possesses marked superiority over any similar product, does not depress the heart, and can be taken without unpleasant or dangerous after effects.

No. 01427. The Siticide Company, Inc., Commerce, Ga., will stop making assertions in advertising that "Sit-i-Cide" kills the itch, unless it states, in connection with such representations, that only scabies itch is meant, and will cease representing that this product immediately kills every parasite causing the itch. The respondent company further stipulates that it will cease using an unqualified headline which is too comprehensive or inclusive, even though the claim for the product may be modified in the text of the advertisement.

No. 01428. J. F. Kessinger, trading as Argotane Laboratories Co., 91½ South Main St., Memphis, Tenn., engaged in selling "Argotane," signed a stipulation to discontinue representing that his preparation is a competent treatment for malaria, stomach troubles, auto-intoxication, loss of vitality, headaches, gallstones, or kindred disorders, and that it has any therapeutic value in the treatment or prevention of such ailments other than its laxative or hile-stimulating properties. Claims that many physicians prescribe "Argotane" and that millions have endorsed it will be stopped, as will the representation, through use of the word "Laboratories," that the respondent owns or operates a laboratory, until such is a fact.

No. 01429. John F., Jane L., Barbara Jane and John Lindsey Ketels, co-partners operating as Amber-O-Latum Laboratory, 2821 Main St., Portland, Ore., selling "Amher-O-Latum Chest Ointment," will cease representing that their preparation is an effective remedy for chest colds, inflammation, croup, pleurisy pains, or congestion, unless such claims are limited to the palliative relief afforded by the product's counter-irritant action. The respondents agree to discontinue assertions implying that "Amher-O-Latum" prevents pneumonia or influenza, and that its action is quicker or more effective than all other preparations.

No. 01430. Solarine Company, Baltimore, selling a cleaning solution designated "Jumbo," entered into a stipulation to discontinue advertising that the product removes all odors, kills germs and bacteria, and disinfects burns, cuts, scratches and insect bites.

No. 01431. V. D. Angerman, trading as Franklin Publishing Co., 800 North Clark St., Chicago, sells a course of lessons in hypnotism. He agrees to discontinue representations that the secrets of hypnotism can be learned in 25 easy lessons, regardless of the intellectual or educational qualifications of the student, and that the science of hypnotism overcomes hashfulness, strengthens memory, mind and will power, develops a strong personality, and enables one to realize his ambitions and gain control over others. The representation that "satisfaction is guaranteed" will be stopped.

No. 01432. Henry Bergman, Springfield, Mo., engaged in the sale of instruments purported to locate gold and silver, signed a stipulation to stop claiming that use of such device enables one to locate deposits of gold, silver, quartz, or buried treasure. The respondent admits that, according to the weight of scientific opin-

ion, the instruments have no value for the purpose claimed in his advertising matter.

No. 1721. U. S. Handkerchief Company, Inc., 534 Broadway, New York City, stipulates that in the sale of handkerchiefs it will discontinue representing that such products are domestic made and that it owns or operates a factory at Passaic, N. J., or elsewhere, when such are not the facts, and will cease using the word "manufacturers" in advertising matter or in any manner to imply that it owns or operates a factory, when such is not true.

No. 1723. The Hecht Company, 7th and F Sts., N. W., Washington, D. C., will cease using in advertising matter, or otherwise, the word "mahogany" to describe furniture not manufactured from wood derived from trees of the genus "swietenia" of the "meliaceae" family, and to imply that the products so designated are made of true mahogany, when such is not the fact.

No. 1724. Champion Blower & Forge Co., Lancaster, Pa., agrees that in the sale of the ventilating fans it manufactures it will discontinue use in advertising matter of figures which purport to represent the various capacities its fans have for air exhaustion, and which figures are substantially greater than the actual capacity thereof as ascertained by the standard test code for disc and propeller fans, centrifugal fans and blowers, as prepared by the National Association of Fan Manufacturers and the American Society of Heating and Ventilating Engineers. According to the stipulation, the respondent company in advertising in catalogues and otherwise greatly overstated the number of cubic feet of air exhausted by its fans on the basis of revolutions and consumption of electric power per minute.

No. 1725. Robert Y. Powell, trading as Powell Brothers, 2800 Belmont Ave., Chicago, and selling novelty jewelry, signed a stipulation to cease using in advertising matter the words "Mexican gems" alone or with the word "genuine" to designate ring settings consisting of glass or ornamentation obtained from a country other than Mexico; the word "cameo" as descriptive of rings which are engraved intaglios; the word "chromium" to describe a ring not made from chromium; the words "rhodium finish" as descriptive of rings not finished with rhodium; the words "manufacturers" or "manufacturing" so as to imply that the respondent owns or operates a plant where his products are made, and the words "importing" or "exporting" to give the impression that he imports or exports his products.

No. 1726. Fan Tan Company, Inc., trading as Black Diamond Company, 207 North Michigan Ave., Chicago, will discontinue representing that its "Black Diamond Hair Dye" is safe or harmless, and that it does not stain the hands or scalp.

No. 1727. The Marlin Firearms Company, 79 Willow St., New Haven, Conn., in the sale of razor blades, will stop using in advertising matter the phrase "direct from the factory" implying that it owns or controls a plant in which such razor blades are made, when such is not the fact.

Nos. 1728-1729. The Service Legging Company, Inc., 120 East 16th St., New York City, and R. M. Hollingshead Corporation, Camden, N. J., signed separate stipulations that in the sale of saddle soap they will discontinue using on labels the statements "Warranted to Conform to U. S. Govt. Specifications" and "U. S. Government Standard Saddle Soap" to imply that such product is approved and used as a general standard by the United States Government. The stipulations provide that the respondent companies may represent that their saddle soap conforms with the specifications approved and used by some particular branch of the Federal Government, only when such is the fact.

Nos. 1722-1730-1731. Misuse of the word "silk" in branding and advertising hosiery will be discontinued by three companies entering into stipulations.

These stipulations to cease unfair methods of competition in violation of Section 5 of the Federal Trade Commission Act were signed by D. S. & W. Hosiery Co., 1130 Moss St., Reading, Pa.; Unrivaled Hosiery Mills, Williamstown, Pa., and M. L. Victorius & Co., Inc., 271 Church St., New York City.

Under the stipulations, the companies agree to cease and desist from using the word "silk" alone or with the words "pure thread," or with any other words so as to imply that the hosiery so marked is composed wholly of silk, when such is not the fact.

The stipulations provide that when the hosiery is composed in substantial part of silk, and the word "silk" is used as descriptive of the product's content, then the word "silk" shall be accompanied by other words in type equally as conspicuous as that in which the word "silk" is printed, so as to indicate clearly that the hosiery is not composed wholly of silk, but is made in part of other materials.

No. 2243. Electro Thermal Co., Franklin and Morris Avenues, Steubenville, Ohio, has been ordered to discontinue false and exaggerated representations in connection with the sale of "Thermalaid," an electric device offered as a treatment for prostatic and other ailments.

Among the representations the respondent company is prohibited from making in newspaper advertisements, pamphlets and testimonials are that the use of the device is a positive cure for any ailment; that its use constitutes a competent treatment or cure for prostatitis and hypertrophy and that users of the device may expect immediate relief from backache, pains, worry and debilities due to prostatic trouble.

No. 2402. General Distillers, Ltd., 136 Front St., San Francisco, has been ordered to discontinue representing through use of the word "Distillers" in its corporate name, or in any other manner by the use of words of like import, that it is a distiller, that it manufactures by the process of distillation the whiskies and other spirituous beverages it sells, or that it owns or operates a distillery where such products are manufactured, until it does own or operate such a plant.

No. 2463. Johnson Wholesale Perfume Co., Inc., 953 Dixwell Ave., New Haven, Conn., also trading as **Allen's Cut-Rate Shops and Allied Cut-Rate Shops,** has been ordered to discontinue unfair methods of competition in connection with the sale of cosmetics or toilet preparations.

The order to cease and desist prohibits the respondent corporation from entering into any agreement with Jay H. Schmidt, trading as Jay H. Schmidt Perfumer, New York City, or aiding or causing Schmidt to label cosmetics or toilet preparations manufactured in the United States with the words "Paris" or "France," implying that such products are manufactured in Paris or in France, or imported into the United States.

The order further directs that the respondent corporation shall not make any agreement with Schmidt or cause him to represent that "Arlene Richards Tissue Cream" is a food for the skin or tissues, or helps nature fill out hollows, lines or wrinkles.

No. 2475. Distillers Exchange, Inc., 425 Fourth Ave., New York City, has been ordered to discontinue representing through use of the word "Distillers" in its corporate name, or in any other manner by the use of words of like import, that it is a distiller, that it manufactures by the process of distillation the whiskies and other spirituous beverages it sells, or that it owns or operates a distillery where such products are manufactured, until it does own or operate such a plant.

The order also prohibits representation through use of the word "Distillers" in connection with the word "Exchange" or words of like import in its corporate name or in other ways, that it operates a place where distillers engage in trading or hartering spirituous liquors.

No. 2768. Jonas Schainuck & Son, Inc., 757 Broadway, New York City, operating a chain of men's clothing stores, has been ordered to cease and desist from representing that certain clothing it sells is all wool or all silk, when this is not true. The respondent company is also directed to discontinue asserting that it manufactures clothing, until it owns or operates a factory for such purpose.

Other representations to be discontinued under the order are that the price at which two suits or other garments are sold is the regular and customary price of one such suit or garment, and that upon purchase of one suit or garment from the respondent company it will give a suit or garment free, or approximately free.

No. 2781. Prohibiting unfair competition in the sale of a germicide designated "Ku-Rill," an order to cease and desist has been issued against **A. C. Hynd Corporation,** 320 Franklin St., Buffalo.

In advertising the product for sale, the respondent company is directed to stop alleging that it is a competent remedy in treating eczema, athlete's foot and other skin ailments, that it kills 27 different kinds of germs, and instantly stops itching and soreness of the skin.

FTC CLOSES CASE

No. 2427. The Federal Trade Commission has entered an order closing its case against **Clear Spring Distilling Co.,** 444 West Grand Ave., Chicago, because this respondent company had changed its name to **Clear Spring Co.** prior to January 1, 1936, and it appeared unlikely that the respondent would resume the unfair practices charged in the complaint.

The complaint alleged unfair use of the word "Distilling" in the company's corporate name and otherwise, when, in fact, it was not a distiller but a dealer in liquors.

FEDERAL COMMUNICATIONS COMMISSION ACTION

No broadcast hearings are scheduled at the Commission during the week beginning Monday, August 3.

APPLICATIONS GRANTED

NEW—Barney Hubbs, A. J. Crawford, Jack Hawkins, Harold Miller, d/h as Carlshad Broadcasting Co., a partnership, Carlshad, N. Mex.—Granted C. P. for new broadcast station at Carlshad, N. M., to operate on 1210 kc., 100 watts, unlimited time.

WCAT—South Dakota State School of Mines, Rapid City, S. D.—Granted C. P. to move the transmitter and studio 600 ft. from present site and install vertical radiator and ground system. Frequency 1200 kc., 100 watts, specified hours.

KFAB—KFAB Broadcasting Co., Lincoln, Neb.—Granted application for extension of special experimental authority to operate synchronously with station WBBM, Chicago, Ill., from local sunset to 12 midnight, CST.

WBBM—WBBM Broadcasting Corp., Chicago, Ill.—Granted application for extension of special experimental authority to operate synchronously with station KFAB, Lincoln, Nebr., from sunset at Lincoln, Nebr., to 12 midnight, CST.

WLW—The Crosley Radio Corp., Cincinnati, O.—Granted extension of special experimental authorization to operate with power of 500 KW, employing a directional antenna system nighttime. Frequency 700 kc.

KIRO—Queen City Broadcasting Co., Seattle, Wash.—Granted extension of special experimental authorization to operate unlimited time on frequency 710 kc. with 1 KW.

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted extension of special experimental authorization to operate from local sunset to 8 p. m. PST with 1 KW power for the period August 1, 1936, to February 1, 1937.

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted extension of special experimental authorization for auxiliary transmitter to operate from local sunset to 8 p. m. PST with 1 KW for period of August 1, 1936, to February 1, 1937.

KPPC—Pasadena Presbyterian Church, Pasadena, Calif.—Granted authority to determine operating power by direct measurement of antenna input in compliance with terms of Rule 137. Frequency 1210 kc., 100 watts.

WPRP—Julio M. Conesa, Ponce, P. R.—Granted modification of license to operate an additional hour from 11 p. m. to 12 p. m. daily; frequency 1420 kc., 100 watts night, 250 watts day, specified hours.

KFPY—Symons Broadcasting Co., Spokane, Wash.—Granted consent to the transfer of control of Symons Broadcasting Co. from the Symons Investment Co. to T. W. Symons, Jr.; frequency 890 kc., 1 KW, unlimited time.

KANS—Charles C. Theis, Wichita, Kans.—Granted modification of C. P. requesting approval of transmitter and studio sites at Lassen Hotel, First and Market St., and change in authorized equipment. Original C. P. authorized erection of a new station in Wichita to operate on 1210 kc., 100 watts, unlimited time.

WMEX—The Northern Corp., Boston, Mass.—Granted C. P. to move transmitter to Granite Avenue, Milton, Mass.; to change frequency from 1500 kc. to 1470 kc.; increase night power from 100 watts to 5 KW, day power from 250 watts to 5 KW; and to install directional antenna. Commissioner Case dissented.

WSIX—Jack M. Draughon and Louis R. Draughon, d/b as 638 Tire & Vulcanizing Company, Nashville, Tenn.—Granted modification of C. P. requesting extension of completion date from 8-4-36 to 11-1-36. Original permit and modification thereof authorized move of station from Springfield to Nashville, Tenn., and extensions of commencement and completion dates.

KEHE—Evening Herald Publishing Co., Los Angeles, Calif.—Granted modification of C. P. requesting approval of antenna and move of transmitter site to near Baldwin Hills, Los Angeles, Calif.

WLIH—Merrimac Broadcasting Co., Inc., Lowell, Mass.—Granted authority to make changes in automatic frequency control equipment; frequency 1370 kc., 100 watts night, 250 watts day, unlimited time.

WJBC—Arthur Malcolm McGregor and Dorothy Charlotte McGregor, partnership, Bloomington, Ill.—Granted license to cover C. P.; frequency 1200 kc., 100 watts night, 250 watts

day, shares with WJBL. (Original permit authorized installation of new equipment and increase in daytime power to 250 watts.)

- WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Granted license to cover C. P. Original permit authorized changes in tubes in the last radio stage. Frequency 1210 kc., 100 watts night, 250 watts day, unlimited time.
- KSCJ—Perkins Brothers Co. (The Sioux City Journal), Sioux City, Iowa.—Granted license to cover C. P. authorizing the installation of auxiliary transmitter for auxiliary purposes only; frequency 1330 kc., 250 watts night, 250 watts day.
- WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Granted authority to transfer control from T. C. Rush to J. Lindsay Nunn.
- KWSC—State College of Washington, Pullman, Wash.—Granted C. P. to make changes in equipment and increase day power to 5 KW, subject to Rules 131, 132 and 139.

SET FOR HEARING

- NEW—Walter H. McGenty, Rice Lake, Wis.—Application for C. P. for new station at Rice Lake, Wis., to authorize operation on 1200 kc., 100 watts night, 250 watts day, unlimited time, site to be approved.
- NEW—Ferris Hodge, Edward Hodge, Leon C. Rogers, Clifford J. Hood, John S. Nichener, Frank Zimmerman and Karl M. Schneider, d/b as Lenawee Broadcasting Co., Adrian, Mich.—Application for C. P. for a new broadcast station at Adrian, Mich., to authorize operation on 1440 kc., 250 watts daytime only, site to be determined.
- NEW—Hannibal Broadcasting Co., Hannibal, Mo.—Application for C. P. for a new broadcast station at Hannibal, Mo., to authorize operation on 1310 kc., 100 watts, unlimited time, studio site to be determined.
- NEW—C. W. Corkhill, Sioux City, Iowa.—Application for C. P. for a new broadcast station at Sioux City, Iowa, to authorize operation on 1200 kc., 100 watts, unlimited time, site to be determined.
- NEW—Isadore Goldwasser, Anniston, Ala.—Application for C. P. for a new broadcast station at Anniston, Ala., to authorize operation on 1420 kc., 100 watts, daytime only.
- NEW—Jesse G. Bourus, Everett, Wash.—Application for C. P. for a new broadcast station at Everett, Wash., to operate on 1500 kc., 100 watts, unlimited time.
- WMAS—WMAS, Inc., Springfield, Mass.—Application for C. P. to move transmitter and studio locations, install new equipment and directional antenna for day and night operation, change frequency from 1420 kc. to 560 kc., and increase power from 100 watts night, 250 watts day, to 1 KW, unlimited time.
- WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Hearing before Broadcast Division on application for C. P. to install new equipment, new radiating system, and increase power from 50 KW to 500 KW; frequency 710 kc.
- WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Application for modification of license to increase hours of operation from daytime only to daytime and local sunset to 11 p. m. on Tuesdays, Thursdays, Saturdays, and Sundays, employing a power of 50 watts after sunset; frequency 1210 kc.
- WNAC—Shepard Broadcasting Service, Inc., Boston, Mass.—Hearing before Broadcast Division on application for modification of C. P. to install directional antenna for nighttime operation, increase night power from 1 KW to 5 KW, and extend commencement date from 6-24-36 to 30 days after grant, completion date from 12-24-36 to 180 days thereafter; frequency 1230 kc.
- KRKO—Lee E. Mudgett, Everett, Wash.—Application for consent to the voluntary assignment of license from Lee E. Mudgett to KRKO, Inc.

ACTION ON EXAMINERS REPORTS

- WOL—Ex. Rep. I-247: American Broadcasting Co., Washington, D. C.—Granted C. P. to make changes in equipment, move transmitter from 1111 H St., N. W., Washington, D. C. to about one-half mile east Riggs and Iager Roads, Md.; change frequency from 1310 kc. to 1230 kc.; and increase power from 100 watts to 1 KW, unlimited time. Examiner M. H. Dalberg reversed. Effective October 13, 1936.
- NEW—Ex. Rep. I-184: W. H. Kindig, Hollywood, Calif.—Denied C. P. for new broadcast station to operate on 1300

kc., 1 KW, share time with KFAC. Examiner George H. Hill reversed. Effective October 20, 1936.

- KFAC—Los Angeles Broadcasting Co., Inc., Los Angeles, Calif.—Granted renewal of license, frequency 1300 kc., 1 KW, unlimited time. Examiner George H. Hill sustained. Effective October 20, 1936.
- WLBF—Ex. Rep. 572: WLBF Broadcasting Co., Kansas City, Kans.—Granted modification of license to change frequency from 1420 kc. to 1310 kc., 100 watts, unlimited time. Examiner Ralph L. Walker reversed. Effective October 6, 1936.

SPECIAL TEMPORARY AUTHORIZATIONS

- WNOX—Continental Radio Co., Knoxville, Tenn.—Granted special temporary authority to operate a portable test transmitter with power of 100 watts on 1010 kc., in vicinity of Knoxville, from 12 midnight to 6 a. m., CST, but for a period not to exceed ten days, beginning July 20, 1936, in order to determine new site.
- KFRO—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate from local sunset to 10:30 p. m., CST, July 20 to 25, 1936, inclusive, in order to broadcast political speeches of candidates for the public offices in Texas and Gregg County.
- KIDO—Frank L. Hill and C. G. Phillips, d/b as Boise Broadcast Station, Boise, Idaho.—Granted extension of special temporary authority to operate with temporary antenna for a period beginning July 23, 1936, and ending in no event later than 30 days thereafter.
- WHDF—The Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 7 a. m. to 9 a. m., CST, Sunday, July 26, August 2, 9, 16, 23, and 30, 1936, in order to transfer programs now being broadcast Sunday afternoons.
- WROK—Rockford Broadcasters, Inc., Rockford, Ill.—Granted special temporary authority to operate station without an approved frequency monitor for a period of 10 days beginning July 17, 1936. Station will be responsible for deviations of more than 50 cycles from assigned frequency.
- WCBS—WCBS, Inc., Springfield, Ill.—Granted special temporary authority to operate from 10 p. m. to 12 midnight, CST, from August 15, 1936, to August 23, 1936, inclusive, in order to carry a complete broadcast of the Illinois State Fair.
- WJJD—WJJD, Inc., Chicago, Ill.—Granted extension of special temporary authority to begin daily operation at 5 a. m., CST, instead of 6 a. m., CST, as licensed, during the period of time daylight saving time is recognized as official time in Chicago, but for the period beginning 3 a. m., EST, August 1, 1936, and ending in no event later than 3 a. m. February 1, 1937.
- WLBI—State of Wisconsin, Department of Agriculture and Markets, Stevens Point, Wis.—Granted special temporary authority to operate station without an approved frequency monitor for a period not to exceed 30 days beginning July 15, 1936. Station will be held responsible for deviations of more than 50 cycles from assigned frequency.
- KARK—Arkansas Radio and Equipment Co., Little Rock, Ark.—Granted extension of special temporary authority to operate a 50-watt portable test transmitter between the hours of 12 midnight and 6 a. m., CST, for the period beginning August 1, 1936, and ending in no event later than August 30, 1936, in order to determine new transmitter site for KARK.
- KELW—Evening Herald Publishing Co., Burbank, Calif.—Granted extension of special temporary authorization to use the transmitter of station KEHE with power of 500 watts, for the period beginning July 29, 1936, and ending in no event later than 3 a. m. EST, September 1, 1936, pending completion of construction of station KEHE as authorized.
- KBTM—W. J. Board (Beard's Temple of Music), Jonesboro, Ark.—Granted special temporary authorization to operate from 8:30 p. m. to 9:30 p. m. CST, August 8, 1936, in order to broadcast a special program.
- KTSM—Tri-State Broadcasting Co., Inc., El Paso, Texas.—Granted extension of special temporary authorization to carry programs of station WDAH for a period of 30 days beginning August 13, 1936.

RATIFICATIONS

The Broadcast Division denied the petition of C. W. Snyder, requesting the Commission to reconsider its action of July 2, 1936,

in designating for hearing his application of C. P. for a new station in Wichita Falls, Texas, and grant same without a hearing. (Action taken 7-13.)

The Broadcast Division advanced the effective date of the order on the applications of Baltimore Radio Show (WFBR) and Kunsky-Trendle Broadcasting Corp. (Wood and WASH) from July 15, 1936, to July 17, 1936. (Action taken 7-15.)

The Broadcast Division postponed the effective date of the order on the applications of (1) Bell Broadcasting Co. (2) Merced Star Publishing Co. (3) Orlando Broadcasting Co. (WDBO) from July 15, 1936, to July 17, 1936. (Action taken 7-15.)

The Broadcast Division denied the motion of the Missouri Broadcasting Corp. (WIL) for an extension of time for filing exceptions to Examiner's Report No. I-246 until September 15, 1936, and directed that said time for filing exceptions be extended to July 23, 1936. (Action taken 7-16.)

The Broadcast Division granted the petition of the Isle of Dreams Broadcasting Corp. (WIOD) Miami, Fla., to extend the time for filing exceptions to Examiner's Report No. I-243 on the application of Nathan N. Bauer for a C. P. to August 31, 1936. (Action taken 7-12.)

The Broadcast Division granted the petition of the Sun Publishing Company, Inc. (WTJS), Jackson, Tenn., to extend the time for filing exceptions to Examiner's Report No. I-244, to August 31, 1936. (Action taken 7-12.)

The Broadcast Division granted the motions of the Continental Radio Company for extension of the time for filing exceptions to Examiner's Report No. I-240 and No. I-241 to September 1, 1936. (Action taken 7-13.)

MISCELLANEOUS

WDGY—Dr. George W. Young, Minneapolis, Minn.—Granted petition asking return of last application filed by National Battery Broadcasting Co. of St. Paul, Minn., for new station at St. Paul, Minn., in accordance with the intent of Rule 104.7.

NEW—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Hearing of application for C. P. for new radio station to operate on 1480 kc., 5 KW, daytime, now scheduled for August 19, 1936, postponed until September 21, 1936.

KFNF—KFNF, Inc., Shenandoah, Iowa—Granted application to increase operating hours from one-half to seven-eighths time on the frequency of 890 kc., subject to the removal of station WILL from 890 kc. to 580 kc., which will occur when satisfactory directional antenna is completed on new site.

NEW—Jefferson Broadcasting Co., Birmingham, Ala.—Denied request to withdraw without prejudice application for authority to erect new station in Birmingham to operate on 1200 kc., 100 watts night, 250 LS, unlimited time.

WGPC—Americus Broadcasting Co., Albany, Ga.—Reconsidered and granted C. P. for new transmitter site, also authority to move studios and to install new equipment and antenna system. These grants shall in no way effect any final action Commission may take upon application for renewal of license. (Action taken 7-17-36.)

APPLICATIONS RECEIVED

First Zone

WEAN—Shepard Broadcasting Service, Inc., Providence, R. I.—780 Modification of construction permit (B1-P-734) to install new equipment, directional antenna, increase power and move transmitter, requesting changes in authorized equipment, move of transmitter from Seekonk, Bristol Co., Mass., to E. Providence, Rhode Island, and for approval of directional antenna.

WCAD—The Brockway Co. (Lessee), Watertown, N. Y.—Construction permit to change frequency from 1220 kc. to 1270 kc., change hours of operation from specified hours to daytime, install a new transmitter and antenna, move transmitter from Park St., Canton, N. Y., to site to be determined, Watertown, N. Y., and studio from Science Bldg., University Campus, Park St., Canton, N. Y., to site to be determined, Watertown, N. Y. Contingent upon the granting of B1-AL-118.

WSAR—Doughty & Welch Electric Co., Inc., Fall River, Mass.—1450 Modification of construction permit (B1-P-225) for changes in equipment and increase in power, requesting further changes in transmitting equipment and directional antenna and extend completion date.

W1XBS—American-Republican, Inc., Nr. Waterbury, Conn.—

1530 Construction permit for a 100 watt booster station in New Haven, Conn., to operate synchronously with W1XBS on 1530 kc. Exact site to be determined.

W1XBS—American-Republican, Inc., Nr. Waterbury, Conn.—

1530 Construction permit for a 100 watt booster station in Bridgeport, Conn., to operate synchronously with W1XBS on 1530 kc. Exact site to be determined.

Second Zone

WKRC—WKRC, Incorporated, Cincinnati, Ohio—Extension of 550 special experimental authorization to operate on 1 KW power from 9-1-36 to 3-1-37.

WCOL—WCOL, Incorporated, Columbus, Ohio—License to cover 1210 construction permit (B2-P-1152) for changes in equipment.

WBLY—Herbert Lee Blye, Lima, Ohio—Modification of construction permit (B2-P-643) to install a new transmitter and for approval of transmitter site at 1422 Rice Ave., Highland Park Section, Lima, Ohio, and move studio from 123 W. High St., Lima, Ohio to Cor. West Market & McDonel Sts., Lima, Ohio.

WHP—WHP, Incorporated, Harrisburg, Pa.—Construction permit 1430 to install a new antenna and move transmitter from Fort Washington Road, Lemoyne, Pa., to Swatara Township, Pa.

WJSV—Old Dominion Broadcasting Co., Washington, D. C.—1460 Modification of license to move studio from Mt. Vernon Highway, nr. Potomac Yards, 1½ mi. north of center of Alexandria, Virginia, to Earle Building, Washington, D. C.

W8XHV—The Evening News Assn., Inc., Mobile—License to cover construction permit for a new general experimental station.

W8XIG—The Evening News Assn., Portable-Mobile—License to cover construction permit for a new general experimental station.

W8XHX—The Evening News Assn., Inc., Portable-Mobile—License to cover construction permit for a new general experimental station.

NEW—The Toledo Broadcasting Co., Portable-Mobile—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 50 watts.

NEW—West Virginia Broadcasting Corp., Portable-Mobile—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 50 watts.

NEW—The Toledo Broadcasting Co., Portable-Mobile—Construction permit for a new relay broadcast station to be operated on 1646, 2090, 2190, 2830 kc., 50 watts.

NEW—West Virginia Broadcasting Corp., Portable-Mobile—Construction permit for a new relay broadcast station to be operated on 1646, 2090, 2190, 2830 kc., 50 watts.

Third Zone

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Extension 580 of special experimental authorization to operate with 750 watts additional power daytime, for period from 9-1-36 to 3-1-37.

NEW—World Publishing Co., Tulsa, Okla.—Construction permit 940 for a new station to be operated on 940 kc., 1 KW, unlimited time. To use directional antenna night.

NEW—Broadus McSwain, d/b as "The Voice of The Times," 1210 Raleigh, N. C.—Construction permit for a new station to be operated on 1210 kc., 100 watts, daytime.

KRBC—Reporter Broadcasting Co., Abilene, Texas—Modification 1420 of construction permit (B3-P-439) for a new station, requesting changes in authorized equipment, for approval of antenna, change studio site from 151 Cypress St., Abilene, Texas to 984 Fourth St., Abilene, Texas, and approval of transmitter site at 341 Ambler St., Abilene, Texas. Amended: To change type of equipment.

W4XB—Isle of Dreams Broadcasting Corp., Laurence E. Dutton, Miami Beach, Fla.—Construction permit for increase in power to 5 KW.

Fourth Zone

WMT—Iowa Broadcasting Co., Cedar Rapids, Iowa.—Modification 600 of construction permit (B4-P-1021) for changes in equipment and increase in power, requesting to install a new transmitter.

WAAF—Drovers Journal Publishing Co., Chicago, Ill.—License to 920 cover construction permit (B4-P-403) as modified for new equipment, change in power, and move of transmitter and studio.

KFJB—Marshall Electric Co., Inc., Marshalltown, Iowa.—Modification of construction permit (B4-P-1054) to install a vertical antenna, move transmitter from 1603 West Main St., Marshalltown, Iowa, to Rural, Marshalltown, Iowa, and extend commencement and completion dates.

KWTN—Greater Kampeska Radio Corp., Watertown, S. Dak.—1210 Construction permit to install a new transmitter, vertical antenna, change frequency from 1210 kc. to 1340 kc., power from 100 watts to 250 watts night, 500 watts day, move transmitter from 502 Fifth St., N. W., Watertown, S. Dak., to East Shore, Lake Kampeska, S. Dak. Requests frequency of KGDY (subject to KGDY's being granted 1210 kc.).

KFVS—Oscar C. Hirsch, tr. as Hirsch Battery & Radio Co., Cape Girardeau, Mo.—Authority to install automatic frequency control.

NEW—The Courier-Post Publishing Co., Hannibal, Mo.—Construction permit for a new station to be operated on 1310 ke., 100 watts, unlimited time. Amended to change power from 100 watts to 100 watts night, 250 watts day, and change type of equipment.

KGDY—Voice of South Dakota, Huron, S. Dak.—Construction 1340 permit to change frequency from 1340 ke. to 1210 ke.; change power from 250 watts daytime to 100 watts night, 250 watts day, hours of operation from daytime to unlimited time; make changes in equipment; install a vertical antenna; move transmitter from SE 20 acres of NE ¼ of 25-111-62, ½ mile north of North Addition, Huron, South Dakota, to State Fair Grounds, Huron, S. Dak., and studio from Security National Bank Bldg., Huron, S. Dak., to State Fair Grounds, Huron, S. Dak. Contingent upon KWTN's application for 1340 ke. being granted. (By agreement.)

NEW—Ernest Edward Ruehlen, Great Bend, Kans.—Construction 1370 permit for a new station to be operated on 1370 ke., 100 watts, unlimited time. Amended: Transmitter and studio sites to be determined.

NEW—Chas. Porter and Edward T. Eversole, Festus, Mo.—Construction 1420 permit for a new station to be operated on 1420 ke., 100 watts, unlimited time. Amended to change hours of operation from unlimited time to daytime.

WMBD—Peoria Broadcasting Co., Peoria, Ill.—License to cover

1440 construction permit (B4-P-590) as modified for changes in equipment and move of transmitter.

WTMV—Mississippi Valley Broadcasting Co., Inc., East St. Louis, Ill.—Construction permit to install a new transmitter and increase power from 100 watts to 100 watts night, 250 watts day.

Fifth Zone

KFVD—Standard Broadcasting Co., Los Angeles, Calif.—Construction 1000 permit to make changes in equipment, install directional antenna, increase power from 250 watts to 1 KW, and change hours of operation from limited time to unlimited time. Amended to use directional antenna at night.

KDNC—Democrat-News Co., Inc., Lewiston, Mont.—Modification 1200 of construction permit (B5-P-831) to install new transmitter, increase power from 100 watts to 100 watts night, 250 watts day, antenna and transmitter site to be determined, Lewiston, Mont.

KOOS—Pacific Radio Corp., Marshfield, Ore.—Authority to transfer 1200 control of corporation from Harry B. Read to Walter L. Read, 148 shares of common stock.

KOL—Seattle Broadcasting Co., Seattle, Wash.—Modification of 1270 license to change frequency from 1270 ke. to 1040 ke., and increase power from 1 KW, 5 KW day, to 5 KW day and night.

KERN—Bee Bakersfield Broadcasting Co., Bakersfield, Calif.—1370 Voluntary assignment of construction permit (B5-P-1112) from the Bee Bakersfield Broadcasting Company to McClatchy Broadcasting Co.

KRKO—Lee E. Mudgett, Everett, Wash.—Construction permit to 1370 install a new transmitter.

KERN—McClatchy Broadcasting Co., Bakersfield, Calif.—License 1370 to cover construction permit (B5-P-1112) to install new equipment and antenna. Amended to change name from Bee Bakersfield Broadcasting Company to McClatchy Broadcasting Company.

KSLM—Oregon Radio, Inc., Salem, Ore.—Authority to transfer 1370 control of corporation of KSLM, Oregon Radio, Inc., from Walter L. Read to H. B. Read, 24 shares of common stock.

W7XBD—Oregonian Publishing Co., Portland, Ore.—Modification of construction permit for extension of commencement and completion dates.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

NAB REPORTS

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RECOMMENDATION AGAINST NEW GEORGIA STATIONS

Application was filed with the Federal Communications Commission by W. T. Knight, Jr., for a new station at Savannah, Ga., to use 1310 kilocycles, 100 watts power and unlimited time on the air, and a similar application for the erection of a new station at the same place and using same frequency, power and time on the air from Mr. and Mrs. Jack E. Brantley and Jack E. Brantley, Jr.

Examiner Melvin H. Dalberg in Report No. I-269 recommended that both of these applications be denied. The Examiner states that sufficient showing was not made by either applicant at the hearing for the need of additional radio service at Savannah. It was not shown at the hearing, the Examiner states, that sufficient money is available to support a new station on an independent basis.

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

- Faddis Oil & Gas Corp., Waynesboro, Pa. (2-2336, Form A-1)
- Detroit Steel Corp., Detroit, Mich. (2-2337, Form A-2)
- Cleveland Railway Company, Cleveland, Ohio. (2-2338, Form A-2)
- Public Service Co., of N. H., Manchester, N. H. (2-2339, Form A-2)
- Binghamton Washington Machine Co., Binghamton, N. Y. (2340- Form A-1)
- St. John Gold & Copper Co., Phoenix, Ariz. (2-2341, Form A-1)
- Bell Aircraft Corp., Buffalo, N. Y. (2-2342, Form A-1)
- Thrift Investment Certificate Corp., Minneapolis, Minn. (2-2343, Form A-1)
- Pointer Brewing Co., Clinton, Iowa. (2-2344, Form A-1)
- Sun Ray Drug Company, Philadelphia, Pa. (2-2345, Form A-2)
- Arrow Aircraft Corp., Lincoln, Nebr. (2-2346, Form A-1)
- Income Properties, Inc., Chicago, Ill. (2-2347, Form A-1)
- D. C. Collier, Gainesville, Ga. (2-2348, Form A-1)
- Kinner Airplane & Motor Corp., Ltd., Glendale, Cal. (2-2349, Form A-1)
- Darling Stores Corp., New York City (2-2350, Form A-1)
- Central Investors Corp., Kansas City, Mo. (2-2351, Form A-1)
- Commercial Investment Corp., Davenport, Iowa. (2-2352, Form A-2)
- Miles Detroit Theatre Co., Detroit, Mich. (2-2353, Form A-2)
- Soss Manufacturing Co., Roselle, N. J. (2-2354, Form A-2)
- Pine Products Chemicals, Inc., Wilmington, Del. (2-2355, Form A-1)
- Dairyland, Inc., San Antonio, Texas. (2-2022, Form A-1)

NOTICE TO ALL NAB MEMBERS

Members of the NAB will please take notice that under date of June 16, 1936, Rudolph Schramm, music director of the Educational Radio Project, Office of Education, U. S. Department of Interior, executed a written license to all radio broadcasting stations under which license all stations are authorized to render pub-

NOTES FOR THE SALES STAFF

June broadcast advertising shows that the summer slump has been beaten more than in any previous year. (See Developments of the Month, page 1461.)

The strong showing of local business as against May and also the preceding June indicates increasing sales possibilities in this field. (See Total Broadcast Advertising, page 1461.)

The marked strength of regional station volume and the strong showing of non-network business in the South and Midwest are of considerable interest. (See Non-network Advertising, page 1461.)

The strong showing of transcriptions in both the national and local field, and the revived strength on the part of live talent volume are significant. (See Non-network Advertising by Type of Rendition, page 1462.)

lic performances of his copyrighted musical composition entitled "Interviews with the Past" in connection with a series of radio programs entitled "Interviews with the Past" prepared by the Educational Radio Project, Office of Education, U. S. Department of Interior, and furnished by the Educational Radio Project to stations for broadcasting purposes.

This authority is contained in a license agreement now in the files of the National Association of Broadcasters under which agreement all stations may render the composition "Interviews with the Past" without discretion as to the time, place and frequency of performance and broadcast, and without the payment of any fee or royalty to anyone. This authority also guarantees to hold any station performing said composition harmless against any and all claims, demands or recoveries finally sustained by reason or any violation of proprietary right or copyright or any unlawful matter contained in said composition in consequence of said broadcast performance.

In addition to this license filed with the National Association of Broadcasters, Mr. Schramm has caused to be imprinted upon all copies of said composition the following:

"Permission granted hereby to broadcast, perform, copy or duplicate this music without fee or license."

In view of the above it is the opinion of the National Association of Broadcasters that all stations may render Mr. Schramm's composition entitled "Interviews With the Past" without incurring any liability therefor and without payment of fees or royalties to any person, firm, corporation, association, or licensing group.

CALIFORNIA STATION RECOMMENDED ON CONDITION

Application was filed with the Federal Communications Commission by Tulare-Kings Counties Radio Associates for a construction permit for the erection of a new broadcasting station at Visalia, Cal., to use 1190 kilocycles, 250 watts power and daytime operation.

Examiner R. H. Hyde, in Report No. I-268 recommended that the application be granted on certain conditions. He found that the operation of the proposed station would not cause objectionable interference within the recognized service area of any other station. Also the Examiner states that there is a present need in the applicant's area for local broadcast service. However, there is a prior application for construction of a new station at Visalia and the Examiner states that there is no need for the granting of both

applications. He recommends that if the first application is denied that the application of the Radio Associates be granted.

LABOR UNION DECISION

Following is the decision of the Supreme Court of Massachusetts in the case of the Yankee Network, Inc., against George Gibbs and others:

YANKEE NETWORK, INC. vs. GEORGE GIBBS & others.

Suffolk. Submitted February 7, 1936.—Opinion filed July 2, 1936.

Present: RUGG, C.J., FIELD, DONAHUE, LUMMUS, & QUA, JJ.

Unlawful Interference. Labor Union. Equity Pleading and Practice, Decree.

Appeal by the defendants in a suit in equity in the Superior Court from a final decree entered by order of *Macleod, J.*

QUA, J. The plaintiff operates a chain of broadcasting stations. The defendants are the officers and members of "Local No. 9," which is located in Boston and is affiliated with and forms part of the American Federation of Musicians. The primary purpose of the suit is to restrain the defendants from interfering with the conducting of an orchestra by one Kendis in the plaintiff's studio.

For about eighteen months prior to April 1, 1935, the officials of the local had been endeavoring to induce the plaintiff to employ a "house orchestra," so called, but the plaintiff had refused to do so, because it was unable to find a conductor of suitable talent. Shortly before April 1 the plaintiff requested Kendis to get together an orchestra of ten musicians, which he did by selecting ten members of the local. Their work proved satisfactory to the plaintiff, and thereupon, on April 1, the plaintiff and Kendis entered into a contract in writing by which the plaintiff engaged Kendis for one year as "contractor, conductor, arranger and pianist" at a salary of one hundred dollars per week. Kendis was a member of the American Federation of Musicians, belonging to locals in New York City and elsewhere, but not to Local 9. A by-law of the federation provided that "A member who has his transfer card on deposit in a Local is not entitled, without the consent of the Local, to solicit, accept or play any permanent engagement during a period of three months after the date of deposit, but otherwise is entitled to all the privileges of the Local," with exceptions not here material. Another by-law common to both the federation and the local required members to include in their contracts with employers a stipulation to the effect that nothing in the contract should be construed to interfere with any obligation which they owed to the federation as members thereof. A so called "Price List" of the local contained a regulation requiring members playing exclusively for broadcasting "to file contracts with the Secretary prior to the engagement." Kendis, upon coming to Boston, deposited his transfer card with Local 9, but he did not obtain the consent of that local before accepting and executing his contract with the plaintiff. The stipulation required by the by-law was not included in that contract. It did not appear that he was "playing exclusively for Radio broadcasting," so as to bring him within the regulation. On April 1, after signing the contract, Kendis submitted it to the officials of Local 9 for approval. On April 3 the executive committee voted to refuse permission to Kendis to accept the contract, and on April 8 he was officially notified that fines aggregating \$500 had been imposed upon him for violation of the by-laws and of the regulation hereinbefore mentioned. On the same day the orchestra ceased to play. Up to this point there is little, if any, dispute as to the facts.

The judge found that Kendis had not violated any of the by-laws or regulations of the federation or of Local 9. He further found that the ten musicians employed by Kendis desired to continue to play at the plaintiff's studio, "that they were entirely satisfied with the compensation and the conditions of their employment, and that the only reason they did not continue to play was because as the result of the threats made to them by the officials of the Union they feared substantial fines, suspension or expulsion," that "there was no legitimate or reasonable basis for refusing the permission to Kendis to carry out his contract with the plaintiff," and that suspension or expulsion of the ten musicians would be arbitrary, unreasonable and illegal. Upon the facts found by him and upon "all the evidence" he found and ruled "that the conduct of the officials of the Union in interfering with the employment of Kendis and the members of the orchestra by the plaintiff constituted an impairment of the plaintiff's right to a free flow of labor, and that conduct was illegal, and in violation of the plaintiff's rights."

The case is here on appeal with a report of the evidence. We must examine the testimony and draw our own conclusions as to facts, giving due weight to the findings of the judge who saw and heard the witnesses and not reversing his findings either of subsidiary or of ultimate facts unless they are erroneous in law or the evidence shows them to be plainly wrong. *Cook v. Mosher*, 243 Mass. 149, 153. *New England Wood Heel Co. v. Nolan*, 268 Mass. 191. *Masterson v. American Employers' Ins. Co.* 288 Mass. 518, 521. *MacLeod v. Davis*, Mass. Adv. Sh. (1935) 987, 989.

We think it is plain on evidence practically undisputed that Kendis had violated the two by-laws in question by accepting without the consent of the local and before the expiration of the three-months period a contract for a permanent engagement which did not contain the required stipulation. We deal with the case on this basis. The other findings of fact hereinbefore stated cannot be pronounced plainly wrong. They are consistent with inferences which a reasonable mind might draw from evidence which, as elicited from witnesses in the court room, might have been convincing. It is true that there was no direct evidence of "threats" by the officers of the local to the ten musicians, but there was evidence which could have been thought to show advice from the officers which caused the musicians to abandon their employment through fear of action by the officers and the local and against their own desire.

The precise word used to describe this is unimportant.

The findings and the evidence together show that the defendants, having no trade dispute of any kind with the plaintiff, combined to prevent the carrying out of the contract between the plaintiff and Kendis and to prevent Kendis from working for the plaintiff and that they succeeded in that purpose. Such a combination for such a purpose was *prima facie* unlawful both as an interference with the contractual right of the plaintiff and as an interference with the right of the plaintiff to manage its own business in its own way and to have free access to the market for musical talent. *Walker v. Cronin*, 107 Mass. 555. *Reynolds v. Davis*, 198 Mass. 294. *Burnham v. Dowd*, 217 Mass. 351. *W. A. Snow Iron Works, Inc. v. Chadwick*, 227 Mass. 382, 389. *Haverhill Strand Theatre, Inc. v. Gillen*, 229 Mass. 413. *Folsom Engraving Co. v. McNeil*, 235 Mass. 269. *Mechanics Foundry & Machine Co. v. Lynch*, 236 Mass. 504. *Rice, Barton & Fales Machine & Iron Foundry Co. v. Willard*, 242 Mass. 566, 572. *Moore Drop Forging Co. v. McCarthy*, 243 Mass. 554. *A. T. Stearns Lumber Co. v. Howlett*, 260 Mass. 45, 56, 65. *Armstrong Cork & Insulation Co. v. Walsh*, 276 Mass. 263, 272. *Service Wood Heel Co. Inc. v. Mackesy*, Mass. Adv. Sh. (1936) 193. The evidence fails to show justification for the defendants' conduct in the exercise by them of any right of free competition or of any other right of equal dignity with the rights of the plaintiff. *Plant v. Woods*, 176 Mass. 492. *Berry v. Donovan*, 188 Mass. 353. *Folsom v. Lewis*, 208 Mass. 336. *Haverhill Strand Theatre, Inc. v. Gillen*, 229 Mass. 413.

The right of the local, solely as between itself and Kendis, to punish Kendis for violation of the by-laws is not here involved. Whatever may be the extent of that right, it cannot be used as a justification for an otherwise unlawful attack upon the plaintiff. Indeed it was held after much consideration in *Martell v. White*, 185 Mass. 255, and in *L. D. Willcutt & Sons Co. v. Driscoll*, 200 Mass. 110, that the imposition of coercive fines was in itself an unlawful means of carrying on even a lawful combination. *A. T. Stearns Lumber Co. v. Howlett*, 260 Mass. 45, 72. See G. L. (Ter. Ed) c. 180, § 19. And in this case the abrupt change of attitude on the part of the local toward the new orchestra when Kendis was mentioned as the conductor, the close relationship between the refusal to approve Kendis's contract and the calling out (as the judge found) of the ten musicians and the imposition of the heavy fines, together with much other evidence in the case, would justify a conclusion that the fines were not being employed solely to punish Kendis for his past infractions of the by-laws, but that they were being employed in part at least as one of the means of carrying out the defendants' then present unlawful purpose of breaking up Kendis's connection with the plaintiff in the hope ultimately of forcing the plaintiff to employ in his place some member of the local who had not come in from another city. See *DeMinico v. Craig*, 207 Mass. 593; *A. T. Stearns Lumber Co. v. Howlett*, 260 Mass. 45, 70.

No prejudicial error appears in the manner in which the judge dealt with questions of evidence.

We think the final decree was no broader in its terms than was reasonably required for the protection of the plaintiff's rights. As the purpose of the combination must now be deemed to have been unlawful, it was proper to enjoin all means of carrying it out

which there was reason to apprehend would be employed, including suspension or expulsion from the local as well as fines. In this respect the case differs from *L. D. Willcutt & Sons Co. v. Driscoll*, where the issue was only as to the lawfulness of the means. This point is conceded by the minority opinion in that case at page 137. The decree must be interpreted reasonably in the light of the pleadings and with reference to the nature of the wrong for which relief is granted. *Attorney General v. New York, New Haven & Hartford Railroad*, 201 Mass. 370, 372. It does not purport to regulate the relations of the local with its members, except as they are involved in the combination against the plaintiff which is the subject of the suit. Inasmuch, however, as the one-year term of the contract annexed to the bill has now expired, the third paragraph of the final decree should be omitted. As so modified, the decree is affirmed with costs.

Ordered accordingly.

W. J. Day, for the defendants.

G. Alpert & J. A. Farrer, for the plaintiff.

BROADCAST ADVERTISING IN JUNE

Developments of the Month

Broadcast advertising volume during June amounted to \$7,917,733 as represented by the gross billings of the medium. The decline from the May level during the month was the smallest in recent years. Total radio volume decreased 7.3% from the previous month, as compared to a drop of 12.7% in 1935 and of 21.6% in 1934. Gross volume was 20.2% above that of June 1935.

Local broadcast advertising reversed the usual seasonal trend during June and exceeded the preceding month's volume by 0.4%.

National non-network volume continued to show the greatest relative gain as compared to corresponding periods of the previous year. Following several months of uncertainty, local broadcast advertising again exhibited strength and topped June 1935 by 24.7%.

In the non-network field, regional station volume accounted for all of the gains over the May level, and also experienced the greatest increase as compared to June of last year. Non-network advertising in the South and mid-West continued to show the greatest gains over previous years.

Compared to the preceding month national announcement volume and local live talent business alone showed important increases. In the national field both transcriptions and live talent gained materially as compared to June of the previous year, while transcriptions experienced the greatest increase in the local field.

Gains in local automotive advertising, national non-network and local beverage volume and local department store radio sponsorship were the outstanding developments as compared to May.

A number of important increases occurred as against the corresponding month of 1935. All forms of automotive advertising increased materially. Regional network and national non-network drug advertising rose markedly while national network and local volume in the same field decreased in similar fashion. Food advertising rose throughout the medium, as did all beverage advertising except national non-network. National non-network and local household equipment volume rose materially. Local department store volume was 49.1% above June of last year.

Total Broadcast Advertising

Total broadcast advertising during the month is set forth in Table I.

TABLE I

TOTAL BROADCAST ADVERTISING

1936 Gross Time Sales

Class of Business	May	June	Cumulative Jan.-June
National networks	\$4,445,346	\$3,979,763	\$28,181,976
Regional networks	124,648	105,860	644,473
National non-network	2,035,680	1,883,830	11,527,860
Local	1,939,920	1,948,280	10,447,870
Total	\$8,545,594	\$7,917,733	\$50,802,179

Gross billings of the medium were 7.3% below those of the preceding month. Local broadcast advertising alone showed an increase, rising 0.4% over May. Other declines were as follows: national networks, 10.5%; regional networks, 15.1%; national non-network volume, 7.5%.

Broadcast advertising volume exceeded that of June 1935 by 20.2%. National network advertising registered an increase of 9.7%, and regional network volume one of 11.0%. National non-network business experienced the greatest increase, rising 34.5%. Following a relatively poor showing for several months, local broadcast advertising increased 24.7% over the June 1935 level.

Comparison with Other Media

Seasonal declines were general throughout major advertising media during June. National magazine volume decreased 17.4% and national farm paper volume 20.4%. Newspaper lineage dropped off 7.9%.

Compared to June of the preceding year, all media showed increases in advertising volume, with radio again leading the field. National magazine advertising increased 7.7%, national farm paper volume 10.1% and newspaper lineage 14.5%.

Advertising volume by major media is set forth in Table II.

TABLE II

ADVERTISING BY MAJOR MEDIA

1936 Gross Time and Space Sales

Advertising Medium	May	June	Cumulative Jan.-June
Radio broadcasting	\$8,545,594	\$7,917,600	\$50,802,179
National magazines ¹	14,927,513	12,323,954	74,756,884
National farm papers ¹	658,935	524,308	3,730,765
Newspapers ²	52,691,000	48,484,000	275,706,000
Total	\$76,823,042	\$69,249,862	\$404,995,828

¹ Publishers' Information Bureau.

² Estimated.

Non-network Advertising

General non-network advertising decreased 3.6% during the month. Regional station volume alone rose, increasing 5.8% as compared to May. Clear channel and high powered regional station non-network business decreased 10.1% during the month, and local station business 9.9%.

Compared to June 1935, total non-network volume rose 29.3%. Regional and local stations led the field with increase of 48.5% and 41.0% respectively. Clear channel station non-network advertising increased 11.0% over the corresponding month of last year.

Non-network advertising by power of station is found in Table III.

TABLE III

NON-NETWORK ADVERTISING BY POWER OF STATION

1936 Gross Time Sales

Power of Station	May	June	Cumulative Jan.-June
Over 1,000 watts	\$1,717,240	\$1,543,110	\$9,864,340
250-1,000 watts	1,613,150	1,707,620	8,798,750
100 watts	645,210	581,380	3,312,640
Total	\$3,975,600	\$3,832,110	\$21,975,730

Non-network advertising in the South Atlantic and South Central States alone increased as compared to the preceding month. Volume in this area rose 2.6%, contrary to the usual seasonal tendency. Non-network advertising in the New England-Middle Atlantic area decreased 3.1%, that of the North Central States dropped 6.3%, while volume in the Mountain and Pacific States declined 4.3%.

The South and Mid-West led the country in gains in non-network volume as compared to June of last year, rising 48.8% and 34.7% respectively. New England-Middle Atlantic non-network advertising rose 7.1% and Pacific and Mountain volume 34.3%.

Non-network advertising by geographical district is found in Table IV.

TABLE IV
NON-NETWORK BROADCAST ADVERTISING BY
GEOGRAPHICAL DISTRICTS

<i>Geographical District</i>	<i>1936 Gross Time Sales</i>		<i>Cumulative Jan.-June</i>
	<i>May</i>	<i>June</i>	
New England-Middle Atlantic Area	\$866,250	\$839,110	\$4,802,650
South Atlantic-South Central Area	710,250	729,060	4,304,570
North Central Area	1,573,200	1,473,420	8,676,930
Pacific and Mountain Area	825,900	790,520	4,191,580
Total.....	\$3,975,600	\$3,832,110	\$21,975,730

Non-network Advertising by Type of Rendition

Announcements increased 5.5% as compared to May in the national field, while local live talent volume rose 3.9% and record business gained 2.4%. In the national field transcription and live talent volume decreased 7.8% and 11.5% respectively. Local transcriptions decreased 6.9%, and announcements 1.7%.

Gains were general in all forms of rendition in both, the national and local fields as compared to June 1935. National gains were as follows: electrical transcriptions, 39.7%; live talent, 36.1%; announcements, 21.9%. Local gains were the following: transcriptions, \$57.8%; live talent, 33.0%; records, 20.0%; announcements, 9.0%.

Broadcast advertising by type of rendition is found in Table V.

TABLE V
NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

<i>Type of Rendition</i>	<i>1936 Gross Time Sales</i>		<i>Local</i>		<i>Total</i>		<i>Cumulative Jan.-June</i>
	<i>National</i>	<i>Non-network</i>	<i>May</i>	<i>June</i>	<i>May</i>	<i>June</i>	
Electrical transcriptions.....	\$803,600	\$740,290	\$261,050	\$242,840	\$1,064,650	\$983,130	\$5,723,950
Live talent programs.....	932,950	827,160	935,850	971,490	1,868,800	1,798,650	10,643,770
Records	8,090	9,830	70,460	73,170	78,550	83,000	423,120
Announcements	291,040	306,550	672,560	660,780	963,600	967,330	5,184,890
Total.....	\$2,035,680	\$1,883,830	\$1,939,920	\$1,948,280	\$3,975,600	\$3,832,110	\$21,975,730

Sponsor Trends in June

The usual seasonal declines were experienced by the great majority of sponsor groups during June, with several important exceptions. Local automotive volume rose 9.8% as compared to the previous month. Regional network drug advertising increased 26.0%. National non-network and local beverage volume rose 15.8% and 25.8% respectively. National non-network soap and kitchen supply advertising increased 86.5%. Local department store volume rose 10.5%.

Comparison with June, 1935

Increases were fairly general as compared to the preceding June, with a number of them of outstanding interest. Automotive advertising continued to gain throughout all portions of the medium.

Regional network and national non-network gasoline and accessory volume rose 27.5% and 22.5% respectively.

Regional network drug advertising increased 73.3% and national non-network drug volume rose 52.0%. National network and local drug volume declined 19.5% and 37.9% respectively. With the exception of national network food advertising, which increased but slightly, food volume over the remainder of the medium rose materially. National network confectionery volume increased 85.3%.

National non-network and local household equipment advertising gained 49.0% and 20.3% respectively. National network soap and kitchen supply volume rose 60.8%. Local department store advertising gained 49.1%. National non-network tobacco advertising increased 38.2%.

Broadcast advertising by major sponsoring groups is found in Table VI.

TABLE VI
RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS
(June, 1936)

<i>Type of Sponsoring Business</i>	<i>Gross Time Sales</i>				
	<i>National Networks</i>	<i>Regional Networks</i>	<i>National Non-networks</i>	<i>Local</i>	<i>Total</i>
1a. Amusements	—	—	\$12,500	\$50,580	\$63,080
1-2. Automobiles and accessories:					
(1) Automobiles	\$302,034	—	231,180	162,360	695,574
(2) Accessories, gas and oil.....	323,780	\$20,125	147,770	89,330	581,005
3. Clothing and apparel.....	25,908	—	38,200	239,180	303,288
4-5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals.....	322,358	8,233	290,490	54,000	675,081
(5) Toilet goods	743,822	1,680	77,540	20,670	843,712
6-8. Food products:					
(6) Foodstuffs	788,593	27,226	404,660	282,570	1,503,049
(7) Beverages	313,610	15,730	58,800	151,130	539,270
(8) Confections	72,006	—	17,770	5,670	95,446
9-10. Household goods:					
(9) Household equipment and furnishings.....	35,462	4,120	64,480	218,720	322,782
(10) Soap and kitchen supplies	334,434	2,392	188,740	9,150	534,716
11. Insurance and financial.....	39,052	514	16,700	83,970	140,236
12. Radios	103,401	332	9,640	12,100	125,473
13. Retail establishments	—	364	2,820	164,640	167,824
14. Tobacco products	393,311	10,790	78,620	10,990	493,711
15. Miscellaneous	181,992	14,354	243,920	393,220	833,486
Total	\$3,979,763	\$105,860	\$1,883,830	\$1,948,280	\$7,917,733

Details as to trends in the various product and service groups sponsoring radio advertising are as follows:

1a. **Amusements.** National non-network down 5.3% and local up 63.2% as compared to May. National non-network up 166.0% as compared to last June and local down 6.8%.

1. **Automotive.** National network volume down 16.2% as against May and national non-network down 13.4%. Local up 9.8%. Gains over June 1935 as follows: national networks, 61.5%; national non-network, 62.6%; local, 96.1%.

2. **Gasoline and accessories.** Declines from the May level as follows: national networks, 12.6%; regional networks, 6.4%; national non-network, 20.9%; local, 16.0%. National network business 7.7% below June 1935 and local down 1.8%. Regional network and national non-network business up 27.5% and 22.5% respectively.

3. **Clothing.** Declines from previous month as follows: national networks, 16.1%; national non-network, 2.0%; local, 8.1%. National network business 32.5% below last June. National non-network and local volume up 18.7% and 29.8% respectively.

4. **Drugs and pharmaceuticals.** Regional network advertising 26.0% above May. Declines as follows: national networks, 13.3%; national non-network, 4.1%; local, 15.2%. National network and local volume below June 1935 by 19.5% and 37.9% respectively. National non-network and regional network business over last June by 52.0% and 73.3% respectively.

5. **Toilet goods.** National and regional network volume below preceding month by 16.8% and 46.0% respectively. National non-network and local volume up 18.4% and 5.5% respectively. National network business 11.6% below last June. National non-network business up 10.0% and local 22.8%.

6. **Foodstuffs.** Declines from May level as follows: national networks, 4.4%; regional networks, 20.6%; national non-network, 8.1%. Local up 18.4%. Increases over previous June as follows: national networks, 3.8%; regional networks, 27.7%; national non-network, 39.0%; local, 37.7%.

7. **Beverages.** National network volume down 9.1% from May and regional down 3.1%. National non-network business up 15.8% and local 25.8%. National network business 57.1% above last June. Regional network business up more than sixfold. National non-network advertising down 8.5%. Local up 44.1%.

8. **Confectionery.** Declines from May as follows: national networks, 25.6%; national non-network, 18.1%; local, 40.0%. National network business 85.3% above June 1935. National non-network down 24.1% and local 74.0%.

9. **Household equipment.** National network volume 13.7% above May. National non-network down 46.7% and local 1.7%. National network business 1.5% below last June. Regional networks doubled. National non-network volume up 49.0% and local 20.3%.

10. **Soaps and kitchen supplies.** Gains over May as follows: national networks, 2.5%; national non-network, 86.5%. Declines as follows: regional networks, 72.8% and local, 13.2%. Increases over June of last year as follows: national networks, 60.8%; national non-network, 18.3%; local more than doubled. Regional network volume down 43.2%.

11. **Insurance and financial.** National network advertising 2.7% over May and local up 3.7%. National non-network down 18.8%. Gains over June 1935 as follows: national networks, 40.0%; national non-network, 43.0%; local, 77.1%.

12. **Radios.** Decreases from May level as follows: national networks, 7.8%; regional networks, 50.0%; national non-network, 48.0%; local, 20.1%. Increases over June of last year as follows: national networks, 29.2%; national non-network, more than doubled; local, 50.0%.

13. **Department and general stores.** National non-network 62.6% below May and local up 10.5%. Local, 49.1% above June 1935 and national non-network down 50.0%. Total up 36.5%.

14. **Tobacco products.** National network volume unchanged from previous month. Other declines as follows: regional network, 12.9%; national non-network, 8.2%; local, 17.8%. National network business 37.3% above last June, and national non-network up 38.2%. Regional network volume down 60.2%. Local up by more than double.

15. **Miscellaneous.** Declines from preceding month as follows: national networks, 29.2%; regional networks, 4.3%; national non-network, 19.6%; local, 13.2%. National network miscellaneous business more than double previous June, with regional networks showing same tendency. National non-network up 44.1% and local 18.7%.

Retail Broadcast Advertising

Broadcast advertising by retail establishments of various types declined 4.1% from the May level but exceeded the volume of the previous June by 29.8%.

Principal increases as compared to May were as follows: automotive, 17.0%; household equipment dealers, 23.0%; furniture stores, 3.0%, and department stores, 6.6%. Clothing store volume decreased 7.5% and grocery store business 41.0%.

Practically all major types of retail establishments increased their broadcast advertising expenditures as compared to the preceding June. More important gains were as follows: automotive, 112.0%; clothing, 27.8%; grocery stores, 14.3%; household equipment, 13.0%; furniture stores, 74.0% and department stores, 36.5%.

Broadcast advertising by various types of retail establishments are set forth in Table VII.

TABLE VII
RETAIL BROADCAST ADVERTISING OVER
INDIVIDUAL STATIONS

Type of Sponsoring Business	1936 Gross Time Sales	
	May	June
Automobiles and accessories:		
Automobile agencies and used car dealers	\$142,610	\$166,960
Gasoline stations, garages, etc.....	73,670	53,560
Clothing and apparel shops.....	266,700	246,230
Drugs and toilet goods:		
Drug stores	16,300	12,910
Beauty parlors	16,350	9,130
Food products:		
Grocery stores, meat markets, etc.....	82,620	48,210
Restaurants and eating places.....	23,400	20,920
Beverage retailers	1,320	700
Confectionery stores	2,250	1,880
Household goods:		
Household equipment dealers.....	63,770	78,480
Furniture stores	104,600	107,780
Hardware stores	32,700	26,520
Radio retailers	10,870	10,830
Department and general stores.....	157,258	167,824
Tobacco shops		
Miscellaneous	99,780	97,800
Total	\$1,094,198	\$1,049,734

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

No. 2882. A complaint has been issued against **Euclid Candy Co.**, 715 Battery St., San Francisco, alleging unfair competition in that the respondent company is said to pack and assemble its candy so as to involve the use of a lottery scheme when it is sold and distributed to consumers.

Use of such a lottery method, the complaint charges, tends to lessen competition and to exclude from the candy trade competitors who are unwilling to resort to the same or equivalent methods in the sale of their product.

No. 2883. False and fraudulent representations in advertising a line of cosmetics and beauty preparations are alleged in a complaint issued against **Charles of the Ritz Distributors Corporation**, 9-11 University Place, New York City.

In connection with the sale of its products, known as the "Ritz" or "Charles of the Ritz" line, the respondent corporation is said to distribute a booklet entitled "Beauty in the Modern Mode" in which, according to the complaint, it represents, among other things, that:

"Eye Lotion Ritz" strengthens the eye nerves and relieves eye strain; "Scalp Food Ritz" promotes the growth of hair; "Eye Cream Ritz" nourishes the tissues about the eyes, banishes lines and prevents crow's feet; "Rejuvenescence Cream Ritz" supplies the skin with a youth-giving element, penetrates the skin and gives it new life and vitality, and "Eyelash Grower Ritz" promotes the growth of eyelashes.

No. 2884. **Civilian Preparatory Service, Inc.**, Suite 500, Simms-Keller Building, Huntington, W. Va., and its principal stockholder and sales manager, **Homer Bruce Crone**, trading as

Economic Research Bureau, are charged with unfair competition in the sale of correspondence courses of instruction designed to prepare students to take examinations for civil service positions under the United States Government.

Salesmen soliciting prospective students, the complaint charges, represent that they and the respondents are connected with the Government; that civil service positions are available and that examinations for such positions are to be held in the near future or at definite times stated; that students can be placed in government positions if they pursue the respondents' courses; that money will be refunded if a job is not obtained, and that only a limited number of students are selected for training in a particular locality.

These representations are untrue or misleading, according to the complaint, which alleges that the memorized sales talks of the respondents' agents are intended to conceal the fact that they represent a private correspondence school and to create the false impression that they are engaged in selecting candidates for government positions.

No. 2885. A complaint alleging misrepresentation of the remedial or restorative qualities of "Youthray," offered as a hair color restorer, has been issued against **Erna Saffan, Inc.**, 646 N. Michigan Ave., Chicago, and **Roy M. Kirtland**, majority stockholder in and secretary-treasurer of the corporation.

Advertising "Youthray" in newspapers, magazines and circulars, the respondents are charged with unfair methods of competition in that they falsely represent that their preparation effectively restores the natural color of hair; acts on gray hair without the aid of harmful dyes that ruin the health and beauty of hair and scalp; brings to gray hair a lustrous, youthful color, and is beneficial to the head because it is a fine germicide and antiseptic.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

No. 1789. **Luden's Inc.**, Eighth and Walnut Streets, Reading, Pa., is prohibited from using unfair competition in the sale of candy, in violation of the Federal Trade Commission Act, under an order to cease and desist.

Sale of candy to wholesalers in assortments so arranged as to involve use of a lottery scheme when distributed to consumers, and other similar practices, are prohibited in the order.

The respondent company admitted the truth of the material allegations of the Commission's complaint and waived further procedure, following which the Commission issued its findings of fact and order to cease and desist.

No. 2407. Representations that it is a distiller of spirituous beverages, when such is not the fact, are to be discontinued by **Western American Distillers Corporation**, 110 First St., San Francisco, under an order to cease and desist.

The order directs the respondent corporation, through use of the word "Distillers" in its corporate name, or otherwise, to cease representing that it manufactures by the process of distillation the spirituous beverages it sells, or that it owns or operates a plant where such products are distilled, unless it actually does own or operate such a plant.

No. 2418. **Western Reserve Distilling Co.**, 2501 Norwood Ave., Cincinnati, has been ordered to cease representing that it is a distiller of whiskies, gins and other spirituous beverages, until such is the fact.

The order prohibits the respondent company from representing, through use of the word "Distilling" in its corporate name, on labels, or in advertising matter, that it manufactures through the process of distillation the spirituous beverages it sells in interstate commerce, or that it owns or operates a plant where such beverages are manufactured, until it actually owns such a plant.

No. 2621. **Sweet Candy Co.**, 224 South First West St., Salt Lake City, has been ordered to cease and desist from selling to wholesalers, jobbers and retailers assortments of candy so packed and assembled that a lottery scheme or game of chance is involved when the candy is resold to consumers.

FTC CLOSES CASE

No. 2828. The Federal Trade Commission has entered an order closing its case against **Mandre, Inc.**, 1400 Broadway, New York City, and **Louis C. Rosenblatt**, **Arthur J. Rosenblatt** and **H. Edelman**, officers of the corporation, and against the same respondents trading as **M. Brooks & Co.**, 1109 G Street, N. W., Washington, D. C. The New York corporation manufactures

and deals in furs, fur coats and fur-trimmed garments, while the Washington company only deals in these products.

The Commission's complaint had alleged that the respondents labeled and advertised their products with names of high-priced furs, which were, in fact, furs made from inferior skins treated and dyed to resemble higher quality skins.

According to the order, the respondents have entered into a stipulation with the Commission to discontinue such unfair methods of competition. The Commission closed the case without prejudice to the right to reopen it should the facts so warrant.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Tuesday, August 11

HEARING BEFORE AN EXAMINER (Broadcast)

WKZO—WKZO, Inc., Kalamazoo, Mich.—C. P., 590 kc., 250 watts, 1 KW LS, unlimited time.

APPLICATIONS RECEIVED

First Zone

WEEI—The Edison Electric Ill. Co. of Boston, Boston, Mass.—590 Voluntary assignment of construction permit (B1-P-1196) from The Edison Electric Illuminating Co. of Boston to WEEI Broadcasting Corp.

WEEI—WEEI Broadcasting Corp., Boston, Mass.—Modification 590 of construction permit (B1-P-1196) to install a new transmitter and directional antenna; increase power from 1 KW to 1 KW night, 5 KW day; and move transmitter, to further request increase in power from 1 KW night, 5 KW day, to 5 KW day and night. (Filed in new name.)

NEW—Rev. Edward Warren Cromey, Rector, Church Wardens 1130 & Vestrymen of St. Michael's P. E. Church, Brooklyn, New York.—Construction permit for a new station to be operated on 1130 kc., 1 KW, daytime, requests facilities of Station WOV. Amended to make changes in antenna and give exact studio site as site to be determined, Brooklyn, N. Y.

WCAX—Burlington Daily News, Inc., Burlington, Vt.—Construction permit to install new equipment.

WOCL—A. E. Newton, Jamestown, N. Y.—Construction permit 1210 to make changes in equipment to comply with Rule 132 and increase power from 50 watts to 100 watts. Amended to omit request for increase in power and make further changes in equipment.

WNAC—Shepard Broadcasting Service, Inc., Boston, Mass.—1230 License to cover construction permit (B1-P-1083) for changes in equipment and increase in power.

WNBF—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—Construction permit to install a new antenna, move transmitter from 92 Seneca Street, Binghamton, N. Y., to Acreage (no street), Binghamton, N. Y.

NEW—Bamberger Broadcasting Service, Inc., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on 1622, 2060, 2150, 2790 kc., 26.4 watts. Amended to change frequency 2060 kc. to 2058 kc.

NEW—Bamberger Broadcasting Service, Inc., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on 1622, 2060, 2150, 2790 kc., 50 watts. Amended to change frequency 2060 kc. to 2058 kc.

Second Zone

WCOL—WCOL, Inc., Columbus, Ohio.—Construction permit to 1210 make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts day.

NEW—The Central Michigan Radio Co., James Bourland, John 1350 Tebbell, Gerald J. Cotter and Ray D. Markel, Mt. Pleasant, Mich.—Construction permit for a new station to be operated on 1350 kc., 250 watts, unlimited time.

W8XIP—The WGAR Broadcasting Co., Portable-Mobile.—License to cover construction permit for a new relay broadcast station.

W8XIQ—The WGAR Broadcasting Co., Portable-Mobile.—License to cover construction permit for a new relay broadcast station.

W8XIR—The WGAR Broadcasting Co., Portable-Mobile.—License to cover construction permit for a new relay broadcast station.

NEW—WCAU Broadcasting Co., Philadelphia, Pa.—Construction permit for a new high frequency broadcast station to be operated on 31600, 35600, 38600, 41000 kc., 100 watts.

Third Zone

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Construction permit to make changes in equipment, change frequency from 1200 kc. to 1210 kc., move transmitter from 512-516 S. Grand Street, Monroe, La., to (no street address) Monroe, La. Amended to change equipment, increase power from 100 watts to 100 watts night, 250 watts day, and omit request for change in frequency.

NEW—Southeastern Broadcasting Co., Inc., Macon, Ga.—Construction permit for a new station to be operated on 1210 kc., 100 watts, specified hours (local sunset to 12 midnight).

NEW—Times Publishing Co., Okmulgee, Okla.—Construction permit for a new station to be operated on 1210 kc., 100 watts, daytime.

WRR—City of Dallas, Texas, Dallas, Tex.—Modification of license 1280 for intermittent or simultaneous operation of WRR and KVPA into a single vertical radiating tower.

NEW—Virgil V. Evans, Gastonia, N. C.—Construction permit for 1420 a new station to be operated on 1420 kc., 100 watts, unlimited time.

NEW—Fort Worth Broadcasters, Inc., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 5 watts.

NEW—Fort Worth Broadcasters, Inc., Portable.—Construction permit for a new relay broadcast station to be operated on 1622, 2058, 2150, 2790 kc., 40 watts.

Fourth Zone

NEW—Michael F. Murray, St. Cloud, Minn.—Construction permit for a new station to be operated on 560 kc., 500 watts, daytime.

WCAZ—Superior Broadcasting Service, Inc., Carthage, Ill.—1070 License to cover construction permit (B4-P-876) for changes in equipment and move of transmitter.

KGFW—Central Nebraska Broadcasting Corp., Kearney, Nebr.—1310 Construction permit to install a new antenna, move studio and transmitter from 919 West 27th Street, Kearney, Nebr., to site to be determined, Omaha, Nebr. Amended to install a new transmitter.

WLBC—Donald A. Burton, Muncie, Ind.—License to cover construction permit (B4-P-248) as modified for changes in equipment and increase in power.

WMBH—Joplin Broadcasting Co., Joplin, Mo.—Construction permit to install a new transmitter.

NEW—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—1480 Construction permit for a new station to be operated on

1480 kc., 5 KW, daytime. Amended to give transmitter site as Wicker Park at Southeastern Avenue overpass, near conjunction of U. S. Routes 6 and 41, Highland, Ind., and install directional antenna.

W9XJL—Head of the Lakes Broadcasting Co., Superior, Wis.—License to cover construction permit for a general experimental station.

Fifth Zone

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Authority to 930 determine operating power by direct measurement of antenna.

KFEL—Eugene P. O'Fallon, Inc., Denver, Colo.—License to cover 920 construction permit (B5-P-1107) as modified for changes in equipment and move of transmitter.

NEW—Julius Brunton & Sons Co., San Jose, Calif.—Construction 970 permit for a new station to be operated on 970 kc., 250 watts, daytime. Contingent upon KQW's application for move of station, increase in power, new antenna and changes in equipment.

KQW—Pacific Agricultural Foundation, Ltd., Sacramento, Calif.—1010 Construction permit to make changes in equipment, install new antenna, increase power from 1 KW to 1 KW night, 5 KW day, move transmitter from 87 E. San Antonio St., San Jose, Calif., to North ½ of lot J. Glides, West Sacramento, Calif., subdivision as recorded in Yolo County, 4-7-15, and move studio from same address to Senator Hotel, 12th and L Sts., Sacramento, Calif.

KYOS—Merced Star Publishing Co., Merced, Calif.—Modification 1040 of construction permit (B5-P-673) to install a vertical radiator and for approval of transmitter and studio sites at just out of town, Merced, Calif.

KJBS—Julius Brunton & Sons Co., San Francisco, Calif.—Construction 1070 permit to install a new antenna, change frequency from 1070 kc. to 1080 kc., move studio and transmitter from 1380 Bush Street, San Francisco, Calif., to 1476 Pine Street, San Francisco, Calif.

NEW—John D. Fields, Inc., Las Vegas, Nev.—Construction permit 1370 for a new station to be operated on 1370 kc., 100 watts, unlimited time.

KSLM—Oregon Radio, Inc., Salem, Ore.—Construction permit to 1370 install a new transmitter, make changes in antenna, increase power from 100 watts to 250 watts, and change frequency from 1370 kc. to 1240 kc.

NEW—Loyal K. King, Pasadena, Calif.—Construction permit for 1480 a new station to be operated on 1480 kc., 250 watts, daytime.

NEW—Ben S. McGlashan, Portable-Mobile.—Construction permit for a new general experimental station to be operated on 86000-400000 kc., 100 watts. Amended to delete above frequency band and substitute the frequencies 88000, 120000, 240000, 500000 kc.

NEW—Ben S. McGlashan, Los Angeles, Calif.—Construction permit for a new high frequency broadcast station to be operated on 25950 kc., 1 KW.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

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COMPARISON NAB AND CENSUS ESTIMATES OF BROADCAST ADVERTISING

The publication of the preliminary summaries for the United States of broadcast advertising volume for 1935 by the Bureau of the Census, Department of Commerce, has given rise to numerous inquiries as to the relation of these figures to those published by the National Association of Broadcasters, and the degree of agreement or disparity found in the two sets of figures.

In order that there may be no misunderstanding in this respect, the following analysis has been prepared.

Comparison of Total Revenues

The gross time sales for the medium in 1935, as given by the National Association of Broadcasters was \$87,523,848. The gross revenues, as given by the U. S. Bureau of the Census, were \$86,492,653.

Actually, the correspondence between the two figures is not as great as this indicates, nor should it be. The Census figure includes \$6,875,110 revenues from the sale of talent and miscellaneous sources. Deducting this figure leaves \$79,617,543 as the revenue from the sale of time. The Census figure is therefore 9.0% lower than the NAB figure.

This lack of correspondence is explainable by the fact that the two sets of figures are collected on a different base. The Census figures represent net sales. In this instance, discounts arising out of the length of the broadcast series contracted for and similar promotional discounts are subtracted from gross billings, though agency commissions, considered a sales expense, are not deducted. The NAB figures represent gross billings, i.e., all time sold billed at the one time rate. Because of its simplicity, this latter method has been the customary form of stating advertising volume by media.

Comparison of National Advertising Estimates

Available data make possible a comparison of the NAB and the Census estimates with regard to national and regional advertisers.

The NAB report of national and regional network gross billings for 1935 showed a total of \$51,178,425. This figure was not the result of sampling, but constituted a complete report of the networks in question.

The Census report for national and regional network net time sales for the same year was \$39,737,867. Thus it was revealed that there were discounts of 22.4% to be deducted from gross billings of networks before net sales were arrived at.

Discounts in the national non-network or national spot field are generally similar to those applicable in the network field. It is probable that the shorter series of broadcasts utilized by the smaller regional advertisers may reduce the average discount slightly. Assuming the existence of discounts of between 20% and 22.4% in the national non-network field, it is possible to calculate estimated gross billings on the basis of the \$13,805,200 volume of this type of business reported by the Census. Such a calculation reveals estimated gross billings of between \$17,256,000 and \$17,802,000. Both of these figures are slightly higher, but extremely close to the reported figure of the NAB for 1935, that of \$17,063,688. This seems to confirm once more both the general accuracy and the conservatism of the NAB statistics.

Proportion of National and Local Business

The most important discrepancy between the two sets of figures is with regard to the proportion of total business represented by

national and regional non-network advertisers and local broadcast advertisers. According to the NAB estimates national non-network volume accounted for \$17,063,688 in 1935 and local broadcast advertising for \$19,281,735. These two figures are approximately equal.

In the case of the Census report of net sales, national non-network volume is \$13,805,200 (this has been reconciled to the NAB estimates in the preceding paragraphs), while local broadcast advertising is given as \$26,074,676.

Two problems present themselves at this point. The first, already alluded to, is the discrepancy in the two reports as to the proportion of non-network business represented by national and local advertisers. The second discrepancy is the fact that the combined national and local non-network *net sales* of the Census report are greater than the NAB *gross billings* by \$3,534,163.

Turning to the first problem, that of the relative proportion of national and regional business and of local business comprising the non-network total for the medium: It is probable in this instance that the NAB figures are closer to the actual situation than are those of the U. S. Census. This is true for the following reasons: The Census estimates are the result of the reports of the various stations to the Bureau of the Census. The division of business into national and regional on the one hand and local on the other is certain to be an extremely rough estimate on the part of the great majority of stations. Studies leading to the development of standard cost accounting for radio stations, conducted in 1934, indicated only the roughest separation of business along national and local lines by stations.

In addition, it is quite probable that station estimates tend to inflate the local rather than the national figure. Where national advertisers and local agencies combine, and where such combined advertising is carried at the local rate, it will tend at times to be classified as local. Some regional advertisers will tend to be classified as local.

The NAB method of compiling data in this field seems to be the more careful. No over-all estimate is used for the year, or even for any individual month. The tabulations of national and local business are the results of the individual classification of every account broadcast over each of the reporting stations every month. This classification is made entirely upon the basis of the actual point of origin of the business and without regard to whether it is billed at one rate or another. The original classifications made by the reporting stations, in addition, are carefully checked by experts prior to tabulation and compilation. This method, it would seem, should yield the more desirable results from the viewpoint of accuracy.

Comparison of Local Volume

The discrepancy in the local volume between the NAB and Census reports is undoubtedly explained in part by the confusion in classification of business as to national and local. This, however, does not explain the fact that the total non-network business as set forth by the NAB is below that reported by the Census. Discounts on local business are relatively small for the most part, but still will serve to swell the reported Census figure of \$39,737,867 to at least some degree, thus further increasing the difference between it and the reported non-network volume of \$36,534,163 of the NAB.

One conclusion is inescapable from the above figures, namely, that the NAB estimates of non-network volume have been highly conservative on the whole, probably by 10% to 15%. As more detailed final information is revealed by the Census Bureau, it may be possible to indicate the exact extent to which this has been the case.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

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BROADCAST ADVERTISING DURING THE FIRST HALF OF 1936

Principal Developments

Broadcast advertising during the first half of the current year showed an increase of 12.7% over the corresponding period of 1935. Gross time sales of the medium amounted to \$50,802,179 during the six-month period.

Advertising trends during the period were principally a continuation of those in evidence recently throughout the medium. Regional network and national non-network volume continued to show the greatest rate of growth. Radio broadcasting as a whole continued to hold its own with other major media as to percentage of increase over corresponding periods of previous years.

Local station non-network advertising volume again showed the greatest relative increase, while non-network business in the South and mid-West increased to a greater extent than that in other portions of the country.

A new trend of interest has been the marked growth of transcription volume in both the national and local fields. National transcription business showed an increase of 52.3% over the corresponding six months of 1935, while local volume increased by 41.8%. Live talent volume continued strong in both the national and local fields, while announcement business again declined.

Several trends of importance have developed as to radio advertising sponsorship. There has been a marked gain in automotive advertising throughout the entire medium. National and regional network beverage advertising increased to a considerable degree. National network and local drug advertising fell off markedly, while national non-network and regional network drug volume increased. Regional network and national non-network food advertising rose to an important degree. There were heavy declines in some of the minor national network classifications.

Broadcast Advertising Volume

Advertising volume with regard to various portions of the radio broadcasting medium during the first half of the current and preceding year is set forth in Table I.

TABLE I

TOTAL BROADCAST ADVERTISING

Class of Business	Gross Time Sales	
	1935	1936
National networks.....	\$26,120,410	\$28,181,976
Regional networks.....	465,899	644,473
National non-network.....	8,591,053	11,527,860
Local.....	9,898,610	10,447,870
Total.....	\$45,075,972	\$50,802,179

Regional network volume continued to show the greatest relative gain over the preceding year, rising 38.0%. National non-network business gained 34.1%, while local broadcast advertising, after exhibiting weakness for several months, revived sufficiently to show an increase of 5.5% over the corresponding period of last year. National network advertising gained 7.9% as compared to the first half of 1935.

Comparison with Other Media

Advertising volume by major media during the first half of 1935 and 1936 is set forth in Table II.

TABLE II

ADVERTISING BY MAJOR MEDIA

Advertising Medium	Gross Time and Space Sales	
	1935	1936
Radio broadcasting.....	\$45,075,972	\$50,802,179
National magazines ¹	67,954,820	74,756,884
National farm papers ¹	2,973,225	3,730,765
Newspapers ²	254,551,000	275,706,000
Total.....	\$370,555,017	\$404,995,828

¹ Publishers' Information Bureau.

² Estimated.

Compared to a rise of 12.7% on the part of radio broadcasting, national magazine advertising increased 10.0% as against the first six months of last year, while newspaper lineage rose 8.3%. Farm paper volume alone exceeded radio advertising in rate of increase, gaining 25.3% over the corresponding period of 1935.

Non-Network Advertising

General non-network advertising rose 18.8% as compared to the first half of the preceding year. Local station volume continued to show the greatest relative increase. Gross time sales of 100-watt stations from non-network sources rose 34.5% over the corresponding period of 1935. Regional station non-network business increased 21.6%, while that of clear channel and high powered regional stations rose 16.0%. Non-network business by power of station is found in Table III.

TABLE III

NON-NETWORK BROADCAST ADVERTISING BY POWER OF STATION

Power of Station	Gross Times Sales	
	1935	1936
Over 1,000 watts.....	\$8,808,965	\$9,864,340
250-1,000 watts.....	7,234,055	8,798,750
100 watts.....	2,446,653	3,312,640
Total.....	\$18,489,673	\$21,975,730

Non-network volume in the South and mid-West continued to show the greatest strength. Business of this type in the South Atlantic and South Central States during the first half of 1936 exceeded that of the previous year by 48.4%. North Central States non-network volume showed a gain of 24.3% over the corresponding six-month period of last year.

Non-network advertising in the Mountain and Pacific States gained 12.6%, while that in the New England-Middle Atlantic area declined 1.6%. Rising network volume still seems to be the principal explanation of the last-mentioned trend.

Non-network advertising by major geographical districts is found in Table IV.

TABLE IV
NON-NETWORK ADVERTISING BY
GEOGRAPHICAL DISTRICTS

<i>Geographical District</i>	<i>Gross Time Sales</i>	
	<i>First Half</i>	
	<i>1935</i>	<i>1936</i>
New England-Middle Atlantic Area.	\$4,887,087	\$4,802,650
South Atlantic-South Central Area..	2,900,708	4,304,570
North Central Area.....	6,975,707	8,676,930
Pacific and Mountain Area.....	3,726,171	4,191,580
Total.....	\$18,489,673	\$21,975,730

Advertising by Type of Rendition

The marked rise of electrical transcription volume in both the national and local fields has been the principal development of

interest during the period in question. Total transcription volume for the first six months of the year exceeded 1935 by 50.4%. National electrical transcription business increased 52.3% and local volume 41.8%.

National live talent business continued to show important increases and rose 37.2% as compared to the corresponding period of 1935. Local live talent volume gained 8.3%. Local record business increased 1.6%.

Of particular interest has been the continued decline of announcement volume in contrast to the rise in transcription and live talent programs. National announcement business decreased 11.2% as compared to the first half of last year, while local volume dropped off 5.8%.

Non-network advertising by type of rendition is presented in Table V.

TABLE V
NON-NETWORK BROADCASTING BY TYPE OF RENDITION

<i>Type of Rendition</i>	<i>Gross Time Sales</i>					
	<i>National Non-network</i>		<i>Local</i>		<i>Total</i>	
	<i>1935</i>	<i>1936</i>	<i>1935</i>	<i>1936</i>	<i>1935</i>	<i>1936</i>
Electrical transcriptions.....	\$2,971,754	\$4,542,695	\$833,984	\$1,181,255	\$3,805,738	\$5,723,950
Live talent programs.....	3,830,994	5,244,910	4,986,251	5,398,860	8,817,245	10,643,770
Records.....	56,924	39,340	378,217	383,780	435,141	423,120
Announcements.....	1,731,381	1,700,915	3,700,158	3,483,975	5,431,539	5,184,890
Total.....	\$8,591,053	\$11,527,860	\$9,898,610	\$10,447,870	\$18,489,663	\$21,975,730

Broadcast Advertising Sponsorship

One of the outstanding developments as to advertising sponsorship has been the marked growth of automotive advertising with regard to all portions of the medium. National network volume increased 28.6%, national non-network business 106.0%, and local automotive advertising 47.3%.

Regional network and national non-network gasoline and accessory business gained 47.3% and 34.4%, respectively. Regional network and national non-network drug advertising rose 88.3% and 21.1%, respectively, while national network and local drug volume declined 29.1% and 34.2%, respectively.

National network beverage advertising rose 38.7%, while regional network volume rose more than fourfold. With the exception of national network business, which declined 2.0%, all phases of food advertising increased to an important degree. Marked gains were experienced in national non-network radio set and tobacco advertising.

There were few declines of importance though some heavy decreases occurred in several of the less important categories of national network sponsorship. Broadcast advertising by various product and service classes is set forth in Table VI.

TABLE VI
RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS

<i>Type of Sponsoring Business</i>	<i>1936 Gross Time Sales</i>				
	<i>First Half</i>				
	<i>National Networks</i>	<i>Regional Networks</i>	<i>National Non-network</i>	<i>Local</i>	<i>Total</i>
1a. Amusements.....	—	\$325	\$56,210	\$217,150	\$273,685
1-2. Automobiles and accessories:					
1. Automobiles.....	\$2,152,900	—	1,439,050	732,645	4,324,595
2. Accessories, gas and oils.....	2,356,850	90,017	886,450	469,985	3,803,302
3. Clothing and apparel.....	191,589	2,316	232,620	1,401,300	1,827,825
4-5. Drugs and toilet goods:					
4. Drugs and pharmaceuticals.....	2,515,368	62,878	2,343,010	386,500	5,307,756
5. Toilet goods.....	5,792,116	19,770	525,030	125,870	6,462,786
6-8. Food products:					
6. Foodstuffs.....	5,296,284	183,381	2,369,020	1,392,390	9,241,075
7. Beverages.....	2,115,612	56,501	301,660	592,380	3,066,153
8. Confections.....	665,422	19,605	201,950	51,940	938,917
9-10. Household goods:					
9. Household equipment and furnishings.....	230,128	29,701	495,235	1,105,835	1,860,899
10. Soaps and kitchen supplies.....	1,809,459	38,556	499,240	52,850	2,400,105
11. Insurance and financial.....	246,532	4,194	131,400	455,700	847,826
12. Radios.....	637,575	1,328	82,770	81,000	802,673
13. Retail establishments.....	—	2,730	63,965	815,550	882,245
14. Tobacco products.....	2,262,747	55,890	340,940	44,525	2,704,102
15. Miscellaneous.....	1,909,394	77,281	1,559,310	2,522,250	6,068,235
Total.....	\$28,181,976	\$644,473	\$11,527,860	\$10,447,870	\$50,812,179

Details as to broadcast advertising trends in various fields of business are as follows:

1a. **Amusements.** National non-network volume increased 94.4% over the corresponding period of 1935, while local volume declined 19.6%. Total business decreased 7.7%.

1. **Automotive.** National network advertising in the automo-

tive field rose 28.6% as compared to the first half of last year. There was no regional network volume as compared to \$6,490 in 1935, automotive advertising always having been a minor item in the regional field. National non-network advertising increased 106.0%, while local volume rose 47.3%.

2. **Gasoline and accessories.** National network volume

gained 18.8% during the period in question as compared to the preceding year. Regional network advertising increased 47.3%, and national non-network business 34.4%. Local broadcast advertising declined 5.7%.

3. **Clothing.** National network advertising declined 28.6%, while regional non-network advertising decreased 80.0%. National non-network volume rose 30.0% and local broadcast advertising 7.7%.

4. **Drugs and pharmaceuticals.** National network drug volume decreased 29.1% as a result of the gradual discontinuance of this type of business by the networks. Local volume also decreased, dropping off 34.2%. Regional network drug volume rose 88.3%, while national non-network business increased 21.1%.

5. **Toilet goods.** National network business increased 8.0% and national non-network advertising gained 9.1%. Regional network volume declined 3.4%. Local business decreased 6.7% as compared to the corresponding period of the preceding year.

6. **Foodstuffs.** National network advertising declined 2.0% as against the first half of last year. Increases in other fields were as follows: regional networks 51.5%, national non-network 47.5%, local 13.3%.

7. **Beverages.** National network advertising rose 38.7% and regional network volume more than quadrupled. National non-network business gained 7.0%. Local beverage advertising increased 18.8%.

8. **Confectionery.** With the exception of the tripling of regional network volume, due to a rise in this type of advertising by several more important branded lines, all forms of confectionery advertising declined. National network business decreased 21.5%, national non-network volume 30.4%, and local advertising 33.0%.

9. **Household goods.** Declines of 41.5% and 46.3%, respectively, occurred in the national and regional network fields. National non-network advertising increased 26.6%, while local volume rose 2.2%.

10. **Soaps and kitchen supplies.** National network advertising in this class increased 14.1%. Regional volume more than doubled. National non-network business rose 11.1%, and local broadcast advertising gained 19.5%.

11. **Insurance and financial.** General increases occurred throughout all portions of the medium. National network business rose 7.1% and regional network volume more than tripled. National non-network business increased 19.8%, while local financial advertising rose 32.8%.

12. **Radios.** The principal increase in this field was a seven-fold rise in national non-network radio set advertising. National network business increased 12.6%, while local set advertising gained 12.5%.

13. **Department and general stores.** National non-network volume gained 24.0%, while local business decreased 4.9%. Total department store volume declined 2.8%.

14. **Tobacco products.** National network advertising gained

20.8% as against the first half of 1935. Regional network business declined 9.7%. National non-network business rose 46.3%, while local advertising increased 10.0%.

15. **Miscellaneous.** Increases in this classification were as follows: national networks 11.2%, regional networks 35.4%, national non-network 29.3%, local 6.5%.

Retail Broadcast Advertising

Broadcast advertising by various types of retail establishments gained 7.7% as compared to the corresponding period of the preceding year. Principal gains included the following: automobile dealers, 46.1%; clothing and apparel shops, 11.3%; grocery stores, meat markets, etc., 42.6%; furniture stores, 11.8%.

Significant declines were as follows: gasoline stations and accessory stores, 32.4%; drug stores, 11.9%; household equipment dealers, principally electrical household equipment, 7.1%; hardware stores, 19.1%; and department stores, 2.8%.

Broadcast advertising by retail establishments is set forth in Table VII.

TABLE VII
RETAIL BROADCAST ADVERTISING OVER
INDIVIDUAL STATIONS

Type of Sponsoring Business	Gross Time Sales	
	First Half 1935	1936
Automobiles and accessories:		
Automobile agencies and used car dealers	\$521,280	\$760,600
Gasoline stations, garages, etc. . . .	385,430	259,000
Clothing and apparel shops.	1,324,932	1,475,040
Drugs and toilet goods:		
Drug stores.	118,408	104,645
Beauty parlors.	60,413	55,500
Food products:		
Grocery stores, meat markets, etc.	278,620	398,610
Restaurants and eating places. . . .	120,995	127,080
Beverage retailers.	23,299	22,810
Confectionery stores.	11,315	17,430
Household goods:		
Household equipment dealers.	351,169	325,530
Furniture stores.	514,569	575,360
Hardware stores.	136,908	110,190
Radio retailers.	73,636	69,990
Department and general stores. . . .	907,532	881,881
Tobacco shops.	6,632	3,090
Miscellaneous.	499,195	555,140
Total.	\$5,334,333	\$5,741,896

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

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COMMON ANTENNA SYSTEM

The Federal Communications Commission has issued the following statement in connection with the use of a common antenna system by two broadcast stations, or a broadcast station and another radio station:

The Broadcast Division has received requests from various broadcast licensees for authority to use a common radiating system for two or more radio stations.

The Broadcast Division, on July 17, 1936, made the following ruling in this regard:

Two or more broadcast stations owned by the same licensee may be permitted to use a common antenna, but different licensees will not be authorized to use a common antenna since both licensees under such conditions of operation cannot have complete control of all the apparatus which directly controls the external effects of the station.

UTAH STATION RECOMMENDED

The Cache Valley Broadcasting Company applied to the Federal Communications Commission for a construction permit for the erection of a new station at Logan, Utah, to use 1200 kilocycles, 100 watts power, and unlimited time on the air.

Examiner George H. Hill, in Report No. I-274, recommended that the application be granted. He found that there is need for the service of the proposed new station, that no objectionable interference would result from any present or proposed stations, and that its erection would be in the public interest.

COMMISSION REFUSES TO EXTEND EFFECTIVE DATE

The Federal Communications Commission has refused to extend the effective date of Rule 132. In this connection it issued the following official announcement this week:

The Commission has received several requests for a postponement of the working date of Rule 132, adopted on November 12, 1935. This rule requires that the equipment in use at broadcast stations shall be provided with safety features in accordance with the National Electrical Code and that it shall be constructed and operated in accordance with the requirements of good engineering practice. The Broadcast Division on July 2, 1936, decided that no extension of the date of required compliance would be granted.

NEW TEXAS STATION RECOMMENDED

The Gulf States Broadcasting Company applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station to be located at Corpus Christi, Texas, to use 1330 kilocycles, unlimited time on the air, and 250 watts with 500 watts LS.

Examiner George H. Hill, in Report No. I-272, has recommended that the application be granted "subject to the Commission's ap-

proval of a proper transmitter site." The Examiner found that there is a need for the service proposed to be rendered by the applicant, that "no objectionable interference would result to any existing service for the operation of the proposed station," and that the granting of the application would be in the public interest.

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

Superior Oil Corp., Tulsa, Okla. (2-2356, Form A-2)
General Reserves Corp., New York City. (2-2357, Form C-1)
Dayton Rubber Manufacturing Co., Dayton, Ohio. (2-2359, Form A-2)
Consumers Oxygen Company, Inc., New Orleans, La. (2-2360, Form A-1)
Affiliated Fund, Inc., Jersey City, N. J. (2-2361, Form A-1)
Allied Stores Corporation, Paterson, N. J. (2-2362, Form A-2)
Hunter Steel Company, Pittsburgh, Pa. (2-2365, Form A-2)
Upson-Walton Company, Cleveland, Ohio. (2-2366, Form A-2)
Celotex Corporation, Chicago, Ill. (2-2367, Form D-1A)
Celotex Corporation, Chicago, Ill. (2-2368, Form E-1)
F. M. Johnson, Shreveport, La. (2-2371, Form A-1)
J. R. C. Moseley, Shreveport, La. (2-2372, Form A-1)
Alconquin Hotel Corporation, Cumberland, Md. (2-2373, Form E-1)

RECOMMENDS CEDAR CITY STATION

Harold Johnson and Leland M. Perry applied to the Federal Communications Commission for the erection of a new broadcasting station at Cedar City, Utah, to use 1310 kilocycles, 100 watts, and unlimited time.

Examiner George H. Hill, in Report No. I-275, recommends that the application be granted. The Examiner found that there is need for such a station, that no objectionable interference would result and "the programs proposed to be broadcast by the applicants appear to be well balanced and would serve public interest."

FULL TIME RECOMMENDED FOR KGFG

Broadcasting Station KGFG, Oklahoma City, Okla., operating on a frequency of 1370 kilocycles, 100 watts, and sharing time, applied to the Federal Communications Commission to use the same frequency and power but to operate full time. Also the station applied for authority to transfer the control of the corporation from Hale V. Davis to Harold V. Hough through the sale of 133⅓ shares of the corporate stock.

Examiner John P. Bramhall, in Report No. I-270, recommended that the station be granted authority to use full time instead of sharing and that the stock transfer be allowed to proceed. The Examiner found that by the station's using full time there will be interference with KCRC during simultaneous operation; however, the Examiner believes that "the number of people served and the public good derived from the granting of this application will transcend any interference that might obtain in the service area of Station KCRC." The Examiner found also that the exchange of ownership "would be in the public interest."

RECOMMENDATION FAVORS WATERTOWN STATION

Black River Valley Broadcasts, Inc., applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Watertown, N. Y., to use 1420 kilocycles, 100 watts and 250 watts LS, with unlimited time on the air.

Examiner Melvin H. Dalberg, in Report No. I-271, recommends that the application be granted. The Examiner states from the testimony taken "that there exists a definite need in the area sought to be served for local broadcast facilities and the program material

proposed seems to be of a satisfactory nature for a station of the power requested." He states further that no interference will result either with any existing station or any proposed station.

TWO NEW STATIONS RECOMMENDED

The Albert Lea Broadcasting Corporation applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Albert Lea, Minn., to use 1200 kilocycles, 100 watts power, and unlimited time on the air. Also, the Winona Radio Service filed a similar application for constructing a new station at Winona, Minn.

Examiner R. H. Hyde, in Report No. I-273, recommended that both applications be granted "subject to conditions limiting the operating time of the proposed stations to daytime hours." In the case of the Albert Lea station the Examiner found that there is a need for additional radio service in the applicant's area and that the operation of the proposed station during daytime hours "will not interfere with the fair and efficient service of any other station." He found that there is also need for more service in the Winona area and "the operation of the proposed station simultaneously with Station KFJB during nighttime hours would result in interference, restricting the service of KFJB." However, he states that the operation of the proposed station in daytime hours would not cause any interference.

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

No. 2821. In an amendment to its complaint against **Henry Loeb, Jr., and Martha Huffman**, selling tobacco products under the trade name **West Memphis Cigarette Co., West Memphis, Ark.**, the Commission further charges those respondents with entering into a conspiracy with retailers and consumers of cigars and cigarettes to suppress and restrain competition in interstate commerce by evading payment of the Tennessee tobacco tax.

The respondents, in carrying out the conspiracy, the amendment alleges, sell and ship to merchants in Memphis or Shelby County, Tennessee, cigars and cigarettes in cartons and boxes which do not bear the Tennessee tobacco tax stamp, and which products are resold to the public without such stamps being affixed thereto, and with the tax unpaid.

Among the merchants with whom the respondents are alleged to have so conspired are A. A. Balin, Harry H. Horner, Lester G. Green, J. T. Holmes, Miss Willie H. Jackson, Mack Milstead, Charles E. Sturgios, R. D. Turner, and Browder Pharmacy.

Another allegation in the amendment to the complaint is that the respondents conspired with various persons, including J. H. Gary and an individual named Garner, to form "pools" in the places of their employment for the purchase of the unstamped tobacco products of the respondents, and it is charged that the heads of "pools" so formed did buy the respondents' unstamped products and distributed them to the employees of the Goldsmith & Company department store and the National Bank of Commerce, both of Memphis, and to the employees of other places of business.

No. 2886. Operating hatcheries at **Milltown and Huntingburg, Ind.**, under the trade names **Atz' Hatchery, Atz' Blue Mound Hatchery, and Atz' Mammoth Hatchery**, Nolan, Gusta and John Edward Atz are charged with unfair competition in the sale of baby chicks, in a complaint.

Among the false representations the respondents are alleged to make in magazines having a nation-wide circulation are that their baby chicks are hatched from the eggs of old hens and from eggs produced by poultry flocks that have been "blood-tested" for 11 or 12 years; that they are of various breeds, and "are hatched by the thousands daily for immediate delivery."

Alleging that there is a preference among purchasers for baby chicks hatched from the eggs of old hens and from eggs of flocks that have been blood-tested, for a period of several years, the complaint charges that many of the respondents' chicks are hatched from the eggs of pullets; that the flocks are not blood-tested, as advertised, and that the respondents do not have certain specified breeds for immediate delivery in all cases. In many instances, according to the complaint, the respondents do not make any shipments at all to purchasers, do not notify such purchasers of their inability to fill orders, and do not refund money forwarded with orders.

No. 2888. A complaint has been issued charging four **California** corporations with violation of Section 5 of the Federal Trade Commission Act, by representing "Acme Beer" as superior to other beer products because it is made under a "non-fattening formula" and lacks properties for producing or otherwise bringing about increase in body fat and weight.

The respondents are **Cereal Products Refining Corporation**, 762 Fulton St., **San Francisco**, and **Acme Brewing Company**, 2080 East 49th St., **Los Angeles**, which manufacture "Acme Beer," and their selling and distributing agents, **Bohemian Distributing Company, Ltd.**, 2060 East 49th St., **Los Angeles**, and **California Brewing Association**, 763 Fulton St., **San Francisco**.

Using newspapers, radio broadcasts, billboards and labels for advertising purposes, the respondents represent, the complaint alleges, that the non-fattening quality of "Acme Beer" is due to a formula peculiar to it as distinguished from other beer products; that it contains certain ingredients which cause it to have the tendency to "slenderize," and that for these reasons it is different from and superior to beer sold by competitors.

The complaint charges that all beer, including "Acme," cannot be truthfully represented as non-fattening for all people and without properties for inducing increase in weight, unless consideration is given to the individual dietary habits, physiological idiosyncrasies and fat-producing tendencies of beer consumers.

No. 2890. Unfair competition through use of a lottery scheme in the sale of candy to the public is alleged in a complaint issued against **Queen Anne Candy Company**, 1039 Sixth Ave., South, **Seattle, Wash.**

Sales are made by means of a punch board, according to the complaint, and purchasers who punch winning numbers from the board are said to receive a box of candy, while those selecting other numbers receive nothing for their money.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

No. 1732. **S. Buchsbaum & Co., 243 East Huron St., Chicago**, in connection with the sale of jewelry, will cease branding any of its products with the word "Gold" or any combination containing that word to imply that such product is composed of gold in whole or in part, when such is not the fact.

No. 1733. **Maurice L. Rothschild, Inc., 304 South State St., Chicago**, selling wearing apparel, agrees to discontinue the use in advertising matter, or in any manner, of the words "Lamb's Wool" to describe the interlinings of women's coats which are not interlined with lamb's wool.

No. 1734. **Gamble-Skogmo, Inc., with headquarters at 615 Third St., N., Minneapolis**, operates a chain of stores for the sale of general merchandise. The respondent corporation stipulates that in advertising the storage batteries it sells, or in tables or schedules purporting to constitute a comparison of its storage batteries with those of competitors, it will discontinue erroneous or inaccurate representations concerning the prices of such batteries or the length of time for which they are guaranteed by their makers, and will stop advertising misleading tabulations alleged to follow the factory specifications and ratings of the Society of Automotive Engineers, but which in fact differ materially from such specifications and ratings.

No. 1735. **The National Perforator Co., Inc., 1017 North Front St., Philadelphia**, engaged in selling and repairing check perforating machines, signed an agreement to cease misrepresenting the business or status of its competitors, especially the American Perforator Company and the Cummins Perforator Company, both of Chicago, and to discontinue representations tending to deceive purchasers as to the identity of the company with which they are dealing.

According to the stipulation, salesmen of the respondent corporation represented, among other things, that the American Perforator Company and the Cummins Perforator Company had gone out of business; that they had been consolidated with the respondent corporation, and that the latter was the only company that could repair the machines of the two other companies.

No. 1736. **Frank Jones Chemical Works, Inc., 57 Lexington Ave., Brooklyn**, selling a plating compound designated "Krome Plate," agrees to stop using the words "Krome Plate" as a trade name for its product; the word "Krome" or any imitation of the word "chromium" to imply that the product contains chromium, when such is not the fact, and the word "Plate" in any manner to give the impression that use of the product constitutes a means of plating metal articles, when this is not true.

No. 1737. The Theon Co., Inc., 25 West 18th St., New York City, in the sale of various manicure preparations, including a product designated "Nailtone" which consists of a "massage cream" and a "nourishing cream," will stop using the word "nourishing" as part of the trade name of any of its products which do not feed or nourish the nails, and will cease representations that its preparations remove corrugations or rings from the nails, or prevent them from breaking.

No. 1738. Decorative Cabinet Corporation, 221 McKibbin St., Brooklyn, is engaged in the manufacture and sale of cardboard cabinets and agrees to cease and desist from the use in advertising of the words "cedar-lined" to describe cabinets which do not have a cedar wood lining of the thickness, substantial quantity or per cent by weight of such wood as to afford the protection against moths which is generally recognized by the public to be characteristic of cedar and cedar-lined products.

The respondent corporation also will stop representing, among other things, that its cabinets are of multiple-ply construction, the inner or any ply of which is composed of cedar, when such is not the fact.

No. 1739. Benjamin Peram Scott, trading as American Institute of Technology, 4709 Woodward Ave., Detroit, and Iver M. Holton, stipulate that in the sale of correspondence courses in "electronics," which includes instruction in photo-electric cell, radio and television engineering, they will stop representing, when such are not the facts, that students will be regularly coached by engineers connected with the school, that they must receive classroom and laboratory instruction at the respondents' school or be given a pre-graduation examination there, that the school is under Government supervision and that previous to being given employment students must pass a Federal examination in "electronic" engineering, and that upon graduation a picture of the student and notice of his graduation will appear in newspapers.

The respondents also will discontinue claims that graduates obtain positions paying \$125 a month or more or that some have obtained positions paying \$20,000 annually.

No. 1740. Seaver Exterminating System, 185 North Wabash Ave., Chicago, is engaged in selling a vermin exterminator, together with a purported correspondence course of instruction in the extermination of vermin, one of the conditions for the purchase of such course being that the customer buy certain quantities of the respondent corporation's "Miracle Rat & Mice Exterminator." Under the stipulation, the respondent will stop advertising that the founder of the system has "astounded America"; that students can earn up to \$15,000 a year; that the founder of the system has not had a failure in his 31 years' experience; that rats will not come back within a year, or that the complete lesson material is sent to subscribers immediately upon receipt of the subscriptions, when such is not the fact.

No. 2460. Under an order to cease and desist entered against Kenneth Hauer, 408 Augusta St., Cincinnati, trading as Hauer Distilling Co., he is directed to cease representing through use of the word "Distilling" in his trade name, in advertising matter, or on labels, that he is a distiller of spirituous beverages; that he manufactures by the process of distillation the spirituous beverages he sells; or that he owns or operates a plant where such beverages are distilled, unless he actually does own or operate such a plant.

The order excludes from its provisions gin manufactured by a process of rectification, whereby alcohol purchased but not produced by the respondent is redistilled over juniper berries and other aromatics.

No. 2506. Use of lottery schemes to promote sale of candy has been ordered discontinued in an order to cease and desist entered against **Barager-Webster Co., 810 First Ave., Eau Claire, Wis.**

The order prohibits the respondent corporation from selling to wholesalers, jobbers or retailers assortments of candy designed to be used, without alteration of the contents of such assortments, to conduct a lottery in the resale of the candy to consumers.

The respondent corporation also is directed to cease supplying dealers with push cards, either with assortments of candy or separately, designed for use in selling the candy to the public.

No. 2606. Savage Candy Co., 2158 Lawrence St., Denver, Colo., has been ordered to discontinue selling to wholesalers, jobbers and retailers candy so assembled in assortments that a lottery scheme is involved when such candy is resold to the public.

The order to cease and desist prohibits the respondent corporation from supplying dealers with push cards designed for use in selling the candy at retail, and from packing in the same assortment of candy pieces of uniform size and shape having centers of a different color, together with larger pieces and a box of candy

which are to be given to purchasers who, by chance, procure a piece of candy with a center of a particular color.

No. 2619. An order has been issued directing the Cosner Candy Company, 2015 Arapahoe St., Denver, Colo., to discontinue selling to wholesalers, jobbers and retailers candy so packed that its resale to the public involves a lottery or gaming device.

The order prohibits the respondent company from supplying dealers with assortments of candy designed to be used in conducting a lottery when the candy is sold to the public; from furnishing dealers with display cards informing purchasers that the candy is being sold by lot or chance, and from placing in the hands of dealers push cards designed for use in selling the candy to the public at retail.

No. 2826. Charles N. Miller Company, 16 Medford St., Boston, has been ordered to cease and desist from selling to dealers assortments of candy so packed that a lottery scheme or game of chance is involved when resold to the public.

The respondent company admitted all the material allegations of the complaint to be true except to deny that it was selling the assortments complained of when the complaint was brought, or thereafter, stating it had discontinued the sale of such assortments prior to issuance of the complaint. The company consented to issuance of the Commission's findings of fact and order to cease and desist.

No. 2887. Mislabeling of leather luggage in violation of section 5 of the Federal Trade Commission Act is alleged in a complaint issued against Israel Zaveloff and Harry Bernstein, 130 Bleeker St., New York City, trading as Everlast Suit Case & Bag Co.

The respondents are alleged to label certain of the luggage they manufacture and sell with the words "Warranted Genuine Leather," when, the complaint charges, such products are manufactured from split cowhide leather, described as the under side of the hide, and not from top grain leather, which is superior in quality and durability.

The public generally believes the word "leather" to mean the top or hairy side of the hide, according to the complaint, which alleges that the label "Warranted Genuine Leather" on the respondents' luggage represents to purchasers that the material with which such luggage is covered is top grain leather, otherwise described as the outside of the hide.

CASE CLOSED BY FTC

No. 2642. The Federal Trade Commission has entered an order closing, without prejudice, its case against the Buff and Polishing Wheel Manufacturers' Association, New York City, and 32 member companies of the association and one non-member company engaged in the manufacture of cotton buff and polishing wheels.

Issued December 5, 1935, the Commission's complaint had charged the association and the respondent companies with entering into a combination and an agreement to suppress competition in the sale of their products and to enhance the prices thereof to purchasers.

The order states that the case was closed because it appeared to the Commission that "the practices charged in the complaint were carried on under the authority conferred by a code formulated and approved under the National Industrial Recovery Act," and that there is no evidence "that the practices charged in the complaint have been indulged in by the respondents since the decision of the United States Supreme Court in the case of A. L. A. Schechter Poultry Corporation, and others, v. United States (295 U. S. 495), it being the policy of the Commission not to proceed against respondents for practices authorized and engaged in prior to May 27, 1935 (the date of the above decision), pursuant to codes formulated and approved under the National Industrial Recovery Act."

In closing the case, the Commission reserved the right to reopen it should the facts warrant.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Thursday, August 20

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Farnsworth Television Incorporated of Pennsylvania, Springfield, Pa.—C. P., 42000-56000 and 60000-56000 kc., 1 KW, unlimited time.

The following action has been taken subject to ratification of the Broadcast Division of the Commission at its next regular meeting:

SPECIAL AUTHORIZATIONS

- KGFF—KGFF Broadcasting Co. Inc., Shawnee, Okla.—Granted special temporary authority to operate station without an approved frequency monitor for a period not to exceed 15 days.
- KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah—Granted special temporary authority to operate without a plate voltmeter for a period not to exceed 3 weeks.
- WBRC—Birmingham Broadcasting Co. Inc., Birmingham, Ala.—Granted special temporary authority to operate without a plate voltmeter for a period not to exceed 10 days.
- WGNV—Peter Goelet, Chester Township, N. Y.—Granted special temporary authority to operate simultaneously with station WGBB from 1:30 to 3:00 p. m.; with station WFAS from 3 to 5 p. m.; with WBRB from 5 to 7 p. m., EDST, on Aug. 12, 1936, or to operate simultaneously with WFAS from 1:30 to 5 p. m., and with station WBRB from 5 to 7 p. m., EDST, on Aug. 13, in order to broadcast Hambletonian Races.
- KGKB—East Texas Broadcasting Co., Tyler, Tex.—Granted extension of special temporary authority to operate from 7 a. m. to 2 p. m., and from 4 to 10 p. m., CST, during August, 1936, instead of the hours now licensed pending compliance with Rule 131.
- WIOD—WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—Granted special temporary authority to operate a 50 watt portable test transmitter between the hours of 1 and 6 a. m., EST, for a period not to exceed 3 weeks beginning July 31, 1936, in order to determine new transmitter site.
- WBPU—Transcontinental & Western Air, Inc., Aboard regularly licensed aircraft NC-13711—Granted special temporary authority to operate regularly licensed airplane transmitter, KHDEV, aboard NC-13711, as broadcast pickup (relay broadcast) station on Aug. 1, 2, 8, 9, 15, 16, 22 and 23, to make traffic surveys. Frequency of 2790 kc., 80 watts.
- WBPA—The National Life & Accident Ins. Co., Nashville, Tenn.—Granted special temporary authority to operate portable mobile relay broadcast transmitter for period Aug. 8 and ending not later than Aug. 16, for the purpose of relay broadcast from a moving train "The Pan American" for rebroadcast over station WSM; frequency 2102 kc., 20 watts.
- W3EX—WTAR Radio Corp., Norfolk, Va.—Granted extension of special temporary authority to conduct service tests at its new location at WTAR transmitter building, for period July 30 to Aug. 13, pending action on formal application for modification of C. P. and license to cover same.
- KCMO—Lester E. Cox, Thomas L. Evans & C. C. Payne, Kansas City, Mo.—Granted extension of special temporary authority to use and operate the 100 watt transmitter formerly used by KGBX in Springfield, Mo., transmitter to be located in the Commerce Trust Building, in Kansas City, Mo., for the period July 31 and ending not later than Aug. 29, 1936.
- WKP—WQP—RCA Communications, Inc., Rocky Point, N. Y.—Granted extension of special temporary authority to operate point to point telegraph station WKP and WQP to communicate with broadcast pickup station WOEH aboard NC-223-Y, for the period beginning July 30 and ending not later than Aug. 28, for contact control service to facilitate reception of program material by Riverhead, N. Y., receiving station for delivery to NBC network. Frequency WKP 6950 kc., WQP 13900 kc., 40 KW.
- KEC—KEI—KKL—RCA Communications, Inc., Bolinas, Cal.—Granted extension of special temporary authority to operate point to point telegraph stations KEC, KEI and KKL to communicate with broadcast pickup station WOEH aboard plane NC-223-Y for the period July 30 to Aug. 28, 1936; frequencies 5265 kc. KEC; 9490 kc. KEI; 15475 kc. KKL, 40 KW.
- WFAB—Fifth Ave. Broadcasting Corp., New York City—Granted special temporary authority to operate station without an approved frequency monitor for a period not to exceed 30 days from Aug. 12, instead of July 17 as granted July 17.
- KUTA—Utah Broadcasting Co., Salt Lake City, Utah—Granted special temporary authority to operate a 100 watt portable test transmitter in vicinity of Salt Lake City, between the hours of 9 a. m. and 6 p. m., MST, for a period beginning Aug. 1 and ending in no event later than Aug. 15, in order to determine suitable transmitter site.
- WHBF—Rock Island Broadcasting Co., Rock Island, Ill.—Granted extension of special temporary authority to maintain the main studio of WHBF at Rock Island, for a period August 5 and ending not later than Sept. 3, 1936.
- WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—Granted special temporary authority to operate station without an approved frequency monitor for a period not to exceed 30 days.
- WSYR—WSYU—Central New York Broadcasting Corp., Syracuse, N. Y.—Granted special temporary authority to operate a 100 watt portable test transmitter between the hours of 12 midnight and 6 a. m., EST, for a period not to exceed 10 days.
- KFBB—Buttery Broadcast Inc., Great Falls, Mont.—Granted special temporary authority to operate without an approved frequency monitor for a period not to exceed 30 days.
- WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Granted extension of special temporary authority to operate on 560 kc., with power of 1 KW at night, during month of August, 1936, pending filing of and action on license application to cover C. P.
- WSBC—WSBC, Inc., Chicago, Ill.—Granted special temporary authority to use transmitter and studios of station WEDC for a period not to exceed 1 week beginning July 30, in order to move and install new equipment of WSBC.
- KOOS—Pacific Radio Corp., Marshfield, Ore.—Granted special temporary authority to operate station without an approved frequency monitor for a period not to exceed 40 days.
- WMFJ—W. Wright Esch, Daytona Beach, Fla.—Granted extension of special temporary authority to use RCA Victor, Type 100-E, transmitter, pending completion of construction and installation of such transmitter, for period July 31 to August 30.
- WIP—Penna. Broadcasting Co., Philadelphia, Pa.—Granted special temporary authority to operate a 50 watt portable test transmitter between the hours of 1 and 6 a. m., EST, for the period Aug. 5 and ending no later than Aug. 9.
- W6XAI—Pioneer Mercantile Co., Bakersfield, Cal.—Granted extension of special temporary authority to operate without an approved frequency monitor for a period of 15 days.
- W2XKI—National Broadcasting Co. Inc., New York City, N. Y.—Granted extension of test period for 30 days from July 19.
- W2XK—National Broadcasting Co. Inc., New York City, N. Y.—Granted extension of test period for 30 days from July 28.
- WKBV—Knox Radio Corp., Richmond, Ind.—Granted extension of program test period for 30 days from Aug. 4, pending action on license application.
- WNBD—WDSU, Inc., New Orleans, La.—Granted temporary authority to operate broadcast pickup station WNBD (over station WDSU) as licensed Aug. 3 to 16, inclusive, to broadcast from ferry.
- WHIO—The Miami Valley Broadcasting Corp., Dayton, Ohio—Granted extension of program test period for 30 days from July 28.
- WIEK—WIEL—Atlantic Broadcasting Corp., New York City, N. Y.—Granted temporary authority to operate broadcast pickup stations as licensed Aug. 5 to 10 inclusive, in connection with tests and air show of Army maneuvers at Camp Knox.
- KGKO—Broadcast Station KGKO, Wichita Falls, Tex.—Granted temporary authority to operate station without antenna ammeter for period of 10 days.
- KSTP—Natl. Battery Broadcasting Co., St. Paul, Minn.—Granted C. P. for approval of transmitter site and installation of vertical radiator; 1460 kc., 10 KW night, 25 KW day, unlimited time.
- KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Granted modification of C. P. approving transmitter site and vertical radiator.
- KRRV—Red River Valley Broadcasting Corp., Sherman, Tex.—Granted modification of C. P. approving transmitter and studio sites and changes in equipment.
- KWJJ—KWJJ Broadcast Co. Inc., Portland, Ore.—Granted extension of temporary authority to operate on 1040 kc., limited time, and resume operation from 9 to 3 a. m., PST, for the period Aug. 1, 1936 to Feb. 1, 1937.
- WJAG—The Norfolk Daily News, Norfolk, Neb.—Granted extension of temporary authority to operate on 1060 kc., with power of 1 KW, and limited time for the period Aug. 1, 1936 and ending Feb. 1, 1937.
- WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn.—Granted extension of special experimental authority to

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

- operate unlimited time simultaneously with KRLD, Dallas, Tex., on a frequency of 1040 kc., with power of 50 KW for period Aug. 1, 1936 to Feb. 1, 1937.
- WESG—The Cornell University, Elmira, N. Y.—Granted extension of special temporary experimental authority to operate daytime to sunset at New Orleans on frequency of 850 kc., with power of 1 KW for period Aug. 1, 1936 to Feb. 1, 1937.
- KTHS—Hot Springs Chamber of Commerce, Hot Springs, Ark.—Granted extension of special temporary authority to operate on frequency of 1060 kc., with power of 10 KW simultaneously with station WBAL from 6 a. m. to LS from Aug. 1, 1936 to Feb. 1, 1937.
- KRLD—KRLD Radio Corp., Dallas, Tex.—Granted extension of special temporary experimental authority to operate simultaneously with station WTIC, Hartford, Conn., for period Aug. 1, 1936, and ending not later than Feb. 1, 1937.
- WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Granted extension of special temporary experimental authority to operate on 1060 kc., with power of 10 KW simultaneously with station KTHS from 6 a. m. to sunset at Hot Springs and alone from sunset at KTHS to 9 p. m., EST, to operate synchronously with WJZ on 760 kc., with power of 2.5 KW from 9 p. m., EST, to midnight employing directional antenna system for period Aug. 1, 1936 to Feb. 1, 1937.
- WOEH—National Broadcasting Co., Inc., Aboard Douglas Airplane NC-223-Y.—Granted extension of special temporary authority to operate regularly licensed temporary broadcast pickup station WOEH, piloted by Howard Hughes and accompanied by NBC operator announcer, as pickup station on frequencies in addition to licensed frequencies to describe flight from Los Angeles to Nome to Siberia and return to New York via Nome and California. Operation extended for period July 30 and ending not later than August 28; frequencies 1606, 2020, 2102, 2760, 4797.5, 6425, 8655, 12862.5 kc., 100 watts.
- WFAA—A. H. Belo Corp., Dallas, Tex.—Granted extension of special temporary authority to use joint call letters WFAA-WBAP and waive the requirements of Rule 156 for period August 1, 1936, to December 1, 1936, in order to broadcast programs of Central Exposition of the Texas Centennial Celebration in Dallas and the Frontier Celebration in Fort Worth.
- WBAP—Carter Publications, Inc., Fort Worth, Tex.—Granted extension of special temporary authority to use joint call letters WFAA-WBAP and waive the requirements of Rule 156 for period August 1, 1936, to December 1, 1936, in order to broadcast programs of Central Exposition of the Texas Centennial Celebration in Dallas and the Frontier Celebration in Fort Worth.
- KWLC—Luther College, Decorah, Iowa.—Granted modification of special temporary authority to remain silent for period August 8, 1936, to August 31, 1936, inclusive, and to operate a minimum of 1 hour per week for period September 1 to September 9, 1936, in order to observe summer vacation.
- KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Granted extension of special temporary authority to operate station without an approved frequency monitor for the period July 30 to August 28, 1936.
- WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted special temporary authority to operate without antenna ammeter for a period July 21 to August 19, 1936.
- WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—Granted special temporary authority to operate with a temporary antenna pending the rebuilding of towers demolished by storm, for period July 28 to August 26, 1936.
- KSCJ—Perkins Bros. Co. (The Sioux City Journal), Sioux City, Iowa.—Granted special temporary authority to use auxiliary transmitter, with 250 watts power, as main transmitter for period July 22 to August 10, 1936, pending installation of regular transmitter at new site.
- KFJR—Ashley C. Dixon, KFJR, Inc., Portland, Ore.—Granted extension of special temporary authority to operate station without an approved frequency monitor for period August 1 to August 7, 1936.
- KGfJ-W6XKG—Ben S. McGlashan, Los Angeles, Calif.—Granted special temporary authority to operate broadcast station KGfJ and high frequency broadcast station W6XKG to rebroadcast programs of Olympic Games for period August 3 to August 30, 1936.
- KMMJ, Clay Center, Nebr.; KMPC, Beverly Hills, Calif.; WLWL, New York City; WWVA and auxiliary, Wheeling, W. Va.
- WCAU (Aux.)—WCAU Broadcasting Co., Philadelphia, Pa.—Present license for auxiliary transmitter extended on a temporary basis only for the period ending September 1, 1936, pending receipt and action on application for renewal.
- WMFJ—W. Wright Esch, Daytona Beach, Fla.—Present license extended on a temporary basis for the period August 1, 1936, to September 1, 1936, pending receipt and action on renewal application.
- WRDO—WRDO, Inc., Augusta, Me.—Present license extended on a temporary basis for the period August 1, 1936, to September 1, 1936, pending receipt and action on renewal application.
- WWAE—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Present license extended on a temporary basis for the period August 1, 1936, to September 1, 1936, pending receipt and action on renewal application.
- WCBD—WCBD, Inc., Waukegan, Ill.—Present license extended for a period of 3 months from August 1, 1936, upon a temporary basis only subject to such action as may be taken on application for renewal and for transfer of control pending before it.
- WOCL—W. E. Newton, Jamestown, N. Y.—Present license extended on a temporary basis only for the period August 1 to September 1, 1936, subject to such action as may be taken upon application for renewal pending before the Commission.
- W2XBH—Radio Pictures, Inc., Long Island City, N. Y.—Present special experimental station license extended for a period of one month from August 1 to September 1, 1936, on a temporary basis only, pending action on renewal application.

MISCELLANEOUS

- NEW—National Battery Broadcasting Co., St. Paul, Minn.—Designated for hearing C. P. for new station, 920 kc., 1 KW, unlimited time, using directional antenna.
- WELI—City Broadcasting Corp., New Haven, Conn.—Denied request for special authority to operate from local sunset to 8 p. m., EST, power 500 watts, for a period not to exceed 30 days.
- KUSD—University of South Dakota, Vermillion, S. Dak.—The Commission reconsidered its action in designating for hearing applications for renewal of license and modification of license to change hours of operation from share KUSD and WILL ½ time, KFNF ½ time to share KFNF-KUSD ⅓ time, KFNF ⅔ time, dismissed said applications from hearing docket and granted renewal of license on a regular basis.
- WNBC—State Broadcasting Corp., New Britain, Conn.—Denied special temporary authority to operate from local sunset to 8 p. m., EST, for a period not to exceed 30 days, for the purpose of disseminating political information.

The Broadcast Division denied the petition filed by the E. E. Long Piano Co., requesting that the Commission reconsider its action of July 2, 1936, in granting the application of Christina M. Jacobson, d/b as The Valley Electric Co., for a new station at San Luis Obispo, Calif. (site to be determined subject to Commission's approval), subject to Rule 131, and denying the application of the E. E. Long Piano Co. for a new station at San Luis Obispo.

The Broadcast Division denied the motion filed on behalf of Earl C. Anthony, Inc. (KFI), Los Angeles, Calif., requesting the Commission to remand the application of Radio Broadcasting Corp. (KTFI), Twin Falls, Idaho, for modification of license, for further hearing.

The Broadcast Division denied the motion filed on behalf of Southland Industries, Inc., requesting Commission to remand for further hearing the application of J. Laurance Martin, Tucumcari, N. Mex., for C. P.

The Broadcast Division granted the petition filed on behalf of the Pee Dee Broadcasting Co., of Florence, S. C., protesting the action of the Commission on July 2, 1936, in granting without a hearing the application of O. Lee Stone for C. P. for new station in Florence, and directed that said application be designated for hearing in accordance with provisions of Rule 104.4 and that the effective date of Commission's action on said application be postponed until the date of Commission's decision after hearing on the protest as contemplated by the rules.

The Broadcast Division denied the petition of O. Lee Stone (applicant for a new station at Florence, S. C., granted July 2, 1936, without hearing subject to Rule 104.4), praying the Commission to dismiss the protest filed by the Pee Dee Broadcasting Co. to said grant. The Broadcast Division granted the petition submitted by the Pee Dee Broadcasting Co. by way of answer to the aforesaid petition of Mr. Stone, in so far as it requests a hearing on said protest in accordance with provisions of Rule 104.4.

APPLICATIONS GRANTED

KRKO—Lee E. Mudgett, Everett, Wash.—Granted C. P. to install new transmitter.

KFVS—Hirsch Battery & Radio Co., Cape Girardeau, Mo.—Granted authority to install automatic frequency control.

WNLC—Thames Broadcasting Corp., New London, Conn.—Granted modification of C. P. to change type of equipment and antenna system.

WCLO—Gazette Printing Co., Janesville, Wis.—Granted modification of C. P. to change type of equipment.

WHLB—Head of the Lakes Broadcasting Co., Virginia, Minn.—Granted modification of C. P. approving transmitter site and make changes in equipment.

KHQ—Louis Wasmer, Inc., Spokane, Wash.—Granted modification of C. P. approving transmitter site and erection of vertical radiator.

KMA—May Seed & Nursery Co., Shenandoah, Iowa.—Granted modification of C. P. to change type of equipment and move transmitter.

WCMI—The Ashland Broadcasting Co., Inc., Ashland, Ky.—Granted modification of C. P. authorizing local move.

WKBB—Sanders Bros. Radio Station, E. Dubuque, Ill.—Granted license to cover C. P., 1500 ke., 100 watts, 250 watts LS, unlimited time.

WAAF—Drovers Journal Pub. Co., Chicago, Ill.—Granted license to cover C. P., 920 ke., 1 KW, daytime only.

WKBV—Knox Radio Corp., Richmond, Ind.—Granted license to cover C. P., 1500 ke., 100 watts night, 250 watts day, specified hours.

WJNO—Hazelwood, Inc., W. Palm Beach, Fla.—Granted license to cover C. P., 1200 ke., 100 watts, unlimited time.

WMBD—Peoria Broadcasting Co., Peoria, Ill.—Granted license to cover C. P., 1440 ke., 500 watts night, 1 KW day, unlimited time.

WNBD—WDSU, Inc., New Orleans, La.—Granted authority to operate broadcast pickup station WNBD, as licensed, for the period August 20 to 22, inclusive, in order to broadcast Louisiana State U. open golf tournament.

WAPI—WAPI Broadcasting Corp., Birmingham, Ala.—Granted authority to operate without antenna ammeter for period of 10 days from August 6, 1936.

WABG—Memphis Commercial Appeal, Inc., Memphis, Tenn.—Granted authority to extend service tests of station WABG for period of 30 days beginning August 6, 1936.

KIIQ—KMTR Radio Corp., Los Angeles, Calif.—Granted authority to operate broadcast pickup station KIIQ as licensed, from September 4 to 7, inclusive, to broadcast National Air Races from Los Angeles Municipal Airport. Also to operate station KIIQ as licensed, from August 8 to 12, inclusive, to cover the American Legion Convention in Los Angeles.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Granted authority to extend equipment test period for 10 days from August 9.

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Granted extension of special temporary authority to operate a 50-watt portable test transmitter between the hours of 1 and 6 a. m., EST, for the period beginning August 10 and ending no later than August 19, 1936, in connection with construction of station's proposed new antenna.

WKAR—Michigan State College, E. Lansing, Mich.—Granted special temporary authority to operate with reduced hours for period August 8 and ending no later than September 17, in order to observe school vacation.

WCAX—Burlington Daily News, Inc., Burlington, Vt.—Granted special temporary authority to operate from 2 to 4:30 p. m., EDST, on August 14, and from 2 to 3:30 p. m., EDST, on August 15, in order to broadcast American Legion Convention and Parade.

KOIL—Central States Broadcasting Co., Council Bluffs, Iowa.—Granted special temporary authority to operate a 50- to 100-watt portable test transmitter between hours of 1 and 6 a. m., CST, for a period not to exceed 30 days, in order to determine new transmitter site for KOIL.

National Broadcasting Co., Inc., New York City.—Granted extension of authority to transmit programs to foreign countries for a period not to exceed 30 days from August 10, 1936, pending receipt and/or action on formal application.

W9XAF—The Journal Co., The Milwaukee Journal, Milwaukee, Wis.—Present license for special experimental station extended for a period of 1 month from August 1 to September 1, 1936, on a temporary basis only, pending the receipt of and action on renewal application.

KMA—May Seed and Nursery Co., Shenandoah, Iowa.—Granted petition for special temporary authority to operate unlimited time for a period ending in no event later than September 10, 1936, pending action on and completion of construction.

APPLICATIONS RECEIVED

First Zone

WJAR—The Outlet Co., Providence, R. I.—Construction permit 890 to make changes in equipment and increase power from 1 KW to 1 KW night, 5 KW day.

WJAR—The Outlet Co., Providence, R. I.—Construction permit 890 to move old W.E. D-94994 transmitter from The Outlet Co. Bldg., 176 Weybosset Street, Providence, R. I., to junction Newport and Ferris Ave., Rumford, E. Providence, R. I., for auxiliary purposes only.

WTHT—The Hartford Times, Inc., Hartford, Conn.—License to 1200 cover construction permit (B1-P-360) for a new station.

NEW—Harold Thomas, Pittsfield, Mass.—Construction permit for 1310 a new broadcast station to be operated on 1310 ke., 100 watts, 250 watts day, unlimited time.

WAWZ—Pillar of Fire, Zarephath, N. J.—Authority to install 1350 automatic frequency control.

WAWZ—Pillar of Fire, Zarephath, N. J.—Construction permit to 1350 install a new transmitter and antenna.

WHDL—Olean Broadcasting Co., Inc., Olean, N. Y.—Construction 1420 permit to install new equipment, change frequency from 1420 ke. to 1400 ke.; increase power from 100 watts to 500 watts; and move transmitter from Exchange National Bank Bldg., corner Union and Laurens Streets, Olean, N. Y., to Town of Allegany, N. Y. Amended to change type of equipment and change requested power to 250 watts.

W3XEY—The Baltimore Radio Show, Inc., Baltimore, Md.—License to cover construction permit for a new general experimental station.

NEW—World Wide Broadcasting Corp., Boston, Mass.—Construction permit for a new experimental relay broadcast station to be operated on 6040 and 11790 ke., 5 KW.

Second Zone

WKZO—WKZO, Inc., Kalamazoo, Mich.—Construction permit to 590 install new equipment.

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Extension of special experimental authorization to operate with 1 KW power for the period from 9-1-36 to 3-1-37.

NEW—Sharon Herald Broadcasting Co., near Sharon, Pa.—Construction permit for a new station to be operated on 780 ke., 250 watts, daytime.

NEW—David J. Mercier and George F. Warren, d/b as Northern 830 Broadcasting Co., Traverse City, Mich.—Construction permit for a new station to be operated on 830 ke., 500 watts, daytime.

NEW—The Louisville Times Co., Louisville, Ky.—Construction 1210 permit for a new station to be operated on 1210 ke., 100 watts, unlimited time.

WCMI—The Ashland Broadcasting Co., Inc., Ashland, Ky.—1310 Modification of construction permit (B2-P-1099) for equipment changes and increase in power, to further request move of studio and transmitter from Hotel Henry Clay, Winchester Street at 16th, Ashland, Ky., to 20th and Greenup Streets, Ashland, Ky.

WEED—William Avera Wynne, Rocky Mount, N. C.—License to 1420 cover construction permit (B2-P-1059) for changes in equipment and increase in power.

W8XIH—WJR, The Goodwill Station, Portable-Mobile.—License to cover construction permit for a new general experimental station.

King—Trendle Broadcasting Corp., Detroit, Mich.—Authority to transmit programs from Station WXYZ to stations of the Canadian Radio Commission.

Third Zone

- WFOR—Forrest Broadcasting Co., Inc., Hattiesburg, Miss.—
680 License to cover construction permit (B3-P-1068) for new equipment and move of studio.
- NEW—R. W. Page Corp., Columbus, Ga.—Construction permit
950 for a new station to be operated on 950 kc., 250 watts, unlimited time.
- NEW—Columbia Radio Co., Inc., Columbia, S. C.—Construction
1200 permit for a new station to be operated on 1200 kc., 100 watts, unlimited time.
- WDAE—Tampa Times Co., Tampa, Fla.—Extension of special
1220 experimental authorization to operate with power of 2½ KW day, with equipment changes, from 10-1-36 to 4-1-37.
- KGFI—Eagle Broadcasting Co., Inc., Corpus Christi, Tex.—Con-
1500 struction permit to install new equipment and move trans-
mitter from Broadway and Leopard Street, Corpus Christi,
Tex., to Ocean Drive, Corpus Christi, Tex. Amended to
install vertical antenna.
- NEW—Wilton E. Hall, Portable-Mobile.—Construction permit for
a new relay broadcast station to be operated on 31100,
34600, 37600, 40600 kc., 0.5 watts.

Fourth Zone

- NEW—News-Tribune Co., Duluth, Minn.—Construction permit
630 for a new broadcast station to be operated on 630 kc., 250
watts, unlimited time.
- WCBF—WCBF, Inc., Waukegan, Ill.—Authority to make changes
1080 in automatic frequency control.
- WCLO—Gazette Printing Co., Janesville, Wis.—Modification of
1200 construction permit (B4-P-1038) for move of transmitter
and increase in power, requesting further changes in au-
thorized equipment.
- WSBC—WSBC, Inc., Chicago, Ill.—License to cover construction
1210 permit (B4-P-1037) for move of station and changes in
antenna.
- KGBX—Springfield Broadcasting Co., Springfield, Mo.—Con-
1310 struction permit to make changes in equipment, increase
power from 500 watts to 1 KW, and move studio from 508
St. Louis Street, Springfield, Mo., to Chamber of Commerce
Building, Walnut and Jefferson Streets, Springfield, Mo.
- KSCJ—Perkins Brothers Co. (The Sioux City Journal), Sioux
1330 City, Iowa.—License to cover construction permit (B4-P-
619) as modified for changes in equipment, move of trans-
mitter, and change hours of operation.
- KCMO—Lester E. Cox, Thomas L. Evans and C. C. Payne,
1370 Kansas City, Mo.—License to cover construction permit
(B4-P-1033) for new equipment, move of transmitter and
studio.
- NEW—C. W. Corkhill, Sioux City, Iowa.—Construction permit for
1420 a new station to be operated on 1200 kc., 100 watts, un-
limited time. Amended to change frequency from 1200 kc.
to 1420 kc.
- NEW—WDZ Broadcasting Co., Portable-Mobile.—Construction
permit for a new relay broadcast station to be operated on
31100, 34600, 37600, 40600 kc., 10 watts.
- NEW—WDZ Broadcasting Co., Portable-Mobile.—Construction

permit for a new relay broadcast station to be operated on
31100, 34600, 37600, 40600 kc., 10 watts.

- NEW—WDZ Broadcasting Co., Portable-Mobile.—Construction
permit for a new relay broadcast station to be operated on
31100, 34600, 37600, 40600 kc., 2 watts.
- NEW—WDZ Broadcasting Co., Portable-Mobile.—Construction
permit for a new relay broadcast station to be operated on
31100, 34600, 37600, 40600 kc., 2 watts.
- NEW—WDZ Broadcasting Co., Portable-Mobile.—Construction
permit for a new relay broadcast station to be operated on
1622, 2058, 2150, 2790 kc., 40 watts.
- NEW—WDZ Broadcasting Co., Portable-Mobile.—Construction
permit for a new relay broadcast station to be operated on
1622, 2058, 2150, 2790 kc., 100 watts.

Fifth Zone

- KLZ—KLZ Broadcasting Co., Denver, Colo.—License to cover
560 construction permit (5-P-B-3274) for move of transmitter,
new equipment, and increase in power.
- KLZ—KLZ Broadcasting Co., Denver, Colo.—Authority to de-
560 termine operating power by direct measurement of antenna.
- KJR—Fisher's Blend Station, Inc., Seattle, Wash.—Construction
970 permit to make changes in equipment and increase power
from 5 KW to 10 KW.
- KOOS—Pacific Radio Corp., Marshfield, Ore.—Modification of
1200 construction permit (B5-P-940) for changes in equipment
and move of transmitter, requesting further changes in
equipment, change hours of operation from daytime to un-
limited time, using 250 watts power, and extend commence-
ment and completion dates from 6-24-36 and 12-24-36,
respectively, to 60 days after grant and six months there-
after.
- KTW—First Presbyterian Church, Seattle, Wash.—Authority to
1220 make changes in automatic frequency control.
- NEW—Chauncey W. Hammond, Oakland, Calif.—Construction
1280 permit for a new station to be operated on 1280 kc., 500
watts, 1 KW day, unlimited time. Amended to change re-
quested power from 500 watts night, 1 KW day, to 1 KW
day and night.
- KGCX—E. E. Krebsbach, Wolf Point, Mont.—Modification of
1310 construction permit (B5-P-444) for new equipment, move
of transmitter, change in frequency, increase in power, and
change in hours of operation, requesting changes in au-
thorized equipment and move of transmitter 1 mile from
present authorized site, Wolf Point, Mont.
- KID—KID Broadcasting Co., Inc., Idaho Falls, Idaho.—Modifica-
1320 tion of construction permit (B5-P-559) for move of trans-
mitter and increase in power, requesting to install a vertical
antenna and to give exact transmitter site as near Idaho
Falls, Idaho. Amended to give exact transmitter site as
2¾ miles southeast of Idaho Falls on the Ammon Highway,
Booneville County, Idaho.
- KAST—Abraham Shapiro, Astoria, Ore.—Voluntary assignment of
1370 license from Abraham Shapiro to Astoria Broadcasting Co.
- KGCC—The Golden Gate Broadcasting Co. (Robert J. Craig),
1420 San Francisco, Calif.—Construction permit to install a new
transmitter.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

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FLORIDA BROADCASTERS ORGANIZE

Broadcasters of the State of Florida have organized the Florida Association of Broadcasters and have elected officers and appointed committees as follows:

OFFICERS: President, Fred W. Borton; Vice-President, W. Walter Tison; Secretary-Treasurer, Garland W. Powell.

EXECUTIVE COMMITTEE: Fred W. Borton, W. Walter Tison, Garland W. Powell, Frank King, John R. Beacham.

OTHER COMMITTEES: *Short Wave*—Jack Hopkins, Chairman; Harold B. Danforth, John R. Beacham, W. Walter Tison, Gilbert Freeman.

Publicity—Garland W. Powell, Chairman; Gilbert Freeman, Henry G. Wells, L. S. Mitchell, W. B. Byrd.

Highway Line Interference—Garland W. Powell, Chairman; W. Wright Esch, G. G. Fletcher, Harold Meyer.

Educational—Gilbert Freeman, Chairman; John R. Beacham, Garland W. Powell.

Resolutions—W. Walter Tison, Chairman; Jack Hopkins, Harold B. Danforth.

Engineering—(To be appointed later)

RECOMMENDS ILLINOIS STATION CHANGES

Broadcasting stations WHFC, WKBI, and WEHS, all of Cicero, Ill., have applied to the Federal Communications Commission for, respectively, a construction permit, modification of license, and power increase from 100 watts to 100 watts and 250 watts LS. The application of WHFC is for a construction permit as it involves changes in the transmitter equipment and the construction of a new antenna and ground system. Stations WKBI and WEHS use the transmitter of WHFC and their applications involved only a modification of license which is contingent upon the granting of the application for a construction permit of WHFC.

Examiner Melvin H. Dalberg, in Report No. I-276, recommends that the applications be granted. He found that the three stations are rendering a meritorious service "but there appears to be need for additional service and a signal of a higher intensity as requested by these applications." The Examiner found that there might be some slight interference caused by the power increase but, he says, "there appears to be need for increasing the intensity signal as requested in the instant applications for the purpose of aiding and overcoming the high noise level in this area."

WILKINSON FILES APPEAL

An appeal and an application for a stay order has been filed with the Court of Appeals of the District of Columbia by the C. E. Wilkinson Broadcasting Company, Mason City, Iowa, against a

decision of the Federal Communications Commission of July 27 granting a station construction permit to the Mason City Globe Gazette Company at Mason City.

The appeal sets forth the fact that the Wilkinson Company filed an application with the Commission on July 30, 1935, for a construction permit for a station at Mason City which was re-submitted on January 7 of this year. Several applicants had applied for a construction permit at the same place. Hearing was held and the Commission granted the permit to the Globe Gazette Company. The Wilkinson Company claims that the Commission ignored its "rights and interests" in the decision and asks that the Court reverse the Commission's decision.

RECOMMENDS CONTROL CHANGE

Broadcasting Station WCBD, Waukegan, Ill., applied to the Federal Communications Commission for authority to transfer the control of the corporation from Wilbur Glenn Voliva, E. E. Harwood, and M. J. Mintern to Gene T. Dyer, E. M. Ringwald, L. E. Moulds, and W. F. Moss. The station also asked permission to designate its Chicago studio as its main studio.

Examiner George H. Hill, in Report No. I-280, recommended that both of these applications be granted. He found that "since Mr. Dyer and his associates have been in charge of the operation of the station there has been a great improvement in the programs broadcast by the station." He states that the operation generally has been improved. The Examiner found that transfer of the control "would not be in violation" of the Communications Act and the designating of the Chicago studio as the main studio would be in the public interest.

DENIAL OF NEW STATION RECOMMENDED

J. T. Bilben and N. G. Barnard filed an application with the Federal Communications Commission asking for a construction permit for the erection of a new station at Walker, Minn., to use 1310 kilocycles, 100 watts and unlimited time.

Examiner John P. Bramhall, in Report No. I-277, recommends that the application be denied. The Examiner states that the applicants do not have the technical nor financial qualifications to maintain the proposed station. The area proposed to be served is receiving secondary service from clear channel stations and the Examiner states, "It is extremely doubtful as to whether or not the establishment of this station is feasible from an economic standpoint."

INTERFERENCE WOULD BE CAUSED

The Eastern States Broadcasting Corporation filed an application with the Federal Communications Commission asking for a construction permit for the erection of a new broadcasting station at Bridgeton, N. J., to use 1210 kilocycles, 100 watts and daytime operation. In the meantime Station WHAT, Philadelphia, has an application pending before the Commission for operation on 1220 kilocycles, 1,000 watts, and unlimited time on the air.

Examiner John P. Bramhall, in Report No. I-279, states that "the recommended separation for the prevention of objectionable interference between the assignments as requested by the Eastern States Broadcasting Company, Inc., and Station WHAT is 116 miles. Objectionable interference would be expected to the service area of each station if both applications were granted."

MRS. L. M. BURT WANTED

Broadcasting Station KRGV, Weslaco, Texas, is anxious to know the whereabouts of Mrs. L. M. Burt, doing business as

The Burt Company, manufacturers and distributors of CALS-DINE Products.

RECOMMENDS DISMISSING TEXAS APPLICATION

The Hunt Broadcasting Association applied to the Federal Communications Commission for a construction permit for the erection

of a new station at Greenville, Texas, to use 1200 kilocycles, 100 watts, and daytime operation.

Examiner George H. Hill, in Report No. I-278, recommends that the "application be dismissed with prejudice." When the hearing was called the Examiner states that notice was received from the applicant asking that its application be dismissed. The Examiner therefore recommended that it be dismissed with prejudice.

BROADCAST STATION CHANGES

The Federal Communications Commission this week made public a list containing alterations and corrections (italicized) to the broadcast list dated January 1, 1936, for the month of July as follows:

Call Letters	Main Studio Location	Name of Licensee	Power	Frequency (kc)	Time Designation
KCRJ	Jerome, Ariz.	Charles C. Robinson	100w	1310	S. H.
KEHE	Los Angeles, Calif.-T- Santa Monica <i>C. P. T-Los Angeles</i>	Evening Herald Publishing Co.	500w 1kw-LS 1kw-5kw-LS	780	<i>C. P.-D</i> S-KELW U
KERN	Bakersfield, Calif.	McClatchy Broadcasting Co.	100w	1370	U
KFBK	Sacramento, Calif.	McClatchy Broadcasting Co.	5kw	1490	U
KFEL	Denver, Colo. T-Edgewater <i>C. P.-T-nr. Denver</i>	Eugene P. O'Fallon, Inc.	500w	920	S-KVOD
KFH	Wichita, Kans.	Radio Station KFH Co.	1kw 5kw-LS	1300	U
KFJM	Grand Forks, N. Dak.	University of North Dakota	100w <i>C. P. 500w-1kw-LS-1410</i>	1370	U
KFNF	Shenandoah, Iowa	KFNF, Inc.	500w 1kw-LS	890	S-WILL, KUSD <i>S-KUSD eff. when WILL goes to 580kc</i> U
KGBX	Springfield, Mo. <i>T-nr. Springfield</i>	Springfield Broadcasting Co. <i>Strike out S. A. T-nr. Springfield-500w-1230--U-Exp.</i>	500w	1230	U
KGBZ		<i>Strike out all particulars</i>			
KGCX	Wolf Point, Mont.	E. E. Krebsbach	100w 250w-LS <i>C. P. 1kw.....</i>	1310	S. H. U
KGHL	Billings, Mont.	Northwestern Auto Supply Co., Inc.	1kw 2½kw-LS <i>C. P. 5kw-LS</i>	780	U
KGLO	Mason City, Iowa	Mason City Globe GAZETTE Co. <i>Effective 8-1-36</i>	100w	1210	U (C. P. only)
KHUB	Watsonville, Calif.	F. W. Atkinson <i>Effective 8-15-36</i>	250w	1310	D (C. P. only)
KIUJ	Santa Fe, N. Mex.	J. Laurance Martin	100w	1310	U
KLAH	Carlsbad, N. Mex.	Barney Hubbs, A. J. Crawford, Jack Hawkins, Harold Miller d/b as Carlsbad Broadcasting Co., a partnership	100w	1210	U (C. P. only)
KMA	Shenandoah, Iowa	May Seed and Nursery Co.	1kw 2½kw-LS	930	S-KGBZ **U
KMJ	Fresno, Calif.	<i>Strike out Effective 7-7-36-U</i> McClatchy Broadcasting Co.	500w 1kw-LS	580	U
KMMJ	Clay Center, Nebr.	KMMJ, Incorporated	1kw	740	L-WSB
KOBH	Rapid City, S. Dak.	Black Hills Broadcast Co. (Robert Lee Dean)	100w	1370	U (C. P. only)
KOCA	Kilgore, Texas	Oil Capital Broadcasting Assn. (James G. Ulmer, Pres.) <i>Effective 8-1-36</i>	100w	1210	U (C. P. only)
KROY	Sacramento, Calif.	Royal Miller <i>Effective 9-8-36</i>	100w	1210	D (C. P. only)
KSUN	Lowell, Ariz.	Copper Electric Co., Inc.	100w <i>C. P. 250w-LS</i>	1200	U
KTEM	Temple, Texas	Bell Broadcasting Co. <i>Effective 7-17-36</i>	100w	1370	D (C. P. only)
KUSD	Vermillion	University of South Dakota	500w	890	S-KFNF, WILL <i>S-KFNF eff. when WILL goes to 580 kc</i> U (C. P. only)
KVCV	Redding, Calif. <i>M. C. P. S. of Redding</i>	Golden Empire Broadcasting Co. <i>Strike out effective 4-21-36</i>	100w	1200	U (C. P. only)

Call Letters	Main Studio Location	Name of Licensee	Power	Frequency (kc)	Time Designation
KVSO	Ardmore, Okla.	The Ardmoreite Publishing Co., Inc.	100w	1210	D C. P. U.
KWEA		<i>Strike out all particulars—Effective 8-1-36</i>			
KWG	Stockton, Calif.	McClatchy Broadcasting Co.	100w	1200	U
KYA	San Francisco, Calif.	Hearst Radio, Inc.	1kw C. P. 5kw-LS	1230	U
KYOS	Merced, Calif.	Merced Star Publishing Co.	250w	1040	D (C. P. only)
WABI	Bangor, Maine C. P. T-Brewer	Community Broadcasting Service	100w 250w-LS	1200	S. H. U
WASH	Grand Rapids, Mich.	The Kunsky-Trendle Broadcasting Corp.	500w C. P. 1kw-LS	1270	S-WOOD
WCMJ	Ashland, Ky.	The Ashland Broadcasting Co.	100w C. P. 250w-LS	1310	U
WDBO	Orlando, Fla.	Orlando Broadcasting Co., Inc.	250w **1kw C. P. 1kw S. A. 1kw-LS-Exp. S. A. 1kw-night	580	U
WEAN	Providence, R. I.	Shepard Broadcasting Service, Inc.	500w C. P. 1kw	780	U
WEBR	Buffalo, N. Y.	WEBR, Incorporated	100w 250w-LS	1310	U
WEEI	Boston, Mass. T-Weymouth	WEEI Broadcasting Corp.	1kw C. P. 5kw-LS	590	U
WEXP	Clarksburg, W. Va.	The Exponent Co.	100w	1370	D (C. P. only)
WFBR	Baltimore, Md.	Baltimore Radio Show, Inc.	500w 1kw-LS	1270	U
*KVEC	San Luis Obispo, Calif.	Christina M. Jacobson, tr. as The Valley Elec. Co.	250w	1200	D (C. P. only)
		<i>Effective 9-29-36</i>			
WFOR	Hattiesburg, Miss.	Forrest Broadcasting Co., Inc.	100w	1370	U
Formerly WPFB					
WGBF	Evansville, Ind.	Evansville On the Air, Inc.	500w	630	Simultaneous D. S-KFRU WOS, night Simultaneous D. S-KFRU, night
			C. P. 1kw-LS		
WGL	Fort Wayne, Ind.	Westinghouse Electric and Manufacturing Co.	100w	1370	U
WGNV	Chester Twp., N. Y. C. P. Newburgh	Peter Goelet	100w	1210	S-WBRB, WFAS, WGBB
WHBL	Sheboygan, Wisc.	Press Publishing Co.	250w	1300	U
WIP	Philadelphia, Pa.	Pennsylvania Broadcasting Co.	500w S. A. 1kw-Exp. **1kw	610	U
WIRE	Indianapolis, Ind.	Indianapolis Broadcasting, Inc.	500w 1kw-LS C. P. 1kw-5kw-LS	1400	U
WIS	Columbia, S. C. T-nr. Columbia	Station WIS, Inc.	1kw 5kw-LS	560	U
		<i>Strike out S. A. 1kw-5kw-LS—560kc</i>			
WJAR	Providence, R. I. T-E. Providence	The Outlet Co.	1kw	890	U
		<i>Strike out S. A. 500w-night-Exp.</i>			
WJBC	Bloomington, Ill. T-Normal	Arthur Malcolm McGregor, and Dorothy Charlotte McGregor, a partnership	100w 250w-LS	1200	S-WJBL
WKRC	Cincinnati, Ohio	WKRC, Incorporated	500w S. A. 1kw-Exp. C. P. 1kw-5kw-LS conditionally	550	U
		<i>Strike out C. P. 2½kw-LS</i>			
WLBF	Kansas City, Kans.	The WLBF Broadcasting Co.	100w	1420 **1310	U
WLMU		<i>Strike out all particulars</i>			
Formerly WLIN					
WMCA	New York, N. Y. T-Flushing	Knickerbocker Broadcasting Co., Inc.	500w **1kw	570	U
WMEX	Boston, Mass. T-Chelsea C. P. T-Milton	The Northern Corp.	100w 250w-LS 5kw	1500 1470	U
WOL	Washington, D. C. C. P. T-Md.	American Broadcasting Co.	100w 1kw	1310 1230	U
WOLS	Florence, S. C.	O. Lee Stone	100w	1200	D (C. P. only)

<i>Call Letters</i>	<i>Main Studio Location</i>	<i>Name of Licensee</i>	<i>Power</i>	<i>Frequency (kc)</i>	<i>Time Designation</i>
WOOD	Grand Rapids, Mich.	Kunsky-Trendle Broadcasting Corp.	500w	1270	S-WASH
WPRA	Mayaguez, P. R.	Puerto Rico Advertising Co.	C. P. 1kw-LS 100w 250w-LS	1370	S. H. (C. P. only)
WQDM	St. Albans, Vt.	E. J. Regan and F. Arthur Bostwick, d/b as Regan and Bostwick	100w	1370	S. H.
WROK	Rockford, Ill.	Rockford Broadcasters, Inc.	500w	1410	U
WSMB	New Orleans, La.	WSMB, Inc.	1kw	1320	U
WSPG		<i>Strike out all particulars</i>			
		<i>Issues being determined by Court of Appeals, District of Columbia</i>			
WTAG	Worcester, Mass.	Worcester Telegram Publishing Co., Inc.	500w	580	U
	C. P. T-Holden.....		1kw		
WTFI	Athens, Ga.	Liberty Broadcasting Co.	500w	1450	U
	C. P. Atlanta				
WWSW	Pittsburg, Pa.	Walker and Downing Radio Corp.	100w 250w-LS	1500	U

** See Abbreviations—Lists of January 1, 1936.

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

Nos. 2889-2891. Selling leather luggage in interstate commerce, **Mutual Brief Case Company, Inc.**, 133-135 Kossuth St., **Newark, N. J.**, and **Rubin E. Rappeport**, trading as **R. E. Rappeport**, 1700 West Monroe St., **Chicago**, are charged in separate complaints with unfair competition in misrepresenting the quality of their products.

The respondents are said to label their products, manufactured from split cowhide leather, with the words "Cowhide," "Cowhide Only" or "Warranted Genuine Cowhide," to imply that the material covering such luggage is top grain leather, when, according to the complaint, such is not the fact.

Top grain leather, the complaint alleges, is superior in quality, durability and price to split leather, which is the under side of the hide, and the public generally is said to believe that the word "leather" means the top or hairy side of the hide.

No. 2892. **Willard F. Main, Cedar Rapids, Iowa**, is charged in a complaint with using unfair methods of competition in the sale of coin-operated vending machines and candy, confections, peanuts and other commodities for use in such machines. Main is said to trade under the names of **W. F. Main Co.**, **The Machen Co.**, **Standard Mercantile Co.**, **Appleton Novelty Co.**, and **New Specialty Co.**

The complaint alleges that the respondent, in advertising matter, testimonials, and through assertions made by his salesmen, makes false representations which deceive purchasers of his vending machines as to the real or usual profits to be derived from their operation, and which misleads such purchasers into the belief that their investment guarantees a return of 120 per cent; that failure to earn such return entitles them to a refund of their money plus 6 per cent interest, and that they can buy additional machines by giving their personal note for one-third of the purchase price, the remainder to be paid out of the earnings of the machines, provided the purchasers furnish satisfactory credit information or security.

Earnings from the machines do not average a minimum of \$2 a month each, as represented, according to the complaint, which also alleges that the respondent's contract contains so many provisions with which purchasers must comply that it is impossible for them to obtain the benefit of the repurchase agreement; that the 120 per cent profit agreement is a snare and subterfuge, and that the respondent in most cases refuses to accept a note for one-third down payment on additional machines bought, and refuses credit to purchasers, which is a condition precedent to the repurchase agreement.

No. 2893. A complaint has been issued charging **Midwest Publishing Company**, 540 North Michigan Ave., **Chicago**, and its president, **Walter H. Gorham**, with unfair methods of competition in the sale of a set of reference books entitled "Modern American Encyclopedia," together with a 10-year quarterly extension service.

By means of sales talks and advertising literature, the respondents

are said to represent that the encyclopedia set is a new, modern and up-to-date reference work, when, according to the complaint, the respondent Gorham and two associates purchased a set of old plates made in 1891, from which four prior owners printed five editions of reference books under various titles, and from which plates, very slightly revised, the respondents now print a sixth edition. The complaint alleges that prospective purchasers are not properly informed of the antiquated character of the material and data in the books, and that the many rapid scientific, historical and other changes that have occurred since 1891 render the "Modern American Encyclopedia" practically valueless for reference purposes.

The respondents allegedly circulate advertising literature containing the names of 33 persons, each prominent in a particular field of learning or industry, and represent that each of these has contributed substantially to the so-called new and modern encyclopedia, when, according to the complaint, such is not the fact, except that a few of the persons named contributed slightly to the original work in 1891 and revisions thereof.

No. 2894. Alleging unfair competition in connection with the sale of a hair treatment designated "Pro-Ker," a complaint has been issued against **Pro-Ker Laboratories, Inc.**, 10 East 49th St., **New York City**.

The complaint charges that the respondent corporation represents in advertising matter, testimonials and radio broadcasts that "Pro-Ker" is a competent treatment for baldness; that it corrects or cures any hair or scalp disorder, forces nature to replace fallen hair, produces a new growth of hair, and makes the scalp healthy and strong.

Such representations are grossly exaggerated and false, the complaint alleges, and tend to cause unfair diversion of trade to the respondent corporation from competitors who truthfully advertise their products.

No. 2895. Charged with representing that she owns a hatchery where she has baby chicks for sale, when such is not the fact, **Helen G. Dougherty**, 5910 California Ave., **Eldorado, Altoona, Pa.**, and trading as **Farm Service Company, Tyrone, Pa.**, is named respondent in a complaint alleging violation of Section 5 of the Federal Trade Commission Act.

The complaint alleges that when the respondent receives an order, she buys baby chicks from a hatchery, which ships them direct to the purchaser, and that she does not select the chicks, does not see them crated and never has them in her possession.

Other representations which the complaint charges are untrue are that the chicks she sells are hatched from eggs weighing 24 to 28 ounces a dozen; that a written guarantee of safe delivery accompanies each shipment; that she has had 40 years' experience in the poultry business, and that her husband is connected with her present business.

No. 2896. A complaint has been issued charging **Utilities Engineering Institute, Inc.**, with office at 404 North Wells St., **Chicago**, and a branch at 841 Broadway, **New York City**, with using unfair methods of competition in the sale of correspondence courses in air conditioning and electric refrigeration.

Alleging that the respondent corporation advertises for prospects in the classified columns of newspapers, the complaint charges such advertisements, known as "blind ads," are so worded as to conceal the fact that only a correspondence school course is offered for sale, and have deceived prospective purchasers into believing

that the advertiser is in a position to offer employment, when such is not the fact.

The respondent corporation, the complaint alleges, has adopted a fictitious name, "Globe Agency," which it falsely represents to students as a separate company retained to collect overdue accounts, and under which name it threatens customers with court proceedings and with additional charges and costs if overdue payments are not made promptly. According to the complaint, "Globe Agency" is none other than the respondent corporation.

No. 2897. Allegedly misrepresenting the selling price, value and effective qualities of toilet and purported medicated soap, **Hewitt Soap Co., Inc.**, 289 Linden Ave., **Dayton, O.**, and its subsidiary, **Crown Soap Co.**, also trading as **Dayton Soap Co.**, are named respondents in a complaint charging unfair methods of competition in the sale of such products.

According to the complaint, the respondents' soaps are of cheap grade, and although labeled at prices ranging from 2 cakes for 25 cents to 25 cents a cake, are sold by the respondents to their canvassers at from 2 cents to 4½ cents a cake, and are comparable to soaps ordinarily sold at retail at from 2 cakes for 5 cents to 10 cents a cake, or 3 for 25 cents.

The prices marked on the soap products, the complaint alleges, are fictitious and exaggerated, are intended by the respondents and their canvassers to be far in excess of the prices actually charged consumers, and such soap products are never sold at the labeled prices.

No. 2899. Use of unfair methods of competition to promote the sale of a shoe polish designated "Sav-An-Upper," in violation of Section 5 of the Federal Trade Commission Act, is alleged in a complaint issued against **Perfect Manufacturing Co.**, 3325 Madison Road, **Cincinnati**.

The complaint charges that agents and dealers selling "Sav-An-Upper" cannot, as the respondent corporation allegedly represents in its advertising matter, realize an enormous margin of profit, such as 202 per cent, on quick and easy sales; do not become "independent" by handling the product, nor are their profits guaranteed or limited in amount only by their own efforts.

No. 2900. False claims for the therapeutic value of "Nuga-Tone" are alleged in a complaint issued against **National Laboratory**, 767 Milwaukee Ave., **Chicago**, which sells that product as a treatment for diseases of the stomach, intestinal and other organs.

The respondent corporation is said to advertise in newspapers, magazines and over the radio, that the product is an efficient remedy for indigestion and stomach trouble, removes the cause of aches and pains in the muscles, nerves and bones and gives new power to the muscular and nervous system.

Such representations are false, according to the complaint, which alleges that the product is of a potentially harmful character and particularly dangerous in the hands of lay users.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

No. 2629. An order to discontinue unfair methods of competition in the sale of toilet articles has been entered against **Sterling Company**, 112 11th St., **Des Moines, Iowa**, its former president, **Don Parmelee**, and **Paul H. Williams** and **Sibley F. Everett**, who control the corporation.

The respondents are directed to stop representing that prizes announced in certain of their advertising matter are awarded to those who transmit most promptly accurate solutions or answers to problems, puzzles, or questions set forth in such advertising matter, and that any person has won a prize in such contest, when such are not the facts.

Persons who most promptly submitted solutions of puzzles, together with \$2, were led to believe, the Commission found, that they not only would be given an assortment of "Bonnie Day" articles, but would share in the distribution of the prizes, when, in fact, they were merely purchasers of the respondents' products and could become, if they chose, salesmen of such products and enter the contest for the prizes offered.

No. 2843 **Chicago Macaroni Company**, trading as **A. Morici & G. Matalone Company**, 2148 Canalport Ave., **Chicago**, has been ordered to cease and desist from the use of unfair methods of competition in the sale of a product designated "Italy Brand Table Oil".

The order directs the respondent company to discontinue representing in advertising matter, on labels or by radio broadcasting, that **A. Morici & G. Matalone Company** is an Italian or Italian-American concern engaged in the business of importing

olive oil from Italy, or that the olive oil ingredient of its product is produced in or imported from Italy, unless such is a fact.

No. 2858. False representations as to the characteristics, effectiveness and curative value of "Neway Latex Bandages" and the earnings to be made in selling such products shall be discontinued under an order to cease and desist entered against **Roy C. Greenberg** and **Sarah J. Rosenheim**, trading as **Neway Manufacturing Co.**, 30 South Clinton St., **Chicago**.

The order prohibits the respondents from representing in any manner that their "Neway Latex Bandage" is porous, allowing the skin to "breathe" and the wound to heal much quicker; that it holds snugly and comfortably, yet admits air while keeping out dirt and germs and resisting water; that there is no need to buy arch supports or expensive devices for bunions as this product helps to correct all foot ailments; that it is used to assist in slenderizing large ankles, and that doctors and hospitals are aware that it offers "the safest way on earth" to treat patients.

FEDERAL COMMUNICATIONS COMMISSION ACTION

No hearings are scheduled for the Commission during the week beginning Monday, October 24.

The Broadcast Division at a regular meeting has taken the following action:

APPLICATIONS RECONSIDERED AND GRANTED

KTAT—**KTAT Broadcast Co., Inc.**, Fort Worth, Tex.—Granted consent to voluntary assignment of license from **KTAT Broadcast Co., Inc.**, to **Raymond E. Buck** (1240 kc., 1 KW, unlimited time).

KOMA—**National Radio Mfg. Co.**, Oklahoma City, Okla.—Granted voluntary assignment of license from **National Radio Mfg. Co.** to **Hearst Radio, Inc.** (1480 kc., 5 KW, unlimited time).

WACO—**Central Texas Broadcasting Co., Inc.**, Waco, Tex.—Granted voluntary assignment of license from **Central Texas Broadcasting Co., Inc.**, to **KTSA Broadcasting Co.** (1420 kc., 100 watts, unlimited time).

APPLICATIONS GRANTED

KFGQ—**Boone Biblical College**, Boone, Iowa.—Granted special temporary authority to operate from 2:30 to 4 p. m., CST, September 1, 1936.

WAAF—**Drovers Journal Publishing Co.**, Chicago, Ill.—Granted special temporary authority to operate from 5 to 6 a. m., CST, for the period beginning September 1, 1936, and continue as long as Eastern Standard Time is in official use in Chicago, but not later than March 1, 1937.

WOW—**Woodmen of the World Life Ins. Association**, Omaha, Nebr.—Granted extension of special temporary authority to operate with power of 5 KW at night for the period August 30 to September 28, 1936.

KUSD—**University of South Dakota**, Vermillion, S. Dak.—Granted extension of special temporary authority to remain silent for the period September 1 to September 14, 1936, in order to observe summer vacation.

WCBD—**WCBD, Inc.**, Waukegan, Ill.—Granted extension of special temporary authority to use studio located at Zion, Ill., as main studio, pending action on application to move studio to Chicago, for the period August 22 and ending no later than September 20, 1936.

KOTN—**Universal Broadcasting Corp.**, Pine Bluff, Ark.—Granted extension of special temporary authority to operate unlimited time for the period August 24 to September 22, 1936, in order to broadcast special Arkansas Centennial Program each night.

WDBJ—**Times-World Corp.**, Roanoke, Va.—Granted extension of special temporary authority to operate station without an approved frequency monitor for the period August 24 to September 22, 1936.

WCOA—**Pensacola Broadcasting Co.**, Pensacola, Fla.—Granted special temporary authority to operate a 50-watt portable test transmitter between 12 midnight and 6 a. m., EST, for the period August 15 to September 13, 1936, in order to conduct site tests.

KBTM—**Beard's Temple of Music**, Jonesboro, Ark.—Granted authority to operate from 6:30 p. m., CST to the close of Northeast Arkansas Centennial Pageant at Wallcott, Ark., on night of September 5; denied request to operate special hours on August 6 and 7 and 10, and September 6.

WNAC—Shepard Broadcasting Service, Inc., Boston, Mass.—Granted license to cover C. P. authorizing installation of new equipment and increase in day power to 5 KW.

WCOL—WCOL, Inc., Columbus, Ohio—Granted license to cover C. P. authorizing changes in equipment.

WSAR—Doughty & Welch Electric Co., Inc., Fall River, Mass.—Granted modification of C. P. to change tubes in the last radio stage and make changes in directional antenna.

KGCG—The Golden Gate Broadcasting Co., San Francisco, Cal.—Granted C. P. to install new equipment.

WTHT—The Hartford Times, Inc., Hartford, Conn.—Granted license to cover C. P. to erect new broadcast station to operate on 1200 kc., 100 watts, daytime.

WNBF—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—Granted C. P. to install new antenna and move transmitter locally.

WFOR—Forrest Broadcasting Co., Inc., Hattiesburg, Miss.—Granted license to cover C. P. authorizing installation of new equipment and move of studio locally.

WMBH—Joplin Broadcasting Co., Joplin, Mo.—Granted C. P. to install new equipment.

WSBC—WSBC, Inc., Chicago, Ill.—Granted license to cover C. P. authorizing move of station locally and erecting a new antenna system.

WGH—Hampton Roads Broadcasting Corp., Newport News, Va.—Granted C. P. to install vertical radiator and move transmitter locally.

WEAN—Shepard Broadcasting Service, Inc., Providence, R. I.—Granted modification of C. P. to move transmitter site 750 feet northwest of present approved site, and approving new transmitter and directional antenna system.

WCAZ—Superior Broadcasting Service, Inc., Carthage, Ill.—Granted license to cover C. P. authorizing local move of station and installing new equipment.

WRR—City of Dallas, Texas.—Granted modification of license for use of same antenna systems by stations WRR and KVPA.

WAWZ—Pillar of Fire, Zarepath, N. J.—Granted authority to install automatic frequency control equipment.

KTW—First Presbyterian Church, Seattle, Wash.—Granted authority to make changes in automatic frequency control equipment.

WCBD—WCBD, Inc., Waukegan, Ill.—Granted authority to make changes in automatic frequency control equipment.

WCAX—Burlington Daily News, Inc., Burlington, Vt.—Granted C. P. to install new equipment.

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Granted license to cover C. P. authorizing installation of new equipment, increase in day power from 1 to 5 KW, and installation of directional antenna nighttime operation; 1260 kc., 1 KW night.

WLBC—Donald A. Burton, Muncie, Ind.—Granted license to cover C. P. authorizing installation of new equipment and vertical antenna and increase in day power from 100 watts to 250 watts; 1310 kc., simultaneous day, sharing WTRC at night.

KRBC—The Reporter Broadcasting Co., Abilene, Texas.—Granted modification of C. P. approving transmitting and studio sites, and install new equipment.

KYOS—Merced Star Publishing Co., Merced, Cal.—Granted modification of C. P. approving transmitting and studio sites; install vertical radiator.

MISCELLANEOUS

KCMO—Lester E. Cox, Thomas L. Evans & C. C. Payne, Kansas City, Mo.—Upon consideration of protests to its action of June 20, 1936, in granting application for modification of license to move studio locally and change hours of operation from specified to unlimited, for station KCMO, filed by the Midland Broadcasting Co. (KMBC), and The First National Television, Inc., both of Kansas City, Mo., the Commission reconsidered its action in granting this application and directed same be designated for hearing. KCMO issued special temporary authority to operate unlimited time pending hearing and decision on protests of Midland Broadcasting Co. and First National Television, Inc.

ORAL ARGUMENTS

Granted request for oral argument in re Examiner's Report No. 1-246, on the application of Missouri Broadcasting Corp. (WIL),

St. Louis, Mo., for C. P. and Star-Times Publishing Co., St. Louis, for C. P., and directed said oral argument be heard on September 10, 1936.

Granted request for oral argument in re Examiner's Report No. 1-255, on application of Wichita Falls Broadcasting Co. (KGKO), Wichita Falls, Tex., for C. P., and directed said oral argument be heard on September 17, 1936.

SET FOR HEARING

NEW—Michael F. Murray.—Designated for hearing (to be heard with other St. Cloud applications) C. P. for new station, 560 kc., 500 watts, daytime. Site to be determined.

WCFL—Chicago Federation of Labor, Chicago, Ill.—Set date for hearing on C. P. to install new equipment and increase power to 50 KW; to be heard September 24, 1936, before the Broadcast Division.

APPLICATIONS DENIED

WELI—City Broadcasting Corp., New Haven, Conn.—Denied authority to operate from LS to 8 p. m., EST, with 50 watts, for period of 30 days from September 1, 1936.

KOOS—Pacific Radio Corp., Marshfield, Ore.—Denied authority to operate from LS to 9 p. m., PST, with 100 watts, on 1200 kc., for period of 30 days.

The Broadcast Division has taken the following actions, subject to ratification at its next regular meeting:

APPLICATIONS GRANTED

WJEP—The Stromberg Carlson Television Mfg. Co., Rochester, N. Y.—Granted special temporary authority to operate broadcast pickup station WJEP as licensed August 13 to 15, inclusive on dredge boat off Port of Rochester, N. Y. Also granted special temporary authority to operate station August 20 to 25, inclusive in order to broadcast educational program on Coast Guard Cutter Jackson.

W2XKI—National Broadcasting Co., Inc., New York City.—Granted extension of test period for 30 days beginning August 18.

KFNF—KFNF, Inc., Shenandoah, Iowa.—Granted special temporary authority to operate a portable mobile transmitter during the period August 18 and ending no later than August 23, as a broadcast pickup station for the purpose of broadcasting annual Sidney, Iowa, Rodeo; frequencies 31100, 34600, 37600, 40600 kc., 50 watts.

KGLO—Mason City Globe Gazette Co., Mason City, Ia.—Granted special temporary authority to operate a 40-watt portable test transmitter between hours of 9 a. m. and 5 p. m., CST, for a period not to exceed 10 days from August 17, in vicinity of Mason City, in order to make local survey.

WHAS—The Courier-Journal Co. and the Louisville Times Co., Louisville, Ky.—Granted extension of special temporary authority to operate a 50-watt portable test transmitter from 12 midnight to 6 a. m., CST, for period August 18 and ending not later than September 16, 1936, in order to determine new transmitter site.

WGST—Georgia School of Technology, Atlanta, Ga.—Granted extension of special temporary authority to operate a 100-watt portable test transmitter on 890 kc. between hours of 12 midnight and 6 a. m., EST, for period August 12 to September 10, 1935, in order to determine new antenna location.

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted special temporary authority to operate from 6:45 p. m. to 12 midnight, CST, August 25, in order to broadcast election returns.

KIDO—Boise Broadcast Station, Boise, Idaho.—Granted extension of special temporary authority to operate with temporary antenna for a period beginning August 22 and ending not later than September 20, 1936, pending completion of construction.

WABI—Community Broadcasting Service, Bangor, Maine.—Granted special temporary authority to operate from 2 to 6 p. m., EDST, August 24 to 29, inclusive, in order to broadcast from Bangor, Maine, fairgrounds.

WLBL—State of Wisconsin Department of Agriculture and Markets, Stevens Point, Wis.—Granted extension of special temporary authority to operate without an approved frequency monitor for the period August 14 to September 12, 1936.

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Granted special temporary authority to operate without an antenna ammeter for a period not to exceed 15 days from August 9, 1936.

WSYR-WSYU—Central New York Broadcasting Service, Syracuse, N. Y.—Granted extension of special temporary authority to operate a 100-watt portable test transmitter between the hours of 12 midnight and 6 a. m., EST, for a period beginning August 8 and ending in no event later than August 27, 1936.

WPRP—Julio M. Conesa, Ponce, P. R.—Granted extension of special temporary authority to operate station without an approved frequency monitor for a period beginning August 8 and ending not later than September 6, 1936.

WELI—City Broadcasting Corp., New Haven, Conn.—Granted special temporary authority to operate from 8 p. m. to 12 midnight, EST, on August 29, in order to broadcast a talk by Wm. Lemke; on September 16, in order to broadcast a talk by Rev. Coughlin, and on September 22 in order to broadcast dinner of Rotary Club.

KALB—Alexandria Broadcasting Co., Inc., Alexandria, La.—Granted special temporary authority to operate from local sunset (7 p. m., CST) to 10 p. m., CST, August 25, in order to broadcast Alumni Federation of Louisiana State University.

W8XIN—Radio Air Service Corp., Cleveland, Ohio.—Granted extension of special temporary authority to operate a radio transmitting apparatus as a general experimental broadcast pickup station for the period August 3 to September 1, 1936, to broadcast political activities; frequencies 31100, 34600, 37600, 40600 kc., 10 watts.

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah—Granted extension of special temporary authority to operate station without plate voltmeter for a period not to exceed 7 days from August 13, 1936.

KSEI—Radio Service Corp., Pocatello, Idaho—Granted special temporary authority to operate station without an antenna ammeter for a period beginning August 11 and ending no later than August 26, 1936.

WSMK—WSMK, Inc., Dayton, Ohio—Granted special temporary authority to operate simultaneously with KQV from 10 to 11 p. m., EDST, on August 18, in order to broadcast the Sharkey-Louis fight.

KGFL—KGFL, Inc., Roswell, New Mexico—Granted special temporary authority to operate from 7:30 p. m. to 12 midnight, MST, August 18, 1936, in order to broadcast election returns.

KFRO—Voice of Longview, Longview, Texas—Granted special temporary authority to operate from local sunset (7 p. m., CST) to 12 midnight CST, August 17 to 22, inclusive, 1936, in order to broadcast political speeches of candidates for public offices in Texas and Gregg.

WAPI—WAPI Broadcasting Corp., Birmingham, Ala.—Granted extension of special temporary authority to operate station without antenna ammeter for period August 16 and ending no later than August 25, 1936.

WNYC—City of N. Y. Dept. of Plant and Structures, New York City—Granted extension on a temporary basis only of auxiliary license for the period August 1 to September 1, 1936, pending receipt and/or action on renewal application.

APPLICATIONS SET FOR HEARING

KJR—Fisher's Blend Station, Inc., Seattle, Wash.—Application for C. P. to install new equipment and increase power to 10 KW.

The Broadcast Division reconsidered its action of July 22, 1936, in granting the petition filed by Geo. W. Young, licensee of station WDGy, Minneapolis, Minn., requesting that the Commission return to the National Battery Broadcasting Co., one of its two pending applications for C. P. for a new station in St. Paul, Minn., and directed that application File No. B4-P-1160 of the National Battery Broadcasting Co. be designated for hearing, to be heard with that company's application File No. B4-P-1143.

APPLICATIONS DISMISSED

KMTR—KMTR Radio Corp., Los Angeles, Cal.—The Broadcast Division, upon its own motion, (1) reconsidered its action of August 27, 1935, in designating the application for renewal of license of station KMTR for hearing, and directed that said application be dismissed from the hearing docket

and (2) granted a regular renewal of license, effective September 1, 1936. The Division further directed that an order be entered accordingly and forwarded to all interested parties.

ORAL ARGUMENT GRANTED

WOL—Ex. Rep. No. 1-247: American Broadcasting Co., Washington, D. C.—The Broadcast Division, upon consideration of requests for oral argument in this Examiner's Report filed by the National Broadcasting Co., Inc., licensee of stations WRC and WMAL; the Indianapolis Power & Light Co., licensee of station WFBM, WCAE, Inc., and the Monocacy Broadcasting Co., and motion of the American Broadcasting Co. to strike said requests, and petition of the American Broadcasting Co. suggesting that the case be reopened for oral argument, rescinded its action of July 22, 1936, in granting the application for station WOL to move transmitter, change frequency from 1310 kc. to 1230 kc., and increase power from 100 watts to 1 KW, unlimited time (directional antenna), and directed that oral argument be held upon exceptions to Ex. Rept. No. 1-247, said oral argument to be heard on September 10, 1936.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KELW, Burbank, Cal.; KFDY, Brookings, S. Dak.; KFEL, Denver, Colo.; KFKA, Greeley, Colo.; KFNH, Shenandoah, Ia.; KFPY, Spokane, Wash.; KFRU, Columbia, Mo.; KFSO, San Diego; KFYR, Bismarck, N. Dak.; KGHL, Billings, Mont.; KGKO, Wichita Falls, Texas; KGW, Portland, Ore.; KHQ, Spokane, Wash.; KXL, Oakland, Cal.; KOAC, Corvallis, Ore.; KOMO and auxiliary, Seattle, Wash.; KPRC, Houston, Tex.; KSAC, Manhattan, Kans.; KSFO, San Francisco; KVI, Tacoma, Wash.; KVOB, Denver, Colo.; WAAF, Chicago; WBAW, W. Lafayette, Ind.; WBEN and auxiliary, Buffalo, N. Y.; WCHE, Charleston, W. Va.; WCOC, Meridian, Miss.; WDAF, Kansas City, Mo.; WDBO, Orlando, Fla.; WDEV, Waterbury, Vt.; WEAN, Providence, R. I.; WEEL, Boston; WFIL and auxiliary, Philadelphia; WFLA-WSUN, St. Petersburg and Clearwater, Fla.; WGBF, Evansville, Ind.; WGBI, Scranton, Pa.; WGR, Buffalo, N. Y.; WHJB, Greensburg, Pa.; WGST, Atlanta, Ga.; WIBW, Topeka, Kans.; WILL, Urbana, Ill.; WJAX, Jacksonville, Fla.; WKY, Oklahoma City; WMC and auxiliary, Memphis, Tenn.; WMT, Cedar Rapids, Ia.; WOSU, Columbus, Ohio; WQAM and auxiliary, Miami, Fla.; WQAN, Scranton, Pa.; WREC, Memphis, Tenn.; WSPA, Spartanburg, S. C.; WSUI, Iowa City, Ia.; WTAD, Quincy, Ill.; WTMJ, Milwaukee, Wis.; WWNC, Asheville, N. C.

APPLICATIONS RECEIVED

First Zone

NEW—Lawrence K. Miller, Pittsfield, Mass.—Construction permit for a new station to be operated on 930 kc., 250 watts, daytime.

WOV—International Broadcasting Corp., New York, N. Y.—1130 Authority to transfer control of corporation from John Iraci, Giustina B. Iraci and Mariannina C. Iraci to Arde Bulova, 766 shares of common stock.

NEW—Eugene Meyer & Co., d/b as The Washington Post, Washington, D. C.—1310 Construction permit for a new station to be operated on 630 kc., 250 watts, 500 watts day, unlimited time. Amended to change type of equipment, changes in antenna, change frequency from 630 kc. to 1310 kc., power from 250 watts, 500 watts day, to 100 watts, 250 watts day, and omit request for facilities of WMAL.

NEW—Hearst Radio, Inc., Albany, N. Y.—1240 Construction permit for a new station to be operated on 970 kc., 1 KW, unlimited time. Amended to change frequency from 970 kc. to 1240 kc., change transmitter site from Rural, Albany, N. Y., to New Albany, N. Y., and make changes in equipment.

NEW—Hearst Radio, Inc., Washington, D. C.—1240 Construction permit for a new station to be operated on 1240 kc., 1 KW, unlimited time; to use directional antenna.

NEW—Oliver C. Harriman & Ralph Clark, New York, N. Y.—Construction permit for a new visual broadcasting station to be operated on 42000-56000, 60000-86000 kc., 2 KW.

NEW—Oliver C. Harriman & Ralph Clark, New York, N. Y.—Construction permit for a new general experimental station to be operated on 42000-56000, 60000-86000 kc., 1 KW.

NEW—Oliver C. Harriman & Ralph Clark, New York, N. Y.—Construction permit for a new general experimental broadcast station to be operated on 31600, 35600, 38600, 41000 kc., 2 KW.

Atlantic Broadcasting Corp., New York, N. Y.—Authority to transmit programs to CFRB, Toronto, and CKAC, Montreal, and to stations of the Canadian Radio Commission or its successor.

Second Zone

NEW—The Schuylkill Broadcasting Co., Pottsville, Pa.—Construction permit for a new station to be operated on 580 kc., 250 watts, daytime.

NEW—Lou Poller, Scranton, Pa.—Construction permit for a new 930 station to be operated on 930 kc., 250 watts, daytime.

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Modification 1210 of license to change hours of operation from specified hours to unlimited time.

WADC—Allen T. Simmons, Akron, Ohio.—License to cover construction permit (B2-P-689) for changes in equipment and increase in power.

WLVA—Lynchburg Broadcasting Corp., Lynchburg, Va.—Construction permit to change frequency from 1200 kc. to 1390 kc., make changes in equipment, increase power from 100 watts, 250 watts day, to 500 watts day and night, and install directional antenna for night use.

NEW—Roanoke Gospel Tabernacle, Earl T. Favro, Pastor, 1500 Roanoke, Va.—Construction permit for a new station to be operated on 590 kc., 100 watts, specified hours. Amended to change frequency from 590 kc. to 1500 kc., give studio and transmitter sites as Route No. 2, Box 585-A, Roanoke County, Virginia.

Third Zone

KTSA—KTSA Broadcasting Co., San Antonio, Tex.—Construction 550 permit to install a new transmitter.

WGST—Georgia School of Technology, Atlanta, Ga.—Construction 890 permit to install a new transmitter and antenna and increase power from 500 watts, 1 KW day, to 1 KW night, 5 KW day, and move transmitter from Third and Cherry Streets, Atlanta, Ga., to site to be determined, Atlanta, Ga.

WNOX—Continental Radio Co., Knoxville, Tenn.—Construction 1010 permit to install a new transmitter and antenna, increase power from 1 KW, 2 KW day, to 1 KW, 5 KW day, and move transmitter from Holston Hills, near Knoxville, Tenn., to Anderson Road, near Knoxville, Tenn.

WRR—City of Dallas, Texas, Dallas, Tex.—Authority to determine operating power by direct measurement of antenna for auxiliary transmitter.

WRR—City of Dallas, Texas, Dallas, Tex.—Authority to use the 1280 transmitter of Station KPVA (W. E. Type 6-B, 1 KW) as an auxiliary transmitter.

KRMD—Radio Station KRMD, Inc., Shreveport, La.—Construction 1310 permit to make changes in equipment, install new antenna, increase power from 100 watts to 100 watts night, 250 watts day.

KFRO—Voice of Longview, Longview, Tex.—Construction permit 1370 to make changes in equipment and increase power from 100 watts to 250 watts.

KCMC—KCMC, Inc., Texarkana, Ark.—Construction permit to 1420 install a new transmitter and vertical antenna.

WAPO—W. A. Patterson, Chattanooga, Tenn.—Modification of 1420 construction permit (B3-P-588) as modified for a new station on 1420 kc., 100 watts, daytime, to further request change in frequency from 1420 kc. to 1200 kc., power from 100 watts to 100 watts night, 250 watts day, hours of operation from daytime to unlimited time, make changes in equipment, and move studio from Read House, 9th and Broad Sts., Chattanooga, Tenn., to site to be determined, Chattanooga, Tenn.

WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C. 1440 —Special experimental authorization to operate on 1 KW night and day for period of three months.

KPLT—The North Texas Broadcasting Co., Paris, Tex.—Modification of construction permit (B3-P-442) for a new station, requesting authority to change type of equipment, install antenna, give exact transmitter site as Paris, Tex. (no street address), and move studio from 34-36 Lamar Avenue, Paris, Tex., to corner Main and Austin Streets, Paris, Tex.

Fourth Zone

KFEQ—KFEQ, Inc., St. Joseph, Mo.—Construction permit to 680 install a new transmitter and antenna and move transmitter from Pauline and Elwood Sts., St. Joseph, Mo., to The South 15 acres of the East 40 acres of the N.W. ¼ of Sec. 33-57-36, St. Joseph, Mo.

WIB—University of Minnesota, Minneapolis, Minn.—Construction 760 permit to install new transmitter, make changes in antenna, change frequency from 1250 kc. to 760 kc., power from 1 KW to 5 KW, hours of operation from specified hours to share-WCAL (2/3 daytime).

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—1250 Modification of license to change hours of operation from specified hours to unlimited time. Requests facilities of Stations WLB and WCAL (contingent upon B4-P-1292 and B4-P-1293).

WCAL—St. Olaf College, Northfield, Minn.—Construction permit 1250 to make changes in equipment, install a new antenna, change frequency from 1250 kc. to 760 kc., power from 1 KW, 2½ KW day, to 5 KW day, and hours of operation from specified hours to share-WLB (1/3 daytime).

KOIL—Central States Broadcasting Co., Omaha, Nebr.—Modification of license to move studio from 600 Huntington Avenue at Fairmont Park, Council Bluffs, Iowa, to Omaha National Bank Building, Omaha, Nebr.

NEW—Arthur H. Croghan, Minneapolis, Minn.—Construction 1310 permit for a new station to be operated on 1310 kc., 100 watts, daytime.

KFJM—University of North Dakota, Grand Forks, N. Dak.—1370 Modification of construction permit (B4-P-501) for changes in equipment, change of frequency, and increase in power, requesting changes in authorized equipment, move of transmitter 0.12 mile from present site, University Campus, Grand Forks, N. Dak., and for approval of vertical antenna.

WEOA—Evansville on the Air, Inc., Evansville, Ind.—Construction 1370 permit to make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts day.

WCBS—WCBS, Inc., Springfield, Ill.—Construction permit to 1420 make changes in equipment, install a vertical antenna and move transmitter from 319 East Jefferson Street, Springfield, Ill., to 2200-2206 S. 6th Street, Springfield, Ill.

WBBM Broadcasting Corp., Chicago, Ill.—Authority to transmit programs to stations CFRB, Toronto, and CKAC, Montreal, and to stations of the Canadian Radio Commission or its successor.

Fifth Zone

KGW—Oregonian Publishing Co., Portland, Ore.—Authority to 620 determine operating power by direct measurement of antenna.

KGW—Oregonian Publishing Co., Portland, Ore.—License to cover 620 construction permit (B5-P-1136) for changes in equipment.

KPPC—Pasadena Presbyterian Church, Pasadena, Calif.—Construction permit to make changes in equipment.

W9XJI—The Reynolds Radio Co., Inc., Portable-Mobile.—License to cover construction permit for a new general experimental broadcast pickup station.

W9XJI—The Reynolds Radio Co., Inc., Portable-Mobile.—Modification of license to change name from The Reynolds Radio Co., Inc., to KLZ Broadcasting Co.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

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BROADCASTING NOT AFFECTED BY ROBINSON-PATMAN LAW

The Federal Trade Commission has been very reticent in making any statement in connection with the new Robinson-Patman law. It is therefore of great interest to note that in a discussion of that legislation as it will occur in the forthcoming annual report of the Commission, that body has made the following official announcement:

"Authority to enforce compliance with the new Act, as distinguished from criminal proceedings, is by virtue of Section 11 of the Clayton Act vested in the Commission in all cases in which the new Act is not applicable to common carriers subject to the Interstate Commerce Act, as amended, to common carriers engaged in wire or radio communications or radio transmission of energy or to banks, banking associations and trust companies.

"The Interstate Commerce Commission has authority to enforce compliance by common carriers subject to the Interstate Commerce Act as amended; the Federal Communications Commission has authority to enforce compliance in cases applicable to common carriers engaged in wire or radio communication or radio transmission of energy; while the Federal Reserve Board has authority to enforce compliance where the Act is applicable to banks, banking associations, and trust companies."

NO REPLY FROM HERMAN STARR

Under date of July 31, 1936, the Managing Director addressed to Herman Starr, President of the Music Publishers Holding Corporation, a telegram reading as follows:

"Understand MPHC filed application last evening for reinstatement in the ASCAP stop will appreciate full statement by telegraph and information concerning any steps that have been taken to refund moneys received by MPHC directly from stations since January first nineteen thirty six."

To date no reply has been received to this telegram.

RULE 229 AMENDED

The Federal Communications Commission announced this week that it has amended Rule 229. In this connection the announcement states:

The Commission on August 14, 1936, amended Rule 229 by adding the following frequencies for experimental broadcast:

38,900, 39,100, 39,300, 39,500, 39,700, 39,900,
40,800 and 41,400 kilocycles.

The Broadcast Division will promulgate rules governing the broadcast stations that will be assigned to these frequencies.

GLOBE ADVERTISING AGENCY

According to correspondence with the Globe Advertising Agency, 213 West Austin Avenue, Chicago, Illinois, that agency is repre-

senting Norman T. Baker. It will be remembered that Norman T. Baker was once the licensee of a radio station (KTNT) at Muscatine, Iowa; that Mr. Baker claims to have a cure for cancer; and that his radio license was denied by the Federal Radio Commission.

Under date of August 18 we addressed the following letter to the Globe Advertising Agency:

"Our attention has been directed to the account which you have submitted to certain radio broadcasting stations, having to do with a health book. We will greatly appreciate it if you will forward a copy of this health book together with a copy of the follow-up correspondence sent to persons who make inquiry."

In reply to this letter we received a communication signed "Baker Hospital, by R. A. Bellows, Superintendent for Lessee." There were enclosed with Mr. Bellows' letter two booklets, one entitled "America's Greatest Crime" and the other, "Cancer is Curable."

Although it is believed that few stations today are accepting per inquiry accounts, this experience indicates the dangers which are involved in carrying blind advertisements.

RADIO PREVIEWS ATTEMPTS CHISEL

The undated letter recently mailed to several broadcasting stations by Leon Lee, President, Radio Previews, Inc., should draw a prompt reply from members based upon the provisions contained in Paragraph 6 of the NAB Code of Ethics.

This letter, which is actually an insult to the intelligence of the stations to which it is sent, seeks a franchise agreement whereby the station would receive for the purpose of radio broadcasting a complete one-half hour program, electrically recorded, to be known as the "Movie Review of the Week," or under such other title as the station may from time to time determine. According to the proposed agreement these programs shall consist of five or six excerpts from the forthcoming major film releases, of the station's own choosing, and shall contain dialogue, songs and tax-free music from such productions. Under the proposed franchise agreement the station would agree to broadcast these programs as a sustaining feature each week and to furnish to the Radio Review, Inc., a signed statement in standard form to be furnished, of the date and the time allotted to such broadcast. The station would agree not to broadcast these recordings during the hours of 8 to 10 p. m., and would further agree not to broadcast any other recordings transcribed directly from motion picture productions during the term of the contract.

This is an out and out attempt to obtain free radio advertising for motion pictures. The franchise agreement as proposed would not even amount to an exchange of time for talent because the station would agree, in the case of sponsorship, to pay \$5.00 upon delivery each week for each recorded program received.

Happily, broadcasting stations have learned that it pays to treat all their advertisers alike and they will not be misled by Mr. Lee.

RECOMMENDS CHANGES FOR KRNT

Broadcasting station KRNT, Des Moines, Iowa, operating on a frequency of 1320 kilocycles, filed an application with the Federal Communications Commission to increase its power from 500 to 1,000 watts at night and from 1,000 to 5,000 watts until local sunset, and to install a directional antenna. The station operates with unlimited time.

Examiner George H. Hill, in Report No. I-281, recommended that the application be granted. He found that there is need for the service proposed, and that the operation of KRNT as proposed "would improve the service of other stations now operating on the 1320 kilocycle frequency." The Examiner states also that increasing the daytime power of the station will extend its service to an area not now receiving such service "of approximately 11,000

square miles, and the population served will be increased from 661,930 to 1,038,845."

COMMISSION RESCINDS ITS ACTION

The Broadcast Division of the Federal Communications Commission announced this week that it has rescinded its action of July 2 in denying the application of the Central Broadcasting Company, Eau Claire, Wis., "and requested that copies of the order and statement of facts and grounds for decision therein be returned to this office for cancellation."

At the same time this announcement was made the Commission also announced that it had entered a final order in the case of this company granting the application for a construction permit for a new broadcast station to operate on 1050 kilocycles, 250 watts daytime, the site to be determined subject to the Commission's approval. The application was granted subject to Rules 131, 132 and 139. It is effective 3 a. m., Eastern Standard Time, September 15.

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

Roxborough Knitting Mills, Inc., Philadelphia, Pa. (2-2376, Form A-1)
Hamilton Manufacturing Company, Two Rivers, Wis. (2-2377, Form A-1)
Peerless Casualty Company, Keene, N. H. (2-2378, Form A-2)
Tulsa Oil Development Company, Tulsa, Okla. (2-2379, Form A-1)
Peerless Corporation, Cleveland, Ohio. (2-2380, Form A-2)
Silver Syndicate, Inc., Wallace, Idaho. (2-2381, Form A-1)
Homestead Fire Insurance Co., Baltimore, Md. (2-2383, Form A-2)
Mergraf Oil Products Corp., Detroit, Mich. (2-2384, Form A-1)
American Refrigerator Transit Co., St. Louis, Mo. (2-2385, Form A-2)
Creameries of America, Inc., Los Angeles, Calif. (2-2386, Form A-2)
G. S. McKenzie et al., Los Angeles, Calif. (2-2387, Form F-1)
W. H. Barber Co., Minneapolis, Minn. (2-2388, Form A-2)
Cook Paint & Varnish Company, North Kansas City, Mo. (2-2390, Form A-2)
Masonite Corporation, Chicago, Ill. (2-2391, Form A-2)
Coca-Cola Bottling Co., of New York, Inc., New York City. (2-2392, Form A-2)
Oakhurst Garden Apts. Corp., Lynbrook, N. Y. (2-2393, Form A-1)
Allied Annie Laurie Gold Mines, Inc., Kimberly, Utah. (2-2394, Form A-1)
Rio Grande Water Power Company, New York City. (2-2396, Form E-1)
Dividends Shares, Inc., Jersey City, N. J. (2-2397, Form A-1)
Mansul Chemical Company, Jacksonville, Fla. (2-1955, Form A-1)

RADIO SAFEGUARD URGED

Federal Communications Commissioner George Henry Payne, talking this week before the Rotary Club of Bayshore, L. I., urged the public to a keener interest in the great developments that are taking place in the radio world in order that there should not grow up a monopoly against the public interest.

"Developments and inventions that are now going on and being made in the radio field," said Commissioner Payne, "will affect the mental life and education, and possibly the material interests, of every person in the country. Behind this development, fraught with so much importance to our people, a fierce struggle is going on for the control of the great resource of the air.

"Private interests favoring private monopoly are naturally anxious that there be just as little governmental 'interference' (regulation) as possible in what they call their 'business.' Those who believe that we must not repeat the mistakes of the past and allow the wasteful private exploitation of our resources are just as keenly aroused in behalf of the government taking a strong stand to protect the public interests.

"The indifference of the public to the importance of this struggle is lamentable. Fascinated by the wonders of radio and the astonishing developments in the entire field of communications, little attention has been given to the economic control of these new developments. Unless the public is aroused, its interests are

apt to be neglected and lax administration is apt to creep in. In this way private monopoly, without warrant of law, establishes itself and, too late, the public bestirs itself to recover ground that never should have been lost."

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints against the following firms. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

Nos. 2901-2902-2903-2904-2905. Five New York jobbers of foodstuffs and flavoring extracts have been served with complaints charging unfair competition in the sale of extracts.

The respondent companies are: **National Kream Company, Inc.**, 360 Furman St., Brooklyn; **Eldeen Spice Company**, 336 Delancey St., New York; **Solomon Hornick and Fannie Hornick**, trading as **Italian-American Spice Company**, 320 Henry St., New York; **Trieste Importing Company**, 19 Vestry St., New York; and **Saul Cohen and David Jawetz**, trading as **Eagle Spice Company**, 1412 66th St., Brooklyn.

Bottles containing flavoring extracts offered for sale are alleged to have borne labels on which appeared the following language in Italian: "Diploma No. C135-Registration 352, Bertola Extract, Incomparable, First Prize at the Expositions in Milan and Florence —1903, Rosolio Rosa, National Chemical Laboratory, Milan, Italy; Imported Products; General Agents, Paramount Sales Co., N. Y., U. S. A. ½ Oz."

These representations, according to the complaints, indicated to the public that the flavoring extracts were prepared and packaged by the National Chemical Laboratory at Milan, Italy, that they were imported into the United States, and implied that the products were awarded first prize at certain Italian expositions, when, in fact, the complaint alleges that these representations were not true and that the extracts sold were prepared and packaged in the State of New York by American manufacturers.

The respondents' representations are alleged to cause purchasers to believe that they are buying imported extracts superior in merit to domestic products.

No. 2906. Charging the respondent with making certain misrepresentations in advertising and selling safety razor blades, alleged to be in violation of Section 5 of the Federal Trade Commission Act, a complaint has been issued against **R. H. Macy & Company, of New York City**, in which the respondent company is allowed until September 25, next, to show cause why it should not cease and desist from the practices named.

The complaint sets out that the respondent company sells safety razor blades designated as "Macy's Double Edge DeLuxe Blades," and that these blades are purchased by the respondent from the manufacturer thereof, the Utility Blade Corporation, of Maplewood, N. J. This manufacturer, says the complaint, at the request of the respondent company, packs said blades in small containers of ten blades each and upon the package prints the designation mentioned, also the words "Made of English Razor Steel." In advertising its safety razor blades, the complaint sets out, the respondent company makes the following representation:

"We went to Pennsylvania for a new secret-process, high-speed steel. In ingots, we took it to England to be rolled to a ribbon, because the British armorers roll steel with unbeatable accuracy. We brought the ribbon-reels back from England and had them cut into blade-shapes, then honed and stropped with more loving care than we've ever seen put into such a job."

The complaint says that in fact the blades are stock blades made by the Utility Blade Corporation, are made for sale and are sold to retailers generally; are not made under the respondent's supervision; are not made of English razor steel, but of steel made and fabricated in the United States, except that the steel is rolled in England. The complaint avers that there are other retailers of safety razor blades who purchase blades from the same manufacturer, and from other manufacturers, who do not misrepresent them and that the misrepresentations alleged have the capacity and tendency to divert business to the respondent company from its competitors, to the injury of such competitors.

No. 2907. Charging unfair competition in the sale of flavoring extracts, a complaint has been issued against **Anna R. Barletta, of 2100-2102 East 177th St., New York City**, trading as **Barletta Manufacturing & Packing Co.**, and **Hereules A. Barletta**.

Bottles containing flavoring extracts sold in interstate commerce are alleged to have been labeled with Italian designations indicating that the products were prepared and packaged by modern

Italian laboratories in Naples or Milan, Italy, and that they were imported into the United States. Counter display cartons are said to have shown that the respondents' products had won a prize at an Italian exposition. These representations, according to the complaint, were not true, and the products as sold had been compounded and packaged by the respondents in New York State.

Deception of buyers and diversion of trade to the respondents from competitors are alleged to have resulted from the respondents' practices, which, according to the complaint, constituted violation of Section 5 of the Federal Trade Commission Act.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

No. 2409. The Metropolitan Surgical Instrument Council, Inc., of New York City, its officers and 48 member firms or companies, have been ordered to cease and desist from combining to fix and establish uniform prices at which members or others shall sell surgical instruments and supplies.

The order also prohibits the printing and publishing of lists containing names of dealer-members so as to include in such lists only so-called regular or "recognized" dealers, distributors and wholesalers, and to exclude and identify as such so-called "non-recognized" dealers, distributors and wholesalers, and the supplying of such lists to manufacturers of surgical instruments and appliances.

Maintenance of coercive and concerted action, boycott and other united action against manufacturers, dealers and others to require them to refrain from selling to non-member dealers, is also barred under the order.

The respondents are directed to cease procuring adherence by association members to a price schedule agreed upon, by means of a system of fines exacted from members making sales of surgical instruments and supplies at prices less than those set out in the schedules.

The Commission granted leave to certain respondents to sign answers or amended answers agreeing to issuance of an order to cease and desist from the practices alleged in the complaint.

The complaint against 16 individual respondents was dismissed because it was believed the order to cease and desist against the 48 member firms or companies effectively restores free and open competition between and among all respondents selling surgical instruments and appliances in interstate commerce. These individual respondents are Ben Gordon, Oscar Cochran, John C. Lindsey, C. Invedinato, Edward Low, Anthony J. Jamison, and H. S. Nussbaum, officers of the council, all of New York City, and the following active members: Nathan S. Low, Victor W. Filler, Benjamin J. Perlstein, E. G. Pfarre, S. B. Amsterdam, George J. Young, Maurice F. Powell, and Robert Horwitz, all of New York City, and George Dornhaefer, Jersey City, N. J.

The complaint in so far as it applied to Samuel Wasserman, trading as City Surgical Co., was dismissed because this respondent was not a member of and did not participate in activities of the council, and that against Barney B. Rifkin, of New York City, was dismissed because of his retirement from business.

Nos. 2612-2662. Orders have been issued requiring **Ucanco Candy Co., Inc.**, of 600 East Fourth Street, **Davenport, Iowa**, and **Brecht Candy Company**, 2111 North Speer Blvd., **Denver, Colo.**, to cease and desist from selling and distributing to jobbers and wholesalers candy so packed and assembled that sales to the general public are made, or are designed to be made, by means of a lottery, gaming device, or gift enterprise.

The orders also direct the respondents to stop supplying wholesalers or jobbers with "push cards" for use in the sale of candy to the public.

The Denver firm is also prohibited from packing or assembling in the same assortment of candy for resale to the public, pieces of candy of uniform size and shape having centers of a different color, together with larger pieces or small packages of candy, which larger pieces or small packages are to be given as prizes to the purchaser procuring a piece of candy with a center of a particular color.

No. 2755. An order has been issued requiring eight manufacturers dealing in sportswear in **Boston, Brockton and Dorchester, Mass.**, to discontinue any understanding or combination among themselves to restrict and eliminate competition in the interstate sale of flannel skirts, by agreeing to quote and sell them at a uniform price.

The order also prohibits distribution to customers of identical

notice to the effect that the price of flannel skirts would be at a uniform price.

Sportswear dealers named as respondents are: **Boston Sportswear Co.**, 72 Kneeland St.; **Robert Hamilt**, 75 Kneeland St., trading as **Bobby Sportswear Co.**; **Gordon Maid Skirt Co., Inc.**, 75 Kneeland St.; **Louis Wadman Co.**, 75 Kneeland St., trading as **Oxford Sportswear Co.**; **Louis Maltzman**, 75 Kneeland St., trading as **Simmons Sportswear Co.**; **Schwartz Sportswear Co., Inc.**, 75 Kneeland St., all of **Boston**; **Weatherproof Clothing Mfg. Co.**, 146 Court St., **Brockton, Mass.**, and **David A. Sallop**, trading as **Peerless Sportswear Co.**, 1394 **Dorchester Ave., Dorchester, Mass.**

Findings are that the respondent companies, in October, 1935, entered into an understanding or combination, agreeing to quote and sell flannel skirts at a uniform price of \$16.50 a dozen, and that they distributed identical written notice to that effect, and sales were made at that price.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Tuesday, September 1

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—North Jersey Broadcasting Co., Inc., Paterson, N. J.—C. P., **620 kc.**, 250 watts, daytime.

NEW—Wm. H. Davis, Dixon Pyles, W. H. Johnson, d/b as Magnolia Broadcasting Co., Jackson, Miss.—C. P., **1420 kc.**, 100 watts, unlimited time.

Wednesday, September 2

HEARING BEFORE AN EXAMINER

(Broadcast)

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Authority to transfer control of corporation to WJR, The Goodwill Station; **1450 kc.**, 500 watts, 1 KW LS, unlimited time.

Thursday, September 3

HEARING BEFORE AN EXAMINER

(Broadcast)

KMMJ—The M. M. Johnson Company, Clay Center, Nebr.—C. P., **740 kc.**, 2½ KW LS, limited time. Present assignment: **740 kc.**, 1 KW LS, limited time.

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Modification of license, **550 kc.**, 1 KW, 5 KW LS, unlimited time (requests facilities of KFUP). Present assignment: **550 kc.**, 1 KW, 5 KW LS, shares with KFUP.

KFUP—Evangelical Lutheran Synod of Missouri, Ohio, and Other States, Rev. R. Kretschmar, Chairman, Board of Control of Concordia Seminary, Clayton, Mo.—Renewal of license, **550 kc.**, 500 watts, 1 KW LS, shares with KSD.

The Broadcast Division has taken the following action subject to ratification at its next regular meeting:

APPLICATIONS GRANTED

WJER—The Journal Co., Milwaukee, Wis.—Granted authority to operate broadcast pickup station on frequencies **1606, 2020, 2102, 2760 kc.**, August 23 to 29, inclusive, to broadcast Wisconsin State Fair.

KFEL—Eugene P. O'Fallon, Inc., Radio Station KFEL, Denver, Colo.—Granted authority to extend test period 30 days from August 20.

KIGA-KABE—National Battery Broadcasting Co., St. Paul, Minn.—Granted authority to operate broadcast pickup stations as licensed, September 4 to 12, inclusive, for testing and broadcast Minnesota State Fair.

WMT—Iowa Broadcasting Co., Cedar Rapids, Iowa.—Granted special temporary authority to operate with reduced power of 1 KW for a period beginning August 19 and ending in no event later than September 1, 1936, in order to comply with terms of modification of permit.

WINS—Hearst Radio, Inc., New York City.—Granted extension of special temporary authority to operate a 100-watt transmitter on 1180 kc. between hours of 1 and 6 a. m., EST, in vicinity of Jersey Meadows, for a period beginning August 23 and ending no later than September 21, in order to make field tests to determine new transmitter site.

WSBT—South Bend Tribune, South Bend, Ind.—Granted special temporary authority to operate a 100-watt portable transmitter on 1010 kc. during daytime hours for the period beginning August 24 and ending in no event later than September 22, in order to make transmitter site tests in the South Bend area.

WRBL—WRBL Radio Station, Inc., Columbus, Ga.—Granted special temporary authority to operate a 100-watt portable transmitter between the hours of 1 and 7 a. m., CST, for a period not to exceed 10 days, in order to conduct a location survey.

WDAE—Tampa Times Co., Tampa, Fla.—Granted special temporary authority to operate without plate voltmeter for the period August 20 and ending in no event later than September 3, 1936.

WCAX—Burlington Daily News, Inc., Burlington, Vt.—Granted special temporary authority to operate from 10 p. m. to 11:30 p. m., EDST, on August 28, 1936, in order to broadcast Col. Knox speech, and to operate from 8 p. m. to 12 midnight, EDST, September 8, to broadcast election returns.

WEST—Associated Broadcasters, Inc., Easton, Pa.—Granted extension of special temporary authority to operate simultaneously with station WKBO from 10 to 11 a. m. and from 5 to 6 p. m., EST, for the period August 25 to September 23, 1936, pending agreement on division of time due to adoption of Daylight Saving Time in Easton, Pa.

WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—Granted extension of special temporary authority to operate with a temporary antenna pending the rebuilding of towers demolished by storm, for period August 27, 1936, and ending not later than September 25, 1936.

WCAU—WCAU Broadcasting Co., Philadelphia, Pa.—Granted special temporary authority to operate on 860 kc. and 1020 kc. in addition to 1170 kc. for test purposes between 2 and 6 a. m., EST, for the period August 24 to August 28, in order to make a comparison of fading on three frequencies approximately 150 kc. apart.

WCBF—WCBF, Inc., Waukegan, Ill.—Granted special temporary authority to operate station without antenna ammeters for a period beginning August 23 and ending no later than September 1, 1936.

WJIM—Capital City Broadcasting Co., Lansing, Mich.—Granted special temporary authority to operate station without antenna ammeter for a period not to exceed 10 days pending repair to that apparatus.

WDEV—Mary M. Whitehill, Executrix of Estate of Harry C. Whitehill, Waterbury, Vt.—Granted special temporary authority to operate from 7 to 10:30 p. m., EST, August 28, 1936, in order to broadcast speech by Col. Frank Knox.

WMT—Iowa Broadcasting Co., Cedar Rapids, Iowa.—Granted modification of C. P. to change type of equipment authorized by original C. P.

WDAE—Tampa Times Co., Tampa, Fla.—Granted petition to withdraw its application for modification of license (Docket No. 4082), without prejudice, under provisions of Rule 103.8.

WJDX—Lamar Life Ins. Co., Jackson, Miss.—Granted petition to intervene in the hearing of application of Magnolia Broadcasting Co., Jackson, Miss., for C. P.

WKBB—Sanders Bros. Radio Station, E. Dubuque, Ill.—Granted petition to intervene in the hearing on application of Telegraph Herald, Dubuque, Iowa, for C. P.

WMCA—Knickerbocker Broadcasting Co., Inc., New York City.—The Commission, upon consideration of the protests by the Central New York Broadcasting Corp., WKBN Broadcasting Corp., WFIL Broadcasting Co., and the Southern Connecticut Broadcasting Corp., protesting the action of the Commission on July 2, 1936, in granting without a hearing application of WMCA to increase power from 500 watts to 1 KW, directed that said application be designated for hearing in accordance with the provisions of Rule 104.4 and that the effective date of the Commission's action on said application be postponed until the date of the Commission's decision after hearing on protests.

APPLICATION DENIED

WKEU—Radio Station WKEU, Griffin, Ga.—Denied special temporary authority to operate from local sunset (6:30 p. m., CST) to 12 midnight, CST, August 26, 1936.

RENEWAL OF LICENSES

The Commission granted the following applications for renewal of broadcast station licenses, for the regular period:

KGBU, Ketchikan, Alaska; KGFY, Pierre, S. Dak.; KHJ and auxiliary, Los Angeles, Calif.; KLZ, Denver; KPOF, near Denver; KTAR, Phoenix, Ariz.; KWTO, Springfield, Mo.; WCAO and auxiliary, Baltimore; WELI, New Haven, Conn.; WFMD, Frederick, Md.; WICC, Bridgeport, Conn.; WIP, Philadelphia; WIS, Columbia, S. C.; WJAR, Providence, R. I.; WJAY, Cleveland, Ohio; WKBN, Youngstown, Ohio; WKRC, Cincinnati; WKZO, Kalamazoo, Mich.; WLBL, Stevens Point, Wis.; WLBZ, Bangor, Maine; WMAL, Washington, D. C., and auxiliary; WNAX, Yankton, S. Dak., and auxiliary; WORL, Boston, Mass.; WOW, Omaha, Nebr.; WSYR-WSYU and auxiliary, Syracuse, N. Y.; WTAG, Worcester, Mass.; WTAR and auxiliary, Norfolk, Va.; WWJ, Detroit, Mich.

WMFJ—W. Wright Esch, Daytona Beach, Fla.—Granted renewal of license for the period ending January 1, 1937.

W8XO—The Crosley Radio Corp., near Mason, Ohio.—Granted renewal of special experimental license for experimental service, effective August 21, 1936, to expire November 21, 1936, in exact conformity with existing license.

W1XAC—Shepard Broadcasting Service, Inc., Quincy, Mass.—Granted renewal of special experimental license for experimental service, effective August 21, 1936, to expire November 21, 1936, in exact conformity with existing license.

APPLICATIONS RECEIVED

First Zone

NEW—Bay State Broadcasting Corp., Providence, R. I.—Construction permit for a new station to be operated on 720 kc., 1 KW, limited time.

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—920 Construction permit to install directional antenna for day and night use, increase power from 500 watts to 1 KW, and change hours of operation from daytime to unlimited.

WAWZ—Pillar of Fire, Zarephath, N. J.—Modification of license 1350 to increase power from 500 watts night, 1 KW day, to 1 KW night and day.

WAAB—Bay State Broadcasting Corp., Boston, Mass.—Modification of construction permit (B1-P-1212) for changes in equipment, requesting to install a new transmitter.

Second Zone

NEW—Statistical Research Laboratories, Inc., Cleveland, Ohio.—1200 Construction permit for a new station to be operated on 1200 kc., 100 watts night, 250 watts day, unlimited time.

WXYZ—Kunsky-Trendle Broadcasting Corp., Detroit, Mich.—1240 Modification of license to change name from Kunsky-Trendle Broadcasting Corporation to King-Trendle Broadcasting Corporation.

WASH—Kunsky-Trendle Broadcasting Corp., Grand Rapids, 1270 Mich.—Modification of license to change name from Kunsky-Trendle Broadcasting Corp. to King-Trendle Broadcasting Corp.

WOOD—Kunsky-Trendle Broadcasting Corp., Grand Rapids, 1270 Mich.—Modification of license to change name from Kunsky-Trendle Broadcasting Corporation to King-Trendle Broadcasting Corporation.

NEW—Waldo Abbot, Ann Arbor, Mich.—Construction permit for a special broadcast station to be operated on 1570 kc., 1 KW, unlimited time. Amended to request frequency 1550 kc., transmitter and studio sites to be determined, Ann Arbor, Mich.

Third Zone

NEW—Seaboard Investment Co., Inc., Montgomery, Ala.—Construction permit for a new station to be operated on 610 kc., 500 watts night, 1 KW day, unlimited time. Amended to change requested power from 500 watts, 1 KW day, to 250 watts night, 500 watts day.

NEW—Texhoma Broadcasting Co., Wichita Falls, Tex.—Construction permit for a new station to be operated on 630 kc., 1 KW, unlimited time.

KWKH—International Broadcasting Corp., Shreveport, La.—Extension of special experimental authorization to operate on 1100 kc., unlimited time, with directional antenna at night for period 2-1-36 to 8-1-36. Amended: For period from 8-1-36 to 2-1-37.

WDAE—Tampa Times Co., Tampa, Fla.—License to cover construction permit (B3-P-622) for equipment changes and increase in power.

KUOA—KUOA, Inc., Fayetteville, Ark.—Modification of license to move main studio from Fayetteville, Ark., to Campus of John Brown University, Siloam Springs, Ark.

NEW—Radio Enterprises, partnership of R. Lacy and J. R. Curtis, Lufkin, Tex.—Construction permit for a new station to be operated on 1310 kc., 100 watts, daytime.

WDAH—Tri-State Broadcasting Co., Inc., El Paso, Texas—Modification of license to use the transmitter now licensed to KTSM located at corner Texas and Stanton Streets, El Paso, Tex.

KPDN—Pampa Daily News, Inc., Pampa, Tex.—Voluntary assignment of license from Pampa Daily News, Inc., to R. C. Hoiles.

NEW—H. W. Wilson and Ben Farmer, Wilson, N. C.—Construction permit for a new station to be operated on 1310 kc., 100 watts, daytime.

NEW—William Avera Wynne, Wilson, N. C.—Construction permit for a new station to be operated on 1310 kc., 100 watts, daytime.

NEW—Paul B. McEvoy, Pub., Hobart Democrat-Chief, Hobart, Okla.—Construction permit for a new station to be operated on 1420 kc., 100 watts, unlimited time.

Fourth Zone

WOWO—Main Auto Supply Co., Fort Wayne, Ind.—Modification of license to change name from Main Auto Supply Co. to Westinghouse Radio Stations, Inc.

WIBO—Wm. C. Forrest, Poynette, Wis.—Construction permit to install a new transmitter.

WHBL—Press Publishing Co., Sheboygan, Wis.—Construction per-

mit to install a new transmitter and change power from 250 watts to 250 watts night, 1 KW day.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—License to cover construction permit (B4-P-848) as modified authorizing installation of new equipment and removal of transmitter.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Authority to determine operating power by direct measurement of antenna.

WMBH—Joplin Broadcasting Co., Joplin, Mo.—Construction permit to make changes in equipment; install directional antenna for night use; change frequency from 1420 kc. to 1380 kc.; increase power from 100 watts, 250 watts day, to 500 watts; move transmitter from 1334 Roosevelt Ave., Joplin, Mo., to 1 mile east of city limits of Joplin, Mo., and studio from 1334 Roosevelt Avenue, Joplin, Mo., to 401 Main Street, Keystone Hotel, Joplin, Mo. Amended to make further changes in equipment.

W10XDD—Evansville on the Air, Inc., Portable-Mobile.—Construction permit to change power from 2.4 watts to 35 watts and make changes in equipment.

Fifth Zone

NEW—John R. & Joe L. Peryatel and Richard K. Beauchamp d/b as Peryatel Bros. & Richard K. Beauchamp, Ration, New Mexico—Construction permit for a new station to be operated on 1210 kc., 100 watts, unlimited time.

KHUB—F. W. Atkinson, Watsonville, Calif.—Modification of construction permit (B5-P-781) for a new station, requesting authority to install vertical antenna, approval of transmitter site at Santa Cruz Highway, Watsonville, California, and studio at Near Watsonville-Santa Cruz Highway, Watsonville, Calif.

NEW—W. E. Whitmore, Hobbs, New Mexico—Construction permit for a new station to be operated on 1210 kc., 100 watts, unlimited time. Amended: To change frequency from 1210 kc. to 1500 kc., and hours of operation from unlimited time to daytime only.

Hawaiian Zone

KGU—Marion A. Mulrony & Advertiser Publishing Co., Ltd., Honolulu, Territory of Hawaii—Construction permit to make changes in equipment.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

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American Society of Recording Artists, Inc.

As information to members, there is printed below a report and opinion in respect of the American Society of Recording Artists, Inc.

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CRAWFORD & SPRAGUE
117 Liberty Street
New York, N. Y.

August 28, 1936.

THE NATIONAL ASSOCIATION OF BROADCASTERS,
National Press Building,
Washington, D. C.

GENTLEMEN:

You have requested me to investigate the activities of the American Society of Recording Artists, Inc., a California Corporation, and to report to you the results of my findings, and to submit to you an opinion and brief with respect to the rights of performers who have made phonograph records as against radio stations who broadcast such records.

THE ORGANIZATION OF ASRA

The American Society of Recording Artists, Inc., filed Articles of Incorporation in the office of the Secretary of State of the State of California on May 3, 1934. The incorporators and first directors of the Corporation named in the Certificate are G. Brandt, C. Andrews and E. Hensgen, all of whom gave their addresses as 403 Lane Mortgage Building, Los Angeles, California. The Corporation is authorized to issue 2500 shares of stock of \$10 par value, all of which is common stock, so that the total capitalization is \$25,000.00. The Articles state that the principal office will be located in the County of Los Angeles, in the State of California. The Corporation is given broad general powers. The specific powers deal generally with the business of dealing in, for broadcasting and other commercial purposes, records of "the voice talents or work of artists", promoting the popularity of recording artists, contracting for the reproduction or use of records for broadcasting and commercial purposes, and to deal in copyrights and patents. The Charter appears to have been filed by Leonard J. Meyberg, an attorney at law, located in the Lane Mortgage Building in Los Angeles, and who is now General Counsel of ASRA. A copy of the Articles of Incorporation is attached at the end of this report as Exhibit "1".

On July 17, 1934, the Department of Investment of the Division of Corporations of the State of California granted the application of ASRA for a permit authorizing it to sell its stock and issued a permit with the expiration date of January 17, 1935, authorizing the sale and issuance of not to exceed 2,000 shares at par in cash to the three Incorporators named in the Articles of Incorporation, and to Arthur Levy and William Leeds, or to any of them. No application for an extension of the permit beyond January 17, 1935, is shown on the records of the Secretary of State, so the Corporation either complied with the permit and issued the shares, or permitted the permit to lapse. I believe it is a fair presumption that at least some of the shares have been issued. It is impossible to ascertain the names of the present stockholders and the amount of their holdings without approaching the Executives of ASRA for this information, and this was deemed unwise at present. The application filed by ASRA for the permit is likewise not available from the Division of Corporations, except upon order of ASRA, or its attorney. A copy of the permit is inserted at the end of this report, as Exhibit "2".

It is known that G. Brandt, named in the Certificate as one of the Incorporators and Directors, is Secretary to Leonard J. Meyberg, the attorney who prepared and filed the Articles of Incorporation. It seems quite likely that C. Andrews and E. Hensgen, the other two Incorporators and First Directors, are likewise associated with Mr. Meyberg and have no financial interest in the Corporation, or are acting for undisclosed parties. The appearance of the names Arthur Levy and William Leeds in the permit leads one to the conclusion that these men are the real parties in interest. Mr. Leeds is listed on the letterheads of ASRA as "Executive Secretary". Mr. Leeds has been in New York City recently soliciting licenses from broadcasting stations. It is possible, however, that stock was issued to Brandt, Andrews and Hensgen and that they either retained it for themselves, or transferred it to parties who did not desire their names to appear. The maximum capitalization under the permit is \$20,000.00, and this amount would not be increased without additional permits from the State of California. The actual capital may, however, be substantially less than \$20,000.00,

as the permit did not require the issuance of 2000 shares, that figure being merely the upper limit.

METHODS OF OPERATION OF ASRA

Between May 3, 1934, and February 15, 1935, ASRA undertook to establish the nucleus of a membership of artists. It established an Executive Committee with Al Jolson as its Chairman. It contacted some of the makers of phonograph records and endeavored to have them become members. The plan was that ASRA would keep ten per cent. of the income from royalties and would divide the balance equally between the artist members and the Recording Company members.

On February 15, 1935, a form letter went out to artists over the name of the Chairman of the Executive Committee, inviting the recipient to accept membership in ASRA in order to secure a share in the income which it expected to collect from broadcasters "estimated up to \$5,000,000 annually". A copy of this letter is attached as Exhibit "3".

Enclosed with the letter from ASRA to the artists was a form of "Application for Regular Membership," which contained an assignment to ASRA for five years of "all rights of reproduction for use for broadcast and/or commercial purposes * * * with the right to determine royalties * * *. Rights, otherwise contained in contracts now existing between me and Recording Companies are not included herein." It was further provided that the artist would pay no dues, initiation fees or assessments, and would not be liable for any debts or obligations of ASRA. By this agreement the artist was to receive forty-five per cent. of the royalties collected by ASRA for broadcasting phonograph recordings of the artist. A copy of this application appears as Exhibit "4" at the end of this report.

On April 1, 1935, ASRA sent a form letter to most all of the broadcasting stations in the United States, acquainting the recipients with the Organization of ASRA and its purposes, and that it then had "hundreds of the World's leading recording artists" as members. The letter stated that it had adopted "Licensee memberships" whereby broadcasters might be represented and obtain licenses to broadcast the talents of the members of ASRA through the medium of phonograph records, and stating that it intended to begin the collection of royalties on May 1, 1935, and that any one desiring to continue to broadcast with the consent of the artist should have his signed application in the hands of ASRA not later than April 15, 1935. A copy of this letter of April 1 is attached as Exhibit "5".

With the letter of April 1, 1935, there was enclosed a printed form of "Application for Licensee Membership." A typewritten copy of this form is attached to this report as Exhibit "6".

On the reverse side of the printed form there was printed Sections 1 to 14 of Article XII of the by-laws of ASRA referring to licensee members and a typewritten copy of this map appears as Exhibit "7" attached to this report.

On or about May 1, 1935, ASRA's negotiations with the Phonograph Companies came to an end, the Phonograph Companies declining to accept memberships. Accordingly, ASRA prepared a new form of application to be signed by artists, containing an assignment of "all rights of reproduction or use for broadcasting and/or commercial purposes * * * of the applicant's recorded voice, talents or work, together with the right to determine the royalty * * * excluding therefrom, however, any and all rights included in any contract now existing between applicant and a Reproduction Company." The agreement specifically excluded such "rights of reproduction for ordinary recording purposes, as are now contained in the general form contracts used by Victor, Columbia or Brunswick Companies, copies whereof are on file in the office of the Society * * *". The right is also given ASRA to sue in its own name, or in the name of the applicant, to enforce any of the rights granted by the applicant, but at the sole expense of ASRA. The applicant further agreed to pay ASRA ten per cent. of the sums thereafter received by the applicant by reason of the applicant's work with Recording Companies, or for mechanical reproduction of the applicant's voice, talent or work, whether the contracts were obtained by ASRA or not, it being stated that this additional compensation was agreed upon in view of the increased returns contemplated by the parties from the sale of records through the efforts of ASRA. A copy of this application for membership is attached to this report as Exhibit "8". It is not known which artists have signed this form of application and which have signed the application previously used and referred to herein as Exhibit "4".

On February 10, 1936, another circular form letter was sent to broadcasting stations by ASRA over the signature of its Executive

Secretary, Mr. Arthur W. Levy, to which was attached a copy of a resolution of the Board of Directors of ASRA, held February 1, 1936, and a reprint from page 55 of "Variety" of January 22, 1936, regarding the decision in the Court of Common Pleas in Philadelphia, in the case of Fred Waring v. Station WDAS. On the back of the letter of February 10, there was printed a list of artists whom ASRA claimed had previously assigned to it the right to use their talents for broadcasting purposes through the medium of recordings, pursuant to written memorandum thereof on file with the Society. The letter demanded that the stations refrain from broadcasting phonograph records of these members without a license and that the stations account and pay ASRA for each usage made, if the stations failed or refused to abide by ASRA's demands. Copies of these papers are attached hereto and marked Exhibit "9".

Later in the Spring of 1936, ASRA sent to Broadcasting Stations a printed circular bearing no date, but containing at the top of the page the words "Al Jolson, President" and at the bottom of the first page a list of the Board of Governors and the Chairmen of the various Committees. The inner portion of the circular contained various excerpts from Court decisions, while the back cover bore a list of Court decisions which were supposed to be authority for ASRA's right to demand royalties for the broadcasting of phonograph records. A typewritten copy of this printed circular is attached as Exhibit "10".

The present offices of ASRA are located in Room 205 of the Belson Building at No. 6513 Hollywood Boulevard in Los Angeles, California. The space occupied consists of approximately three rooms and a sparsely furnished reception room. The name "American Society of Recording Artists, Inc." appears on the door of Room 205 and the same name appears on the bulletin board in the lobby of the building, together with the names of Anna Mae Bell and Arthur W. Levy, the latter of whom is the Executive Secretary of ASRA.

ASRA maintains another office in the Bank of America Building in Beverly Hills, California, at No. 9470 Santa Monica Boulevard. On the door of Room 408 of that building there appears the name "American Society of Recording Artists, Inc." and below it the words "Bureau of Investigation." The space occupied seems to consist of only one office, or room.

The last circular letter (Exhibit "10") carries only the Beverly Hills address.

RADIO STATIONS THAT HAVE TAKEN ASRA LICENSES

So far as I have been able to ascertain, only three stations have, during the two years of existence of ASRA, entered into license agreements with it.

This Spring, Station KMPC of Beverly Hills, California, with 500 watts power, and Station KGFJ of Los Angeles, with 100 watts power, signed ASRA contracts, but immediately ceased using phonograph records and changed to electrical transcriptions. These stations are required by their licenses to pay ASRA an annual service fee of \$60.00, even though no phonograph records are broadcast.

Station KPFL of Dublin, Texas, with 100 watts power signed an ASRA contract on March 2, 1936. When it came time to pay its second quarterly service fee, it wrote ASRA requesting that it be relieved of the service charge because it had broadcast only four records of performances of ASRA artists in almost four months, but ASRA declined to eliminate the charge.

Station KFOX of Long Beach, California, with 1000 watts power, negotiated with ASRA, but, I am informed, has since decided not to sign any agreement.

Each of these stations that has signed is committed for a period of one year and for two years unless written notice is given ASRA thirty days prior to the end of the first year in accordance with the terms of the agreement.

PERCENTAGE OF RECORDINGS AFFECTED BY ASRA

I have taken the list of artists printed on the back of ASRA's letter to radio stations of February 10, 1936 (See Exhibit "9") and compared these names with the names of artists appearing on lists of the October, 1935, Releases of Columbia and Victor, a 1936 Circular of Releases by Decca, and the Victor Red Seal list in its 1936 catalog with the following result:

COLUMBIA:

Of 282 selections recorded, 64 are by artists on the ASRA list, or 23 per cent.

DECCA:

Of 381 recorded compositions 88 are by artists on the ASRA list, or 23 per cent.

VICTOR:

Of 186 recordings on the October, 1935, Victor list, 49 are by artists on the ASRA list, or 26 per cent.

Of 2,365 recordings on the Victor Red Seal list in its 1936 catalog 653 are by artists on the ASRA list, or 27½ per cent.

The average of the current recordings of the three companies appears to be about 25 per cent ASRA*.

DEFECTS IN FORM OF LICENSE TO STATIONS

(a) Specific Objections to Form of License

By-Laws part of agreement

(1) The first paragraph of the agreement provides that the station "agrees to abide * * * by the By-Laws of the Society applicable to such 'Licensee Memberships'". The third paragraph provides that "The By-Laws printed on the reverse side hereof shall be binding upon the parties hereto the same as though contained herein." Section 4 of Article XII of the By-Laws provides that "such application, together with the By-Laws of the Society pertaining thereto, shall constitute the agreement or license between the Society and the applicant Licensee Member." Section 6 of Article XII of the By-Laws provides that "Each Licensee Member shall be bound by these By-Laws * * *." It is not clear whether the station would or would not be bound by any By-Laws other than those contained on the back of the Agreement. There would seem to be no necessity for the reference to By-Laws in the first paragraph of the agreement unless other By-Laws than those contained on the back of the agreement were contemplated. The clauses in paragraph 1 of the agreement and in section 4 of the By-Laws should be eliminated and if possible a clause should be added to the agreement that no By-Laws other than those enumerated on the back of the agreement shall in any way affect the terms of the agreement and that no modifications of such By-Laws shall affect the terms of the agreement. These changes regarding By-Laws may not be considered by some stations to be of sufficient importance to them to justify insisting on their being made.

Release covering past use

(2) Paragraph 4 of the agreement states:

"Provided the applicant shall have fulfilled this agreement, upon its part, the Society agrees to release the applicant from any and all liability to it or its Regular Members, without compensation whatsoever, or charge therefor to it or its Regular Members, arising from the broadcasting of its members' talent through the medium of recordings, occurring prior to the date of signing of this application."

It is doubtful if this clause legally releases the station from claims by ASRA members for past use. An examination of the forms of application for membership by the artist fail to disclose any such right being given to ASRA by the Artist. The By-Laws applicable to such members are not available to broadcasters but in the absence of some specific right in the By-Laws to release licensees from claims by the Artists this clause affords no protection to the station except that it amounts to a covenant on the part of ASRA (and not its members) not to sue the station. Even this covenant is subject to limitations in that it is effective only if the station fulfills the agreement. With a contract as ambiguous as this, there will be room for many claims by ASRA of non-fulfillment by the station with the corresponding claim made that by reason thereof prior claims have not been released. Any station considering a license with ASRA should ascertain before signing the license that the artist members of ASRA have explicitly agreed either in the By-Laws which they have accepted or in some other specific manner, to the granting of releases, and (b) endeavor to eliminate from the clause the words "Provided the

* (The computation includes recordings of orchestras conducted by ASRA members—for instance Barbirolli conducting the London Symphony. It is extremely doubtful whether Barbirolli has any rights in such recordings as he plays no instrument in these performances. Also a great many recordings are of soloists with orchestral accompaniment. The soloist may be an ASRA member and the orchestra not or vice-versa. ASRA, since it can speak only for its members, cannot give a complete license on these recordings.)

applicant shall have fulfilled this agreement, upon its part, the Society agrees to release" and to substitute the words "Society, for itself and on behalf of its members, hereby releases."

Wattage, wage-length

(3) The sixth paragraph of the agreement fixes the charges for stations with power of less than 500 watts at 5 cents, with power of less than 1000 watts at 10 cents and with 1000 watts or more at 15 cents per "usage." The applicant is required to specify its day wattage and night wattage on the application. Many if not most stations using phonograph records have a higher daytime power than night time power because greater power is necessary in the daytime to cover the same area as lesser power will cover at night. And yet under this arrangement a station may have to pay twice or three times as much for broadcasting a record in the daytime than for broadcasting the same record at night. I am of the opinion that the fee should be fixed on the night time wattage and should be no greater during the daytime and that the agreement should be modified to expressly so provide. Section 8 of Article XII of the By-Laws obliges the station to notify ASRA "of any change * * * in wave length and/or wattage" and to pay royalties covering such wattage at which the station operates. The reference to wave length should be stricken as no change in wave length can possibly affect the royalties payable by the station. The remainder of the clause should be modified by adding after the word "wattage" the clause reading "providing such change in wattage increases or decreases the rate of royalty payable by the station." By incorporating these changes the station will not be put to the annoyance of reporting changes in operation which cannot in any way concern ASRA, and the failure to report which might amount to an innocent breach of the agreement.

Usage

(4) The sixth paragraph of the agreement provides that a fee shall be paid for each usage of the talent of a member. Assuming that two ASRA artists appear on one record are there two fees payable or only one? For instance Richard Crooks sang for a recent Victor release to the accompaniment of an orchestra conducted by Nat Shilkret. Both artists are ASRA members. The agreement should specifically provide as follows: "Where a recording contains talent of two or more 'Regular Members' royalty shall be paid as though the recording contained talent of only one 'Regular Member'."

Electrical Transcriptions

(5) The eighth paragraph from the end of the agreement reads:

"Talent as herein expressed shall be the work or voice or other reproduction from a personal effort which may be broadcast by or through the facilities of the applicant, without the personal appearance of the artist, and whether through the medium of recordings or otherwise."

This clause and Section 10 of Article XII of the ASRA By-Laws would require stations broadcasting electrical transcriptions in which an ASRA member appeared to pay a fee to ASRA although the maker of the transcription had already paid that artist in full for the specific purpose of broadcasting. Electrical transcriptions should be specifically excepted from the terms of the license.

72-Hour Restriction Clause

(6) The sixth paragraph from the bottom of the page of the agreement reads:

"The applicant agrees to refrain from broadcasting such talents through the medium of recordings, at such times as may be designated from time to time in writing by the Society, when the Society believes such broadcast may interfere with the services of any regular member, and due notice of such suspension shall be given the applicant not less than 72 hours in advance of such suspension time or date."

By this clause and Section 11 of the By-Laws of ASRA, ASRA could conceivably restrict all recordings of every one of its "members" without any cause whatsoever, thereby securing by agreement an effective injunction (so to speak) which otherwise only a Court could bring about, if at all. It is my opinion, for the reasons set forth more fully later on in this report, that a performer cannot legally enjoin a radio station from broadcasting a phonograph record (provided the station is using no deception in its broadcasts and correctly announces on the air the recording as a recording) because the performer has no contract with the station. If a sta-

tion signed a license containing this clause the Courts would quite likely enjoin the broadcasting of records after the 72 hour notice of restriction was given irrespective of the reasons or lack of reasons for the ban, although there would probably be some defenses available to the station such as for instance that the performer has an adequate remedy at law by way of damages. But whatever way one looks at it the clause is detrimental to any station who is bound to it. *Therefore efforts should be made (1) to eliminate it entirely on the ground (a) that the Society does not really need it since the agreements with artists give the artists no corresponding right and, (b) that the agreement is terminable by the Society at the end of a year in any event so that if the Society wishes not to have broadcast recordings of any one or more artists the license for the new period can be drawn for only those artists who are willing to have their records broadcast for that year, (2) to change that section reading "when the Society believes such broadcast may interfere with the services of any regular member" to read as follows "so as to prevent the recording of a member to be broadcast in an area covered by a 'live' broadcast of that member within — hours preceding or following such live broadcast," or (3) to fix a limitation on the number of recordings that can be under a ban at any one time.*

The clause in its present form is broad enough to allow the Society to ban a recording of Crumit if it believed it would interfere with the services of "John Charles Thomas," for the language does not provide that the talent to be banned must be that of the member whose services might be believed by the Society to be interfered with. This may seem rather far fetched but the language clearly permits of such a construction. This ambiguity should in any event be removed by ASRA.

Reporting records broadcast

(7) The third paragraph from the end of the agreement reads:

"The applicant shall forward to the Society promptly on the last day of each week, on forms to be furnished by the Society, a daily log sheet of all talents broadcast from records played by it."

This clause should be limited by inserting after the word "talents" the words "of 'regular members' of Society." ASRA should have no interest in broadcasts of recordings other than its members. Such information should be confidential to the station.

Service Fee of \$60 a year

(8) The second paragraph from the end of the agreement reads:

"The applicant herein shall pay the Society a monthly service fee of \$5.00, commencing with the date of acceptance hereof, by the Society, payable quarter-annually in advance, remittance for the first quarter to accompany this application." (See also Section 5, Article XII of By-Laws.)

While the amount of this "service fee" may not seem large there seems no justification for any charge whatever. No part of this fee goes to the Artists but only to the stockholders of ASRA. What service is ASRA rendering to the station? ASRA should be content with its percentage of royalties received for its "artist members." *The service fee should be eliminated from the agreement and By-Laws.*

Not a license to broadcast records but admission of artists' rights therein

(9) The concluding paragraph of the agreement reads:

"Nothing herein contained shall be deemed to include or refer to or limit or extend rights to or interfere with the playing of a phonograph record except in so far as there may be a broadcast of the talents of a regular member of the Society through the medium of a recording in which case it shall be the right of the Society to control the use of such talent for broadcasting purposes and collect compensation therefor."

At first glance this might appear to be harmless to the station. On further examination, however, it is apparent that it is a specific back-handed admission by the station that the ASRA members have rights in phonograph records and that such members may interfere with the broadcasting of the same and control their use and collect royalties. Assume that the station decided a year or two later that it could not afford to pay the royalties then demanded. The station would not be in a position then to do anything but cease using records of any artist who had at any time been an ASRA member because the station would be faced with

its prior admission in writing of the artists' rights. If sued the station would then find itself with either no defense or very limited and doubtful defenses.

Assume that the station broadcasts a record containing not only the performance of an ASRA member but (as will usually be the case) also the performance of an orchestra, the leader and members of which are not ASRA members. Assume further that one or more of the non-members sues the station and proves to the Court or jury that this station had admitted in writing that the ASRA artists had rights in that recording, can one seriously believe that the station could succeed in convincing the Court or jury that while the ASRA artist admittedly had rights that the non-ASRA artist had none? The clause would be nearly as embarrassing when the non-ASRA artist sued on a recording containing no performances by a co-artist of ASRA. This clause should also be read in conjunction with my analysis of Section 13 of the By-Laws in paragraph (11) which follows shortly hereafter. *Both this clause and Section 13 of the By-Laws should be stricken from the agreement.*

Cooperation

(10) Section 7 of Article XII of the By-Laws provides:

"One of the purposes of the Society shall be to regulate and collect a royalty by reason of the broadcasting of talent of its artist or regular members through the medium of recordings."

Section 8 of Article XII of the By-Laws concludes with the sentence:

"Each member shall lend his every cooperation at all times to the interest of the Society to the end that the Society may carry out its purposes in the most economical, effective and speedy manner."

Just what is the purpose behind these provisions is not clear but the purpose, whatever it may be, is certainly not for the advantage of the broadcaster. By becoming a "licensee member" of ASRA a station thereby subscribes in writing to the purpose of regulating and collecting royalties for the broadcasting of records. This admission would be damaging to a station sued by a non-ASRA member or, after the license expired, by an ASRA member.

The "cooperation" mentioned in Section 8 might mean that a station might be guilty of a breach of the agreement and might thereby subject itself to damages if it failed to "cooperate" to enable the Society to collect its royalties economically, effectively and speedily. The cooperation called for by the Society might conceivably be to urge the enactment of statutes giving rights to performers in recordings. The station might be called upon to urge other stations to become "licensee members." Dozens of other instances of possible cooperation might be demanded which the station would never wish to undertake. The station could perhaps never sue ASRA for that might be construed to be a breach of the station's agreement to "cooperate." Conceivably, if ASRA should sometime be charged to be operating in violation of the Anti-Trust Statutes, the station might be charged as a co-conspirator with ASRA as a party to a common scheme.

There is no justification for the above provision quoted from Sections 7 and 8 and they should be eliminated at all costs because they are highly dangerous.

Not a license to broadcast records

(11) Section 13 of Article XII of the By-Laws provides:

"The licenses to be granted to the Licensee Members through the acceptance of the application is a license under the provisions of the Application and these By-Laws to the use of the talent of the Society's Regular Members for broadcasting purposes through the medium of recordings, but shall not in any manner affect or pertain to his phonograph record or the playing thereof."

The meaning of this clause is not clear. Probably the language is purposely vague, its real purpose being to protect ASRA from damage claims by a station which has been sued by non-ASRA members or phonograph record companies claiming rights in the identical record containing performances of ASRA members. For example, Benny Goodman, an ASRA member, has a trio known as The Benny Goodman Trio. Victor made a record #25324 of two popular dance numbers—"Too Good To Be True" and "All My Life." The vocal choruses are sung by Helen Ward. She is not an ASRA member. ASRA by this clause is endeavoring to escape any liability for claims of misrepresentation or indemnity arising out of claims made by Helen Ward, the members of the trio other than Benny Goodman himself, and by Victor. *The*

agreement thus narrows itself down to a mere covenant not to sue instead of a license to broadcast phonograph records containing performances of ASRA artists. A station could not safely broadcast any recording of an ASRA member pursuant to a contract with ASRA without first ascertaining that no other artists had performances recorded in the record and that the recording company claimed no rights. The vast majority of phonograph records contain performances of more than one artist. In fact a soloist without an accompanist is a rarity.

A further purpose behind this By-Law may be ASRA's desire to escape suits for accounting by non-ASRA artists and recording companies who may have equal rights in the recordings. This By-Law should be eliminated.

Station's guarantee to use certain percentage of records of ASRA members

(12) We understand that recently ASRA has been adding a rider to the contracts it attempts to secure from stations to the effect that the station agrees that of the records broadcast at least —% (we think it is 40%) will be of the talents of ASRA members. We think this is an inexcusable provision and one that should be refused by all stations. It is too much of a straight jacket on the programming activities of the stations and is not in the public interest.

(b) General Objections to Form of Licenses

Membership plan

(13) The corporate structure of ASRA is most unusual. The charter, a copy of which is attached to this report, discloses that ASRA is a stock corporation. No provision is made in the charter for memberships. I find no provision in the Civil Code of California authorizing stock corporations to have members. The California Code defines a stock corporation as one authorized to issue shares of stock, and "nonstock corporations" as including all corporations other than stock corporation. A member is defined as a person signing the articles of a nonstock corporation and each person admitted to membership therein. Section 303 of the California Civil Code provides what may be regulated in by-laws of corporations. Sections 10 and 15 inclusive contain the only provisions relating to memberships and they refer to nonstock corporations. Since ASRA is a stock corporation as distinguished from a nonstock corporation, it is difficult to see by what authority it can issue memberships and make provisions for members in its by-laws.

Both the applications signed by the artists and those for the signatures of radio stations specifically provide that neither the applications, nor the memberships nor licenses constitute stock or investment security and that the member does not participate in the Society's profits or losses and that the membership is non-assessable, non-negotiable and non-voting, and the members are to pay no dues or initiation fees and they shall not be responsible or liable for the debts or obligations of the Society. However, it is possible that a "licensee member" or an artist member might not escape liability in a suit by a third party against such member for the reason that the member has acquiesced in being classified as a member and in being held out to the public as such. Such members might conceivably be held to be engaged in a joint adventure, for which each member would be liable to third parties dealing with ASRA. Since the "licensee members" have really nothing to gain by being so classified, I am of the opinion that no station should accept such a classification, but should, if it chooses to contract with ASRA, do so only on the basis of a simple commercial contract without any entangling alliances which might come up to haunt the station later on.

Indemnity agreement

(14) The agreement is very defective in its present form for the lack of an agreement by ASRA to protect the station against suits arising out of the broadcasting of phonograph records. I am of the opinion that the agreement should be modified by adding the following language:

"The Society agrees to indemnify, save and hold the applicant harmless, and defend the applicant from and against any claim, demands or suits that may be made or brought against the applicant with respect to the broadcasting of recordings on which are contained the talents of any 'regular member' of the Society."

Financial responsibility under indemnity

(15) The present paid-in capital of ASRA appears to be not in excess of \$20,000. Therefore, an indemnity by ASRA would

presumably be good only to the extent of that amount of money and perhaps much less depending upon how much money they have left on hand. I am of the opinion that ASRA should furnish each radio station it licenses with a good and sufficient surety company bond guaranteeing the performance of the indemnity agreement.

List of artist members and periods of membership

(16) The agreement refers to the talents of ASRA's "regular members," but nowhere does it state the names of these members. There should be attached to each agreement a list of each and every "regular member" with the beginning and expiration dates set forth beside each name or in some other satisfactory way. It is essential that the periods of the memberships should be known to the stations in order that they may know during what period the recordings may be broadcast, and so that they may avoid broadcasting recordings of artists after the memberships have expired. There should be a clause in the agreement specifically providing that the Society agrees to notify the applicant of any additions or deletions from the list of members and of all renewals and expirations and that the Society will indemnify and save and hold the applicant harmless against all claims for broadcasting recordings of such members prior to the receipt of notice of such changes by the station from the Society.

List of records that may be performed under license

(17) As I pointed out in some of the specific objections to the form of this agreement no station can feel free under the terms of the present license to broadcast a phonograph record merely because the name of an ASRA artist is on the label for the reason that practically every record contains the performances of two or more artists and in most cases those two or more artists will not all be ASRA members. The obligation of determining whether or not any other artists or other parties have rights in these recordings should not fall upon the radio station, but should be assumed by ASRA since that is its business and since it is the "seller" and because it must have access to this information. I recommend that there be added to the agreement a clause specifically providing that the Society agrees to send to the station with the executed license application a list of all phonograph records giving the name of each composition, the name of the artist, the name of the manufacturer and the manufacturer's number which ASRA guarantees to the station full performance rights, excepting only the performance rights in the musical compositions contained therein and that the Society agrees to keep this list supplemented each month by listing recordings currently being released by the recording companies.

No protection from claims by non-ASRA artists and recording companies

(18) As indicated previously in this report and in Paragraph 17 above the present license form gives no protection against claims by the recording companies and by non-ASRA artists whose performances may be recorded in the same records as the performances of ASRA artists. If the indemnity agreement set forth in Paragraph 14 above can be included and if a list of guaranteed records can be secured and kept up to date as suggested in Paragraph 17 above, then the stations will have some measure of protection. Without such changes the stations are acting at their peril. ASCAP indemnifies the stations against all claims made by anyone claiming a right in the musical compositions licensed by it, and so there is no reason why ASRA should not likewise indemnify and protect the stations against claims made by others with respect to the phonograph records containing performances of ASRA members.

DISADVANTAGES OF CONTRACTING WITH ASRA

Recognition of a non-established right

(1) As stated elsewhere in this report there are no statutes in the United States or in any state giving artists property rights in their performances which have been recorded. There has been only one judicial decision in this country on the exact point, and while that decision was in favor of the artist, it is a decision of a lower court of the State of Pennsylvania and is subject to reversal by the higher courts of the State. In addition the facts in that case varied considerably from the facts that would ordinarily be present. I am of the opinion as stated elsewhere in this report that the decision is contrary to analogous cases decided in the United States Supreme Court. By signing the license a station recognizes to some extent at least the existence of the right which is being claimed by ASRA and which has not yet been established either by

statute or by any high tribunal. The United States Congress had a bill before it last Spring which would give performing artists the right ASRA is now contending that it has. This bill met with strong objection by broadcasters, motion picture producers and others and it is sufficient to say that Congress apparently did not feel the giving of such a right was sufficiently in the public interest to justify the passage of the bill. I believe that it will be disadvantageous to recognize the right claimed by ASRA until Congress has passed a statute giving such a right or until the highest courts of the land have judicially determined that such a right exists without a statute.

Encouragement of other societies

(2) The broadcasters are well acquainted with the activities of organized groups in the field of copyrighted music. Were the radio stations to contract with ASRA at this time, the field would become lucrative to other groups who would undoubtedly organize other societies with the result that eventually one would have to have a license from a number of different groups.

Reporting of broadcasts of records

(3) The agreement provides that every week a report must be made to ASRA of all records broadcast by it. I have recommended that the agreement be changed by limiting the reports to those records containing performances of ASRA members, but even then this reporting is going to be annoying and obnoxious to the stations and will entail considerable work.

Increased royalties in future

(4) The custom of corporations of this kind has been to increase the charges greatly after the practice of paying royalties has become established. I believe the royalties paid by radio stations to ASCAP has increased about 300% in the last four years. It is to be noted that in ASRA's letter of February 15, 1935 to artists, a copy of which is attached to this report, that the royalties estimated to be collected from broadcasters would be up to \$5,000,000 annually. While this figure is rather fantastic because it is nearly twice as much as ASCAP is collecting from radio stations for its huge catalogue of copyrighted music, nevertheless it is significant of what the stations may expect to be charged after the first year or two of license. The station may feel now that if the fees grow too high in the future, it may decide to litigate the right of ASRA to collect these royalties. However, as I have pointed out more fully in this report, the station will find its defenses greatly weakened by the mere fact of having recognized this principle for a period of time and having paid royalties for the use of records.

Disadvantage in form

(5) The disadvantages mentioned in the preceding four paragraphs are those general disadvantages which would result from signing any contract with ASRA even in a greatly changed form. If the changes that have been suggested previously in this report are not made, then each of the changes that is refused adds to the disadvantage of taking out the license.

ADVANTAGES OF CONTRACTING WITH ASRA

Relief from litigation

(1) The members of ASRA should not be able to sue for any uses made of records containing their performances by broadcasting during the period of the license. This is not of any particular importance because probably very few, if any of them, would ever bother to bring suit. From 1920 to 1935 not a single suit was instituted by an artist against a radio station for broadcasting a phonograph record, and the situation would be the same today if it were not for the organization of ASRA and similar societies which are trying to create new rights where none existed before. It should be noted here that unless many of the changes suggested previously in this report are made in the agreement, that the covenant not to sue is merely a covenant on the part of ASRA and does not bind anyone else unless such other persons are in fact members of ASRA. Under the present form of agreement the station is not apprised of the names of the members.

Release of damage claims for past use

(2) As indicated in Paragraph 2 of the specific objections to the form of license this release is of doubtful validity because it does not appear from any of the documents that we have been able to examine that ASRA has the right to release claims for past use. Even if this release proved valid, it is important that it should

not be over emphasized. It would be a very difficult task for ASRA or any artist to establish rights in the records, prove what broadcasts were made and prove damage resulting therefrom.

LEGAL RIGHTS OF ASRA

Reference should be made here to two clauses in the latest form of application for membership for use by artists as they may have some bearing on the rights of ASRA. They read:

"During the term hereof, nothing herein contained shall be deemed to include any rights of reproduction for ordinary recording purposes, as are now contained in the general form contracts used by Victor, Columbia, or Brunswick Companies, copies whereof are on file in the office of the 'SOCIETY,' and are specifically referred to herein, and by such reference made a part hereof."

"Included in this assignment shall be the rights herein mentioned for all recordings heretofore made or to be made during the term hereof, and as to past recordings shall be all rights to the use of any mechanical production of the 'APPLICANT'S' recorded voice, talents or work not included in the contract under which the said recording was made, and the 'SOCIETY'S' rights therein shall be for broadcasting, commercial, or use otherwise."

These clauses and the Victor, Columbia and Brunswick contracts referred to as being in the ASRA file should be carefully studied by any station which is either contemplating a license with ASRA or is defending a suit brought in the name of ASRA. Perhaps the clauses were included at the insistence of the recording companies who also claim property rights and in order to forestall claims of interference with the contracts between the artists and the recording companies. If ASRA has no possible rights in certain of these records then certainly the stations should not agree to pay royalties for using such records.

It is self-evident that ASRA can have no more rights than its artist "members" had immediately prior to the signing of the membership applications.

I am of the opinion that the artists never had any property rights in the phonograph records.

See

Ingram v. Bowers, 47 F (2d) 925; 57 F (2d) 65;
Cheney Bros. v. Doris Silk, 35 F (2d) 279; cert. denied 281 U. S. 728;
Bristol v. Equitable Life, 132 N. Y. 264;
Chappell v. Fields, 210 F 864.

Even if the artists once had property rights in phonograph records they cease to have such rights after the records are sold as restrictions as to use do not follow chattels once they are sold.

See

Bobbs-Merrill Co. v. Straus, 210 U. S. 339;
Bauer v. O'Donnell, 229 U. S. 1;
Dr. Miles Medical Co. v. Park, 220 U. S. 373;
Boston Store v. American Graphophone, 246 U. S. 8;
Universal Film v. Copperman, 218 F 577.

I am also of the opinion that there is no unfair competition since the station causes no deception.

Howe Scale v. Wyckoff, 198 U. S. 118;
Gotham Music v. Denton & Haskin, 259 N. Y. 86;
Apollinaris v. Scherer, 27 F 18.

I believe that the opinion of the Court of Common Pleas of Pennsylvania in the case of *Waring v. WDAS* is contrary to the above authorities of the Supreme Court of the United States and is based upon decisions which are distinguishable and that the decision should not be followed by the higher courts of Pennsylvania to which it will be appealed or by courts of other jurisdictions.

For a full analysis of these and other decisions on which I base my opinion see the draft of defendant's brief in the case of *Crumit v. Marcus Loew Booking Agency* in opposition to the plaintiff's motion for temporary injunction in the Supreme Court of the State of New York, County of New York, of which a copy has been previously sent you. (Ed. Note: A copy of this brief will be furnished the members at an early date.)

RIGHTS OF ASRA TO DAMAGES

Assuming for the purposes of argument that ASRA and its "members" have some property rights in phonograph records

(which we believe they have not) the question arises as to whether any money judgment can be secured against radio stations for the broadcasting of such records.

The statutory minimum damage provisions of the Copyright Act (\$250.00) will have no application since the rights which will be sought to be enforced will not be copyrighted.

There is no precise precedent on which to base an opinion regarding damages. There have been relatively few decisions regarding damages for the wrongful use of literary property protected by the common law, and such decisions as have been rendered are based upon facts that are so different from the facts that would arise on any suit by ASRA or its members that such decisions will carry little or no weight.

Such rights as may exist are of an intangible nature and most analogous to patent and trademark rights. Therefore we have examined cases of this nature to ascertain what the courts have decided with respect to intangible property of that character.

It is said that in a suit in equity the net profits may be recovered as profits made by the use of the plaintiff's property and that the defendant, as constructive trustee, is compelled to account for them.

It is said that in an action at law only damages can be recovered and they will be measured by the plaintiff's loss and not by the defendant's gain, profits being held not to be the measure of damages nor any element thereof where there is any other method of ascertaining and measuring the damages (Sutherland on Damages, page 4492).

It is my opinion that ASRA and its artists will not be able to show any evidence of actual damage sustained by the broadcasting of phonograph records. Damages are to be calculated on definite proof and not imagined (*New York City v. Ransom*, 64 U. S. 487, 8; *Rude v. Westcott*, 130 U. S. 152 at 167). In patent cases where the plaintiff has licensed the use of his patent on a royalty basis the courts have allowed a recovery based upon a reasonable royalty (*Dowagiac Mfg. Co. v. Minnesota Moline Plow Co.*, 235 U. S. 641; *Alliance v. DeVilbliss*, 76 Fed. (2d) 503; *Duplicate v. Triplex*, 81 Fed. (2d) 352). Since ASRA has fixed a maximum royalty of \$.15 a broadcast and has offered to grant licenses to all stations on that basis or at a lesser price I am of the opinion that the courts would use the reasonable royalty measure of damage and that ASRA would be estopped from claiming any greater fee.

Even assuming that ASRA could get away from the reasonable royalty measure of damage it would be a difficult task to secure an accounting of the plaintiff's profits from the broadcasting of phonograph records for the burden would be upon ASRA to apportion the net profits of the station attributable to the use of the record because the profits in every case will be commingled with the profits derived from the use of other program material by the station (*Westinghouse v. Wagner*, 235 U. S. 604; *Dowagiac Mfg. Co. v. Minnesota Moline Plow Co.*, 235 U. S. 641).

It is quite probable that the courts would not require the stations to account for profits because the stations have acted in good faith and because there would be no evidence of fraudulent conduct on their part (*Saxlehner v. Siegel-Cooper Co.*, 179 U. S. 42); furthermore, I believe that the courts should find that the damage has been too insignificant to warrant a decree for an accounting which was the decision in *Hennessy v. Wine-Growers Association*, 212 Fed. 308 at 311. Both of the two cases cited above are trademark cases.

The broadcasting of phonograph records has been acquiesced in by artists ever since the inception of broadcasting in 1920, 16 years ago. The failure to assert rights should amount to laches and should be a bar to an injunction or at least to damages (*Saxlehner v. Eisner*, 179 U. S. 19; *McLean v. Fleming*, 96 U. S. 245).

CONCLUSIONS

My conclusions may be summarized as follows:

1. The artists have no legal right to prevent radio stations from broadcasting phonograph records.
2. The disadvantages of entering into a contract with ASRA far outweigh any possible advantages.
3. The form of agreement submitted by ASRA to radio stations is basically defective and objectionable in many important particulars.
4. ASRA's right to damages is dependent upon the right to prevent stations from broadcasting phonograph records and since I conclude that neither ASRA nor the artists have that right, then it follows there can be no damages.

Respectfully submitted,

STUART SPRAGUE.

EXHIBIT 1

Filed in the office of the Secretary of State of the State of California, May 31, 1934, Frank C. Jordan, Secretary of State, (signed) Chas. J. Hagan, Deputy.

Department of State, Corporation Number 158671.

ARTICLES OF INCORPORATION

of

AMERICAN SOCIETY OF RECORDING ARTISTS, INC.

KNOW ALL MEN BY THESE PRESENTS:

That we, the undersigned, G. BRANT, C. ANDREWS and E. HENSGEN, a majority of whom are residents and citizens of the State of California, United States of America, have this day voluntarily associated ourselves together for the purpose of forming a corporation under the laws of the State of California;

AND WE DO HEREBY CERTIFY:

First: That the name of the corporation shall be

AMERICAN SOCIETY OF RECORDING ARTISTS, INC.

Second: That the purposes for which this corporation is formed, are:

To make, manufacture, rent, lease, purchase, sell or trade in records and recordings of voice talents or work of artists or others, and to record for all purposes.

To acquire, buy, sell, rent, lease, trade and deal in for broadcasting and/or commercial purposes, or for any other purpose, records and recordings of the voice talents or work of artists, or any other person or persons, and to contract in relation thereto, and to generally deal in copyrights, royalties, patents or any rights to records or recordings, or anything arising therefrom or a part thereof.

To deal in recording or recordation and the reproduction of voice talents or work of recording artists; to acquire rights of reproduction of voice talents on work of artists, and to use and deal in the same for all purposes.

To carry on the business of dealing in recordings and to promote the popularity of recording for private broadcasting or commercial purposes, or any other purpose for which the said recordings may be used to promote the popularity of recording artists.

To buy, sell, trade in, import, export, manufacture, rent, handle, and use radio sets, cabinets and receiving apparatus and recording and reproduction instruments and devices, of any kind or nature used in conjunction therewith, or incidental or accessory thereto; and to conduct the business of rendering service in the installation, operation, supply of parts, repairs, maintenance and upkeep of such apparatus, instruments or accessories.

To buy, sell, trade in at wholesale or retail, export, manufacture, rent, handle, repair, and use acoustic devices of all sorts, musical instruments, phonographs, phonograph records, transcription cabinets, telephones, and all sound receiving, recording, amplifying, producing, or reproducing devices, machines, apparatus or instruments, and to do each and everything incidental thereto.

To make contracts for the reproduction of use of records or recordings for broadcasting and commercial purposes and for such other purposes as the same may be used, and to arrange, provide and contract for the use thereof.

To deal in copyrights, rights of representation, licenses, and privileges of any sort likely to be conducive to the objects of the company, and to employ persons to write, compose or invent plays, songs, interludes, prologues, epilogues, poetry, music and dances, and to remunerate such persons, and to print and publish, or cause to be printed or published or recorded, any play, poem, song or words of which the company may have the copyright or the right to publish or record, and to sell, distribute and deal with any matter so printed or recorded as the company may think fit; and to grant licenses or rights in respect of any property of the company or that the company may acquire a right or interest in, to any other person, firm or company.

To enter into, make, perform and carry out contracts of every sort and kind, with any person, firm, association, corporation, private, public or municipal or body politic, and with the government of the United States, or any state, territory or colony thereof or any foreign government.

To purchase, lease or otherwise acquire all kinds of personal property which the corporation may deem necessary or convenient for the purpose of its business.

Generally to purchase, take on lease or in exchange, hire or otherwise acquire any real and personal property, and any rights

or privileges which the company may think necessary or convenient for the purposes of its business.

To borrow money, to make and issue promissory notes, bills of exchange, bonds, debentures and obligations and evidences of indebtedness of all kinds, whether secured by mortgage, pledge or otherwise without limit as to amount, and to secure the same by mortgage, pledge or otherwise.

To conduct its business and have one or more offices, and unlimitedly and without restriction to hold, purchase, lease, mortgage and convey real and personal property in or out of this State, and in such place and places in the several States and territories of the United States, colonial possessions and territorial acquisitions of the United States, and in foreign countries, as shall from time to time be found necessary and convenient for the purpose of the company's business.

To purchase or otherwise acquire and to hold, sell, acquire, transfer, mortgage, pledge or otherwise dispose of shares of the capital stock and bonds, debentures or other evidences of indebtedness created by any other corporation or corporations, domestic or foreign, and, while the holder thereof, to exercise all the rights and privileges of ownership, including the right to vote thereon.

To issue bonds, debentures or obligations of the company, from time to time, for any of the objects or purposes of the company, and to secure the same by mortgage or mortgages, or deed or deeds of trust, or pledge, or lien on any or all of the real and personal property, rights, privileges and franchises of the company wherever situated, and to be acquired, and to sell, trade or otherwise dispose of any or all of the same, all in such manner and upon such terms as the Board of Directors may deem proper.

It is the intention that the objects and powers specified and clauses contained in this paragraph shall, except where otherwise expressed in said paragraph, be nowise limited or restricted by reference to or inference from the terms of any other clause of this or any other paragraph in this charter, but that the objects or powers specified in each of the clauses of this paragraph shall be regarded as independent objects and powers.

But nothing herein set forth is to be construed to authorize the formation hereby of an insurance, safe deposit or trust company, banking corporation or savings bank, railroad company or corporation deemed to possess any of the powers prohibited to corporations formed under the statutory provisions aforesaid.

To deal with patents, and copyrights, and acquire those taken out by others, acquire or grant licenses in respect to patents and copyrights, or work, transfer or do whatever else with them may be thought fit.

To acquire, hold, use, sell, assign, lease, mortgage or otherwise dispose of letters patent and copyrights of the United States or of any foreign country, patents, patent rights, copyrights, licenses and privileges, inventions, improvements and processes, trademarks and trade names, compositions, works of art, or anything that may become the subject of a copyright or patent, or pending applications therefor relating thereto or useful in connection with any business of the corporation. To purchase or by any other means acquire, and protect, prolong and renew, whether in the United States or elsewhere, any patents, patent rights, copyrights, licenses, protections and concessions which may appear likely to be advantageous or useful to the company, and to use and turn to account any such or any right therein or thereto, and to manufacture under or grant licenses and privileges in respect to the same, and to do each and everything in connection therewith that may be allowed by law and that may be deemed right and proper by the Board of Directors of the company.

To do all and everything necessary, suitable, convenient, or proper for the accomplishment of any of the purposes, or the attainment of any one or more of the objects herein enumerated, or incidental to the powers herein named, or which shall at any time appear conducive or expedient for the protection or benefit of the corporation, either as holders of or interested in, any property or otherwise; with all the powers now or hereafter conferred by the laws of California upon corporations.

Third: That the principal office for the transaction of the business of the corporation will be located in the County of Los Angeles, State of California.

Fourth: That the total number of shares of stock which the corporation shall have authority to issue is Twenty Five Hundred, (2,500), the par value of each share shall be Ten (\$10.00) Dollars; the aggregate par value of the stock of the corporation shall be Twenty Five Thousand (\$25,000.00) Dollars.

Fifth: All of said shares of capital stock shall be Common stock without preference.

Sixth: That the number of directors of this corporation shall be

three (3); that the names and addresses of the persons who are hereby appointed to act as first directors of this corporation are:

Name	Address
G. Brandt,	403 Lane Mortgage Building, Los Angeles, Calif.
C. Andrews,	403 Lane Mortgage Building, Los Angeles, Calif.
E. Hensgen,	403 Lane Mortgage Building, Los Angeles, Calif.

Seventh: No stock shall be assessable; preemptive rights shall be granted to shareholders.

IN WITNESS WHEREOF, we, all the incorporators and directors of said corporation, have hereunto set out hands and seals as such incorporators and directors of said corporation in the State of California, 16th day of May, 1934.

Signed,

G. BRANDT,
C. ANDREWS,
E. HENSGEN.

STATE OF CALIFORNIA,

County of Los Angeles, ss:

On this 16th day of May, 1934, before me, Paul Joseph, a Notary Public in and for the County of Los Angeles, State of California, residing therein, duly commissioned and sworn, personally appeared G. BRANDT, C. ANDREWS and E. HENSGEN, known to me to be the persons whose names are subscribed to the within instrument and severally acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.

PAUL JOSEPH,
Notary Public in and for said
County and State.

EXHIBIT 2

Before the
DEPARTMENT OF INVESTMENT
DIVISION OF CORPORATIONS
of the
STATE OF CALIFORNIA

In the matter of the application of

AMERICAN SOCIETY OF RECORDING ARTISTS, INC.

for a permit authorizing it to sell and issue its securities

Permit, File No. 59415LA; Receipt No. LA11266

THIS PERMIT DOES NOT CONSTITUTE A RECOMMENDATION OR ENDORSEMENT OF THE SECURITIES PERMITTED TO BE ISSUED, BUT IS PERMISSIVE ONLY

AMERICAN SOCIETY OF RECORDING ARTISTS, INC.,

a California corporation, is hereby authorized to sell and issue its securities as hereinbelow set forth:

1. To sell and issue to C. Andrews, E. Hensgen, G. Brandt, Arthur Levy and William Leeds, or any of them, an aggregate of not to exceed 2,000 of its shares, at par, for cash, lawful money of the United States, for the uses and purposes recited in its application, and so as to net applicant the full amount of the selling price thereof.

This permit is issued upon the following condition:

(a) That unless sooner revoked, suspended, or renewed by the Commissioner upon such terms and conditions as he may deem proper, this permit and all authority to sell or issue securities hereunder, shall terminate and expire on the 17th day of January, 1935.

Dated: Los Angeles, California
July 17, 1934.

EDWIN M. DAUGHERTY,
Commissioner of Corporations.

(S E A L)

By FRANK P. BARTON (Signed)
FRANK P. BARTON,
Deputy.

WSP-MM

EXHIBIT 3

AMERICAN SOCIETY OF RECORDING
ARTISTS, INCORPORATED
GUARANTY BUILDING, HOLLYWOOD, CAL.

February 15, 1935.

In view of your prominence in the professional world, the Executive Committee has requested that we invite you to accept membership in our Society. This involves no obligation whatever on your part but rather, will serve to bring you additional income from your recordings.

We, you and I, and all other recording artists, have been losing millions of dollars yearly through the unauthorized use of our records for broadcasting.

As individuals, we were ignored when we asked broadcasters not to play our records in competition with our personal services. We were also ignored when we asked for royalties for playing our records on the air.

But now, we have our own Society to regulate and license the use of our records, to restrict their use when they interfere with our personal services, to collect and distribute royalties for the use of our records for broadcasting, and to otherwise protect our rights. Membership already includes many prominent recording artists too numerous to mention here.

Ours is the only organization in the world devoted exclusively to protection of the rights of recording artists and recording companies. We, artist-members, pay NO DUES, NO INITIATION FEES, NO ASSESSMENTS. Royalties collected from broadcasters, estimated up to five million dollars annually, will be distributed:

45% to the artists-members
45% to the recording company-members
10% to the Society for its expenses

Personally, I am heart and soul in this movement, which aims to secure for recording artists what is rightfully theirs. I am sure you want to join us and receive your share. Fill out the enclosed application and mail it at once.

With kindest personal regards,

Faternally,
Al Jolson (Signed)
Chairman Executive Committee.

EXHIBIT 4

AMERICAN SOCIETY OF RECORDING ARTISTS
Incorporated
Guaranty Building, Hollywood, California

APPLICATION FOR REGULAR MEMBERSHIP

I hereby file application for a Membership of the American Society of Recording Artists, Inc., and will abide by its By-laws, applicable to such memberships. So that the Society may regulate and license, etc., broadcasting of, or commercial use of records or recordings heretofore, or hereafter to be made by me (meaning reproduction of my recorded voice, talent or work), for value received, I hereby assign to said Society for five (5) years, irrespective of date the same was, is, or will be released for sale, all rights of reproduction for use for broadcast and/or commercial purposes for which such recording may be used, with the right to determine royalty, charge or use to be made therefor. Rights, otherwise, contained in contracts now existing between me and recording companies are not included herein. The Society at its own expense may take such action and in such form as it deems necessary to enforce such rights against any person whomsoever, and I will execute such instruments from time to time as may be required by the Society to carry out its intentions or purposes. I shall receive a sum equal to 45% of any and all royalties collected by the Society for the broadcasting or commercial use of records or mechanical reproductions of my recorded voice, talent or work, payable monthly as received by the Society. Neither this application nor membership is stock or investment security; it includes no participation in the Society's profits or losses. It is not assessable under any condition, is non-negotiable, non-voting and non-transferable.

IT IS UNDERSTOOD THAT I PAY NO DUES, NO INITIATION FEES, NO ASSESSMENTS, AND THAT I SHALL AT

NO TIME BE RESPONSIBLE OR LIABLE FOR ANY DEBTS OR OBLIGATIONS OF THE SOCIETY, WHATSOEVER.

Signed
Address
(Give address to which you wish royalty checks mailed)
Telephone..... Introduced by.....

EXHIBIT 5

AMERICAN SOCIETY OF RECORDING ARTISTS
Incorporated
Guaranty Bldg., Hollywood, Cal.

April 1, 1935.

GENTLEMEN:

As a broadcaster you are undoubtedly aware of the great injustices and financial losses being suffered by recording artists through the exploitation of their talents by radio stations, their sponsors, and advertisers, through the medium of phonograph records without the consent or authorization of the artist by either such radio station, its sponsor or its advertiser and without compensation to the artist therefor.

One of the contributing factors to this unauthorized, but general practice (which is so admittedly unfair to the artist), is that such artists collectively have had no medium or representation heretofore through which they asserted or protected their rights.

To this end the American Society of Recording Artists was founded more than a year ago and today includes among its membership hundreds of the world's leading recording artists.

A purpose of the Society is to represent its members in the broadcasting field, to license broadcasters, establish a usage rate for each use of the artist's talents and to collect for its artist members certain compensation to which, it must be admitted, they are rightfully entitled; that is, compensation for the use of their talents for broadcasting through the medium of recordings.

This Society has adopted "licensee memberships" whereby broadcasters may be represented and thus obtain for themselves and their sponsors and advertisers, a license to broadcast such talents.

The Society believes that the responsibility for the unlicensed use of its member's talents for broadcasting through the medium of recordings, rests with both the advertiser, sponsor, and broadcaster and such licensee membership is intended to afford protection to all parties concerned and to offer a medium through which broadcasters, and through them, their sponsors and advertisers, may compensate artists reasonably for the use of their talents through the medium of recordings.

It is intended also that such cooperation would tend to stop legislative and other methods of prohibiting entirely the use over the air of talent not recorded specifically for broadcast purposes. To the applicants who respond immediately it is intended that the licensee membership shall release the broadcaster, and through it its sponsors and advertisers from liability to the Society's artist member, for the past use of his or her talent, and grant the artist member's rights to the use of his or her talents over the air in the future through the medium of recordings under the provisions and terms of its By-laws and application.

As specified in the application, there is a service fee of \$5.00 per month, payable quarter-annually in advance in addition to the modest rate to be paid for each usage of the artist members' recorded talents.

The Society in no way proposes to hamper or harm broadcasters, large or small, and the moderation of its terms governing licensee membership, the integrity of its members whose rights noted in the licensee membership have been vested in the Society, and the honest sincerity of purpose on which the Society is founded evidence this fact.

The so-called royalty charges may at the broadcaster's discretion be passed on to its sponsors or advertisers who really enjoy the benefit of the use of the talent of the Society's members.

You will realize, of course, the Society's premise, that the purchase of a record which may carry with it the right to play it on your phonograph or turn-table carries no license or authorization from the artist to broadcast his or her recorded talents, nor have your sponsors or advertisers such right from the artist through your purchase of such a record.

The Society intends to begin the collection of royalties on May 1st, 1935. If it is your desire to continue the broadcasting of the talents of its artist members, with a specific license, authorization and the consent of the artist, the Society would like to have your signed application filed with it at its home office not later than April 15, 1935.

Upon its receipt, log sheets will be forwarded as well as further instructions for facilitating the tabulation of usages and the distribution of funds collected.

Trusting that you will give this your immediate attention,

Very truly yours,

GEORGE H. HALL (Signed)

EXHIBIT 6

APPLICATION FOR LICENSEE MEMBERSHIP

to

AMERICAN SOCIETY OF RECORDING ARTISTS

Incorporated

GUARANTY BUILDING, HOLLYWOOD, CALIFORNIA

The undersigned hereby files application with the American Society of Recording Artists, Inc., for the license hereinafter described (herein called a "Licensee Membership" of the said Society) and if accepted, agrees to abide by the terms and regulations herein set forth and by the By-laws of the Society applicable to such "Licensee Membership."

This Application, when duly executed by the Executive Secretary of the Society, shall constitute the license agreement between the Society as assignee of the rights of its "Regular Members" herein described, and the undersigned broadcaster as licensee of the right to broadcast the talents of the said "Regular Members" as herein described, and under the terms and conditions herein named; the Society having obtained assignments from its Regular Members for the broadcasting purposes herein described, under which this license is to be granted.

The By-laws printed on the reverse side hereof shall be binding upon the parties hereto the same as though contained herein. The term of this license shall be for one year and shall renew for a second year unless terminated by either of the parties upon written notice thirty days prior to date of expiration.

Provided the applicant shall have fulfilled this agreement, upon its part, the Society agrees to release the applicant from any and all liability to it or its Regular Members, without compensation whatsoever, or charge therefor to it or its Regular Members, arising from the broadcasting of its members' talent through the medium of recordings, occurring prior to the date of signing of this application.

This license is granted to the applicant under the following terms and conditions:

Payable on the 5th day of the month following such broadcasts, by remittance addressed to the Society at its home office, the applicant shall pay to the Society for the broadcasting of the talents of its regular members through the medium of recordings and for the license herein granted as follows:

Class A station 1000 watts and up shall pay 15 cents per usage.

Class B station 500 watts to 999 watts shall pay 10 cents per usage.

Class C station 499 watts or less shall pay 5 cents per usage.

1. An uninterrupted use of talent broadcast through the medium of a recording or reproduced from either side of a 10-inch double-faced 78 R.P.M. record where the playing time is not more than three minutes and forty-five seconds will constitute one usage.

2. An uninterrupted use of talent broadcast through the medium of a recording or reproduced from either side of a 12-inch double-faced 78 R.P.M. record where the playing time or recorded portion thereof does not exceed five and one-half minutes shall constitute two usages.

3. An uninterrupted use of talent broadcast through the medium of a recording or reproduced from either side of a 10-inch double-faced 33 1/3 R.P.M. record where the playing time does not exceed six minutes shall constitute two usages.

4. An uninterrupted use of talent broadcast through the medium of a recording or reproduced from either side of a twelve-inch double-faced 33 1/3 R.P.M. record where the playing time does not exceed nine minutes shall constitute three usages.

5. Usage of talents for broadcast through the medium of single faced records shall come under the various classifications, as noted elsewhere herein, in proportion to the actual recorded or playing time on the record, but in no event at the rate of less than one usage.

6. The partial or interrupted use of the broadcasting of the said talent through the medium of a record or recorded program for radio broadcast purposes constitutes one usage, provided such partial usage does not exceed at any time a period greater than three minutes of actual playing time, subsequent usages to be charged for at the rate noted.

The above regulations also serve to cover the broadcasting of the said talents through the medium of recordings or records whose outside diameter is less than ten inches and more than twelve inches where the recorded portion comes under the various classes as mentioned.

The broadcasting of talent reproduced from records as re-recordings, by the transfer method commonly known as dubbing or otherwise, shall be paid for under the same rates as an original broadcast from such records. Talent as herein expressed shall be the work or voice or other reproduction from a personal effort which may be broadcast by or through the facilities of the applicant, without the personal appearance of the artist, and whether through the medium of recordings or otherwise.

Nothing herein contained shall prohibit the applicant from charging its advertiser, sponsor or customer for the broadcasting of the said talents of the Society's said "artist members" through the medium of said recordings.

The applicant agrees to refrain from broadcasting such talents through the medium of recordings, at such times as may be designated from time to time in writing by the Society, when the Society believes such broadcast may interfere with the services of any regular member, and due notice of such suspension shall be given the applicant not less than 72 hours in advance of such suspension time or date.

Neither this application nor "memberships" or license is stock or investment security and includes no participation in the Society's profits or losses. It is not assessable under any condition, is non-negotiable, and non-voting.

It is understood that the applicant pays no dues, no initiation fees, no assessments, and shall not be responsible or liable for any debts or obligations of the Society whatsoever.

The applicant shall forward to the Society promptly on the last day of each week, on forms to be furnished by the Society, a daily log sheet of all talents broadcast from records played by it.

The applicant herein shall pay the Society a monthly service fee of \$5.00, commencing with the date of acceptance hereof, by the Society, payable quarter-annually in advance, remittance for the first quarter to accompany this application.

Nothing herein contained shall be deemed to include or refer to or limit or extend rights to or interfere with the playing of a phonograph record except insofar as there may be a broadcast of the talents of a regular member of the Society through the medium of a recording in which case it shall be the right of the Society to control the use of such talent for broadcasting purposes and collect compensation therefor.

Dated 193..

Signed
Authorized Officer

Station

Owner

Address

Wattage (Day) (Night)

Accepted by:

AMERICAN SOCIETY OF RECORDING ARTISTS
INCORPORATED

(Seal)

By
Executive Secretary.

EXHIBIT 7

BY-LAWS

OF

AMERICAN SOCIETY OF RECORDING ARTISTS, INC.

Referring to Licensee Members

ARTICLE XII

Licensee Members
Section 1.

The provisions of Article XII shall refer to "Licensee Members." There shall be other forms of membership of the Society which shall be described in further or other Articles, but the provisions and sections of Article XII shall apply only to Licensee Members.

Separate and apart from stockholders of the Corporation (herein in these By-laws sometimes termed the "Society"), and irrespective of the stockholders (the rights of stockholders being separate and apart from rights of members), there shall be a "Licensee Membership" in the "Society." Such membership shall be non-participating

and shall have no right to vote or to hold office. No Licensee Member by reason of such membership shall be or be deemed to be a stockholder of the Corporation or to have any interest in the property or assets thereof. Such memberships, unless otherwise specified in the application or acceptance, may be terminated at any yearly period after one year from the date of acceptance of such membership by the "Society."

Section 2.

The Licensee Membership of the Society shall consist of the owners, or owner's representative so designated by the owner, whether a corporation, partnership or individual, of a duly licensed radio broadcasting station, who shall have executed applications on the form provided by the Board of Directors of the Society, and whose applications shall have been accepted by the Society, and whose names shall have been entered in the Register of Licensee Members, which shall be kept by the Executive Secretary of the corporation.

Section 3.

Licensee Membership in the Society shall not constitute stock or investment security; no Licensee Membership or Member shall participate in the Society's profits or losses. Each such membership is non-negotiable and not transferable and shall be non-voting. Such membership shall not be assessable or liable in any manner or form whatever, for any debts or obligations of the Society, except for the payment of service fees and royalties as hereinafter set forth, and nothing shall be construed to so obligate a member beyond the provisions of these By-laws.

Section 4.

When the application for Licensee Membership as may be adopted by the Board of Directors of the Society, shall be executed by the "Licensee Member Applicant" and accepted by the Society, the applicant shall thereupon be thereafter known as a Licensee Member, and be then entitled to the rights specified in the said application, as well as to those rights set forth in these By-laws applicable to Licensee Members, Licensee Memberships and/or such applicants, and such application, together with the By-laws of the Society pertaining thereto, shall constitute the agreement or license between the Society and the applicant Licensee Member.

Section 5.

Licensee Membership shall entail no initiation fees and no assessments except that each Licensee Member shall be obligated to pay to the Society, payable quarter annually in advance, a service fee of Five Dollars (\$5.00) per month during the period of such membership, and in addition thereto, the royalties as provided in Section 12 hereof. Licensee Members shall at no time be responsible or liable for any debts or obligations of the Society whatsoever.

Section 6.

Each Licensee Member shall be bound by these By-laws, wherein the same refer to such Applicants, Licensee Members, or Licensee Memberships, and any and all reference thereto shall be to such applicant as a party to such agreement or license.

Section 7.

One of the purposes of the Society shall be to regulate and collect a royalty by reason of the broadcasting of talent of its artist or regular members through the medium of recordings.

Section 8.

All notices or communications between the Licensee Members and the Society shall be addressed to the Society at its home office, and to the Licensee Member to such address as he may have theretofore filed with the Executive Secretary of the Society at the home office of the Society. Each Licensee Member must immediately notify the Executive Secretary at the home office of the Society of any change of address, and should the Society fail to receive such notice, such Licensee Member shall be deemed to have waived any notice provided for under the By-laws and rules and regulations of the Society. Licensee Members shall forthwith notify the Executive Secretary of the Society at the home office of the Society, of any change in ownership and/or wave length and/or wattage, and each Licensee Member shall be bound and obligated to pay to the Society, royalties as provided for covering such wattage under which he shall operate his station in the use of records. The Society, through its Board of Directors, shall have the power to enter into contracts with individuals who shall be known as members and who may or may not be stockholders of the corporation. As a protection, however, against liability, it is expressly stipulated and understood that no property rights or vested rights of any kind in or to the corporation or its assets, accrue to the benefit of

members other than such provisions as may be set forth in the application of the member, and such as may be set forth in these By-laws, none whereof shall constitute any interest in the corporation or its assets in favor of the Licensee Member who shall have no liability whatever for assessments, dues or debts whatever of the Society (service fee and royalty excepted). Each member shall lend his every cooperation at all times to the interest of the Society to the end that the Society may carry out its purposes in the most economical, effective and speedy manner.

Section 9.

All Licensee Members in good standing shall be entitled to receive a membership certificate which shall certify to such membership or license, which certificate shall be signed by the Executive Secretary of the Society.

Section 10.

Talent as herein expressed shall be the work or voice or other reproduction from a personal effort which may be broadcast by or through the facilities of a Licensee Member without the personal appearance of the artist, or whether through the medium of recordings or otherwise. Recordings or recordation shall mean a reproduction of the recorded voice, talent, or work of a member of the Society.

Section 11.

A Licensee Member shall refrain from broadcasting such talents of Regular Members of the Society through the medium of recordings at such time or times as may be designated from time to time in writing by the Society, when the Society believes such broadcast may interfere with the services of any Regular Member, and due notice of such suspension shall be given the applicant not less than seventy-two (72) hours in advance of such suspension time or date, such suspension notices to be over the signature of the Executive Secretary.

Section 12.

All payments due or payable to the Society by the Licensee Member shall be payable at the Home Office of the Society in the manner and at the times in these By-laws or in the Application provided. The "Regular Members" of the Society shall include artists who shall have assigned to the Society the right to broadcast their talents as herein described. Each Licensee Member shall pay to the Society on the 5th of the month following such broadcast by remittance addressed to the Society at its Home Office a royalty for its use of talents of Regular Members for broadcasting purposes through the medium of recordings in the amount and as specified in the Application.

Section 13.

The licenses to be granted to the Licensee Member through the acceptance of the application is a license under the provisions of the Application and these By-laws to the use of the talent of the Society's Regular Members for broadcasting purposes through the medium of recordings, but shall not in any manner affect or pertain to his phonograph record or the playing thereof.

Section 14.

The Licensee Member shall have a right, if it so desires, to charge its advertiser, sponsor or customer for the broadcasting of the said talent of the Society's said artist or Regular Members through the medium of the said recordings, and the license granted to the applicant through said acceptance of said application by the Society shall include without further compensation the same license in the said sponsors, advertisers or customers using such talent as herein set forth.

EXHIBIT 8

APPLICATION FOR MEMBERSHIP

TO

AMERICAN SOCIETY OF RECORDING ARTISTS INCORPORATED

The undersigned, hereinafter called "APPLICANT" hereby makes application to the American Society of Recording Artists, Inc., a California corporation, hereinafter called the "SOCIETY," for an agreement hereinafter called "MEMBERSHIP," which shall be considered effective as the agreement between the "SOCIETY" and the "APPLICANT," pursuant to the terms and conditions embodied herein, upon acceptance thereof by the "SOCIETY," and when so accepted by the "SOCIETY" and the "APPLICANT," and the "APPLICANT" may thereupon be thereafter known as a "MEMBER."

SUCH MEMBERSHIP ENTAILS NO ASSESSMENTS, NO DUES, NO INITIATION FEES.

The "APPLICANT" shall be bound by the rules and regulations as well as the By-Laws of the "SOCIETY," heretofore or hereafter adopted by the "SOCIETY," wherein the same refer to "APPLICANTS," "MEMBERS," or "MEMBERSHIPS," and any and all reference thereto shall be to the "APPLICANT" as a party to this agreement.

It is understood that one of the purposes of the "SOCIETY," is to TAKE SUCH ACTION AS IT DEEMS NECESSARY TO PUT A STOP TO THE INDISCRIMINATE BROADCASTING OF RECORDS OF THE "APPLICANT," to the end that the "APPLICANT" may enjoy the largest financial returns from his work, both from returns on the sale of records, as well as from the use of said or special recordings for broadcasting or commercial purposes.

The "SOCIETY" agrees to use its best efforts at all times to obtain for the "APPLICANT" the largest compensation it deems proper for the use of broadcasting or commercial purposes, of records or recordings heretofore, or hereafter to be, made by the "APPLICANT."

IT IS THE INTENTION OF THE "SOCIETY" AT ALL TIMES TO PROMOTE THE POPULARITY AND THE SALE OF THE "APPLICANTS'" RECORDINGS.

Recording or recordation, as used herein, shall mean a reproduction of the recorded voice, talents or work of the "APPLICANT," but nothing herein contained shall be construed to include the use of the "APPLICANT'S" recorded voice, talents or work where recorded as a part of the photograph of a motion picture.

For value received, and so as to permit the "SOCIETY" to more effectually carry out its purposes herein, the "APPLICANT" hereby assigns and transfers unto the "SOCIETY" all rights of reproduction or use for broadcasting and/or commercial purposes or any purpose for which any such recording may be used, of the "APPLICANT'S" recorded voice, talents or work, together with the right to determine the royalty or charge to be made therefor excluding therefrom however any and all rights included in any contract now existing between "APPLICANT" and a reproduction company.

During the term hereof, nothing herein contained shall be deemed to include any rights of reproduction for ordinary recording purposes, as are now contained in the general form contracts used by Victor, Columbia, or Brunswick Companies, copies whereof are on file in the office of the "SOCIETY," and are specifically referred to herein, and by such reference made a part hereof.

It is understood that included herein is the right in the "SOCIETY" to sue in its own name, the name of the "APPLICANT" or otherwise, to enforce any of the rights herein granted and against any person whomsoever, AT THE EXPENSE HOWEVER OF THE "SOCIETY" AND NO EXPENSE IS TO BE ATTACHED TO THE "APPLICANT" in connection with any action upon the part of the "SOCIETY" to enforce any of said rights.

In consideration hereof, the "APPLICANT" shall receive from the "SOCIETY" a sum equal to 90% of any and all receipts obtained by the "SOCIETY," arising on account of the rights herein assigned during the period hereof, payable to the "APPLICANT" monthly following receipt thereof by the "SOCIETY."

Included in this assignment shall be the rights herein mentioned for all recordings heretofore made or to be made during the term hereof, and as to past recordings shall be all rights to the use of any mechanical production of the "APPLICANT'S" recorded voice, talent or work not included in the contract under which the said recording was made, and the "SOCIETY'S" rights therein shall be for broadcasting, commercial, or use otherwise.

In view of the increased returns contemplated by the parties hereto to be realized from the sale of records through the efforts of the "SOCIETY," it is understood that the "APPLICANT" shall pay to the "SOCIETY," when, as and if received by the "APPLICANT," after a period of thirty days from the date of acceptance by the "SOCIETY" hereof, a sum equal to 10% of any and all royalty or payments accruing in favor of the "APPLICANT" by reason of the "APPLICANT'S" work with recording companies or for mechanical reproduction of the "APPLICANT'S" voice, talent or work whether contracts therefor have been obtained by or through the "SOCIETY" or otherwise. It is understood that when, as and if in the opinion of the Board of Directors of the "SOCIETY" the remuneration herein set forth has become adequate to compensate the "SOCIETY" for its efforts in accomplishing its purpose, the "SOCIETY" may reduce the remuneration herein provided for to such amount as it may

deem to be reasonable, but the Board of Directors of the "SOCIETY" shall be the sole judge as to any such reductions and any such allowance shall only become effective upon written notice from the "SOCIETY" to the "APPLICANT." IN NO EVENT, HOWEVER, SHALL THE REMUNERATION OF THE "SOCIETY" BE IN EXCESS OF THE AMOUNT IN THIS APPLICATION SET FORTH.

NO LIABILITY TO MEMBERS:

It is understood that this application or membership is not stock or "investment security;" that it includes no participation in the "SOCIETY'S" profits or loss, and is non-negotiable and non-voting. The "APPLICANT" shall not be assessable or liable in any manner or form whatever for any debts or obligations of the "SOCIETY," and nothing herein contained or otherwise shall be construed to so obligate him. Neither this agreement, nor any interest or right therein, or arising therefrom shall be negotiable, assignable, or revokable by the "APPLICANT" and the term hereof shall be five (5) years from the date of its acceptance by the "SOCIETY."

The "APPLICANT" shall execute such instruments from time to time as may be required by the "SOCIETY" to carry out the terms of this contract.

.....
"APPLICANT" (Please Print Name After Signature)

.....
Permanent Address (Print)

Accepted by:

AMERICAN SOCIETY OF RECORDING ARTISTS
INCORPORATED

(Seal)

By
Executive Secretary

Dated..... 193...

No.....
Recommended by Approved by

EXHIBIT 9

AMERICAN SOCIETY OF RECORDING ARTISTS
INCORPORATED

Guaranty Building, Hollywood, California

Telephone Gladstone 1371

Arthur W. Levy, Executive Sec'y

L. J. Mayberg, General Counsel

BOARD OF GOVERNORS: L. E. Behymer, Honorary Chairman; Gene Austin, Chairman; Fred Astaire, Ben Bernie, Don Bestor, Henry Busse, Eddie Cantor, Noel Coward, Jesse Crawford, Frank Crumit, Eli Dantzig, Jack Denny, Morton Downey, Jimmy Durante, Ted Fio Rito, Jan Garber, Ernie Golden, Jimmy Grier, Al Jolson, Roger Wolfe Kahn, Ted Lewis, Little Jack Little, Vincent Lopez, Freddy Martin, Jeanette MacDonald, Helen Morgan, George Olsen, Raymond Paige, Eddie Peabody, Dick Powell, Buddy Rogers, Lanny Ross, Nathaniel Shilkret, Frances Williams, Victor Young. CONCERT-OPERA DIVISION: Georges Barrere, Lieut. Charles Benter (United States Navy Band), Lucrezia Bori, Richard Crooks, Mischa Elman, Osip Gabrilowitsch, Mary Garden, John Goss, Alfred Hertz, Jose Iturbi, Maria Jeritza, Dr. Hans Kindler, Josef Lhevinne, John McCormack, Jose Mojica, Grace Moore, Elizabeth Reithberg, Felix Salmond, Carlos Salzedo, Tito Schipa, Toscha Seidel, Fabian Sevitzy, Marion Talley, John Charles Thomas. COMMITTEES: *Executive*: Al Jolson, Chairman. OPERA: Lucrezia Bori, Chairman. CONCERT: Mary Garden, Chairman. ORCHESTRA: Nathaniel Shilkret, Chairman.

February 10, 1936.

GENTLEMEN:

In its letter of April 1, 1935, this Society invited you to apply for a "Licensee Membership" whereby broadcasters might be represented in its structure and thus obtain for themselves and their sponsors and advertisers a license to broadcast the talents of its "Artist Members" through the medium of recordings, as well as to lend their voices to the general purposes of the Society which represents its "Artist Members" in the broadcasting field wherein their talents are broadcast through the medium of records; to license broadcasters; establish a usage rate for each such use of the artists' talents; to collect for its "Artist Members" the compensation to which such members may be rightfully en-

titled; to remedy the inequitable and unjust practice of unauthorized and uncompensated use by broadcasters and advertisers of such artists' talents, and to avoid, where possible, litigation and misunderstandings arising therefrom and to make it possible for such proper use to be continued.

The Society realizes that there are several movements gaining considerable headway, interested in prohibiting entirely the use over the air of talent not recorded specifically for broadcasting purposes.

The Society intends to lend its cooperation to avoid legislative and other methods of prohibiting entirely the use over the air of talent not recorded specifically for broadcasting purposes, and it intends to afford its protection to all parties concerned under the terms prescribed by it and to offer a medium through which broadcasters, and through them their sponsors and advertisers, may compensate artists reasonably for the use of such talents through the medium of recordings and thus continue such a system without hindrance, legal, statutory or otherwise.

The Society believes that the interests of all radio stations in the broadcasting of records are not identical. That certain stations and groups of stations would be best served if the use of records in broadcasting were entirely eliminated through legislative or other means, confining this field only to transcriptions. Stations and groups of stations which specialize in the use of "live" talent and transcriptions must realize that a complete stoppage of the use of records on the air could probably mean the complete elimination from the broadcasting industry of hundreds of radio stations which because of geographic or other reasons are dependent upon talent through the use of records to furnish the majority of their entertainment to the listeners-in of the station. Further, stoppage could give transcription monopolies to certain groups.

In the same way, it is to the interest of certain recording-artists to remove from the air forever the use of their recorded talents for broadcasting purposes and to also eliminate from such usage the talents of all other recording artists, and we are informed groups and organizations have been formed with this objective.

The Society is aware that at the present time the greater number of recording artists are willing to permit the use of their talents on the air through the medium of recordings if the broadcasters of such talents pay the reasonable fee for each and every such usage as required by its By-Laws.

However, the Society believes that unless broadcasters interested in retaining talents on the air through the medium of records, cooperate with it, the use of all such recorded entertainment may be completely eliminated very shortly from the air or charges therefor become prohibitive. The Society heretofore demanded of you collection of royalties for your use of its "Artist Members" said talents as of May 1, 1935, to which your station has not satisfactorily replied though our investigation discloses that you have continued the unauthorized use of the talents of its "Artist Members" through the medium of recordings.

You are hereby notified that the "Artist Members" whose names appear on the reverse side of this page, have heretofore assigned to this Society the rights to the use of their talents for broadcasting purposes through the medium of recordings pursuant to written memo thereof on file with the Society and that such "Artist Members" require you to obtain permission from the Society for such use and to make accounting and payment accordingly. The Society therefore in its own behalf and in behalf of each of such persons hereby demands:

1. That you must not broadcast their talents through the medium of records without license first obtained therefor.
2. That you account for each usage of such talents including such usage by your advertiser or sponsor, and you are advised it will hold you liable to it for any and every failure or refusal to abide by such demand, for accounting and payment pursuant thereto.

The Society maintains that the responsibility for the unauthorized use of its "Artist Members'" talents for broadcasting through the medium of recordings rests with the advertiser and sponsor, as well as the broadcaster.

We want you to realize the full significance of events which are transpiring and which we believe will profoundly affect the broadcasting stations using recorded talent. There is enclosed a copy of resolutions passed by the board of directors of the Society, together with an excerpt from "Variety" of January 22, 1936, dealing with the judgment of the court in the case of Station WDAS, of Philadelphia.

It is regrettable to the Society that it has not received a favorable response from your station and that you have failed and refused up to this time to account for your use of such talents

of its "Artist Members," either prior or since the demand mentioned, nor have you extended any cooperation. If it is case law you are relying upon and you are not interested in the equity and property of our position, then the responsibility for your position now rests entirely with you.

Respectfully,

AMERICAN SOCIETY OF
RECORDING ARTISTS, INC.
(Signed) ARTHUR W. LEVY,
Executive Secretary.

Alda, Frances	Divine, Grace
Altglass, Max	Doe, Doris
Anglo Persians	Downey, Morton
Appollon, Dave	Duncan, Myron
Arnold, Gene	Duncan, Sisters
Astaire, Fred	Dunn, Jack
Atchison, Shelby	Dunne, Irene
Austin, Gene	Durante, Jimmy
Bada, Angelo	Eckles, Charley
Baggiore, Attilio	Eddy, Nelson
Baker, Elsie	Egan, James
Ballew, Smith	Elkins, Eddie
Bampton, Rose	Elman, Mischa
Barbirolli, John	English Singers, The
Barnet, Charles	Faulkner, Georgene
Barrere, Georges	Faye, Alice
Bauer, Hermie	Ferdinando, Angelo
Bauer, Franklyn	Fio Rito, Ted
Belasco, Leon	Finston, Nat
Bernhardt, Louise	Flexer, Dorothea
Bernie, Ben	Foresythe, Reginald
Bestor, Don	Friedman, Ignaz
Black, Frank	Froman, Jane
Blue Grass Ramblers	Gabrilowitsch, Ossip
Boles, John	Gandolfi, Alfredo
Bori, Lucrezia	Garber, Jan
Bouquet, Max	Garden, Mary
Bourdon, Rosario	Golden, Ernie
Bowden, Len	Goldman, Edwin Franko
Bowly, Al	Goodman, Benny
Boynet, Emma	Goss, John
Branson, Capt. Taylor	Green, Johnny
Branzell, Karin	Greene, Harrison
Braslau, Sophie	Grier, Jimmie
Bright, Sol Kekipi	Grofe, Ferde
Britt, Horace	Guizar, Tito
Brownie, Franklyn	Harty, Sir Hamilton
Bryant, Willie	Haumes, Joe
Bullock, Chick	Hayton, Lennie
Burnet, Earl, Estate	Henderson, Fletcher
Busse, Henry	Hertz, Alfred
Cameron, Basil	Holman, Virginia and Betty
Campo, Del	Holmes, Floyd (Salty)
Cannon, Gus	Hoopii, Sol, Jr.
Cantor, Eddie	Hopkins, Claude
Cartwright Brothers	Hoyos, Rudolfo
Castilians, The	Hurt, Charles (Chick)
Cehanovsky, George	Iona, Andy
Chaliapin, Feodor	Iturbi, Jose
Chapman, Frank	Jackson, Marlan
Coakley, Tom	Jagel, Frederick
Coburn, Jolly	Jepson, Helen
Coleman, Emil	Jeritza, Maria
Continental, The	Johnson, Edward
Coppola, Piero	Johnson, James P.
Crawford, Jesse	Jolson, Al
Crooks, Richard	Kaley, Charles
Crumit, Frank	Kahn, Roger Wolf
Coward, Noel	Kappel, Gertrude
Cozzi, Mario	Kardos, Gene
Cummins, Bernie	Karns, Virginia
Dalhart, Vernon	Kassel, Art
Dantzig, Eli	Katzman, Louis
Davis, Jimmie	Kaufman, Irving
Davis, Meyer	Keene, Hank
Davis, Walter	Kelly, Cuthbert
De Gogorza, Emillo	Kemp, Hal
De Leath, Vaughn	Kincald, Bradley
Denny, Jack	Kindler, Dr. Hans
Diaz Rafaelo	Kline, Olive
Dickinson, Bob	Kurenko, Maria

Langford, Frances
Lashanska, Hulda
La Velle, Kay
Lee, Carol
Lehmann, Lotte
Lewis, Mary
Lewis, Ted
Lewis, Welcome
Lhevinne, Josef
Lillie, Beatrice
Ljungberg, Gota
Little Jack Little
Lopez, Vincent
Los Floridians
Lucas, Nick
Luther, Frank
MacDonald, Jeanette
McCormack, John
McKenzie, Wm. (red)
Magnante, Charles
Mann Brothers
Mannone, Joe (Wingy)
Mario, Queena
Marsh, Lucy
Martini, Nino
Martin, Freddie
Mason, Edity
Matzenaur, Margaret
Medrano, Luis
Melchior, Lauritz
Melton, James
Memphis Jug Band
Menendez Nilo
Minneapolis Symphony Orch.
Mojica, Jose
Monteuse, Dr. Pierre
Moore, Grace
Morgan, Helen
Morgana, Nine
Murphy, Lambert
Nelson, Ozzie
Nieto, Raquel
Oakie, Jack
Olsen, George
Olszewska, Maria
O'Noian, Shaun
Orchestre Symphonique de Paris
Ormandy, Eugene
Osborne, Verna
Paige, Raymond
Paris Symphony Orchestra
Peabody, Eddie
Parker, Frank
Pattison, Lee
Piatigorsky, Gregor
Pinza, Ezio
Powell, Dick
Prairie Ramblers
Rethberg, Elisabeth
Richards, Lewis

Ricci, Ruggiero
Richardson, Florence
Robbins, Sam
Roberti, Lyda
Robertson, Dick
Robeson, Paul
Robison, Willard
Rodgers, Jimmie, Estate
Rodgers, Judy
Rogers, Chas. (Buddy)
Rogers, Ginger
Rogers, Rob
Rollins, Todd
Rosenthal, Harry
Ross, Lanny
Sale, Charles (Chic)
Salmond, Felix
Salomons, Jacqueline
Salter, Harry
Salzedo, Carlos
Samaroff, Olga
Schelling, Ernest
Schipa, Tito
Schorr, Friedrich
Schumann Heink, Ernestine
Seidel, Toscha
Sevitsky, Fabian
Shade, Will
Shilkret, Nathaniel
Shuk, Lajos
Shutta, Ethel
Silver, Monroe
Smeck, Roy
Sons of the Pioneers
Spalding, Albert
Spielman, Milton
Stamp's Quartet
Stannard, William
Stenross, Chas.
Stone, Mildred
Sullivan, Joe
Swarthout, Gladys
Talley, Marion
Taylor, Jack
Thibault, Conrad
Thomas, John Charles
Thomas, Mostyn
Trini, Anthony
Tomlin, Truman (Pinky)
Upson, Dean R.
U. S. Marine Band
Van, Vera
Van Gordon, Cyrena
Webb, Chick
Webster, Dick
Weems, Ted
West, Mae
Williams, Frances
Windheim, Marek
Young, Victor

NOTE: Accounting and payment at this time is not demanded for any member whose name does not appear on this list.

RESOLUTION

At a meeting of the Board of Directors of the American Society of Recording Artists, Inc., duly and regularly held this 1st day of February, 1936, the following Resolution was duly and regularly passed and spread upon the minutes of the Society:

BE IT RESOLVED:

THAT WHEREAS, the Society did on or about April 1, 1935, forward to all broadcasting stations throughout the United States and its possessions, an invitation to join the structure of its organization in an advisory capacity by applying to it for "License Membership" under which each such station would be licensed under conditions named to use of the talents of "artist members" of the Society thru the medium of recordings on payment of certain royalties then designated, and

WHEREAS, at that time the Society directed the attention of the broadcasting stations to an existing condition whereby broadcasters were using such talents of artists for radio broadcasting without

authority from or compensation to the artists therefor, and that such practise was wholly inequitable and unfair to the artists, and

WHEREAS, certain stations failed and neglected or refused to reply to said invitation to correct the said wrong or inquired thru their attorneys for case law on the subject, failing and refusing to cooperate with the Society or otherwise in adjusting this inequitable and unjust situation, and

WHEREAS, the Board of Directors of the Society has now completed its investigation of the facts and circumstances surrounding this condition and has heretofore authorized its general counsel to proceed to take legal action to enforce the rights of its "artist members," and a court decision now exists in the premises; and

WHEREAS, in the interest of enforcing such rights and incident thereto, the "artist members" of the Society have assigned it to all such rights to their talents for use for broadcasting or commercial purposes thru the medium of recordings.

NOW, BE IT RESOLVED: That a further letter be addressed to each radio station in the United States and its possessions that has failed or refused to account for such use of the talents of its "artist members" for broadcasting purposes; that such letter contain a demand for an accounting and payment therefor in accordance with the schedule of the Society, namely:

"Payable on the 5th day of the month following such broadcasting, by remittance addressed to the Society at Los Angeles, California, broadcasting stations shall pay to the Society for the broadcasting of the talents of its "artist members" thru the medium of recordings and for a license to use the same as follows:

Class A stations, 1000 watts and up, shall pay 15 cents per usage.

Class B stations, 500 watts to 999 watts, shall pay 10 cents per usage.

Class C stations, 499 watts or less, shall pay 5 cents per usage.

An uninterrupted use of talent broadcast thru the medium of the use of either side of a 10-inch, double-faced 78 R.P.M. record where the playing time is not more than 3 minutes and 45 seconds, will constitute one usage, or of a 12-inch, double-faced 78 R.P.M. record where the playing time or recorded portion thereof does not exceed 5½ minutes, shall constitute two usages; or from either side of a 10-inch, double-faced 33½ R.P.M. record where the playing time does not exceed 6 minutes, shall constitute two usages; or from either side of a 12-inch double-faced 33½ R.P.M. record where the playing time does not exceed 9 minutes, shall constitute three usages. Single-faced records shall come under the various classifications in proportion to the actual recorded or playing time on the record, but in no event at the rate of less than one usage; partial or interrupted use of broadcasting of said talent thru the medium of a record or recorded program for broadcasting purposes, constitute one usage, provided such partial usage does not exceed at any time a period greater than three minutes of actual playing time, subsequent usage to be charged for at the rate noted."

AND BE IT FURTHER RESOLVED: That a printed excerpt from the decision against Station WDAS, Philadelphia, printed in "Variety" of Wednesday, January 22, 1936, be inclosed with such letter;

AND BE IT FURTHER RESOLVED: That the Society shall notify each such broadcasting station the name of each "artist member" for whom the Society requires such payment and accounting until further notice;

AND BE IT FURTHER RESOLVED: That the Society shall report to its general counsel unauthorized usages by broadcasting stations of such talent of any such "artist members" for which accounting and compensation has thus been demanded and accounting and/or payment refused, or not received, with instructions to proceed to enforce the rights of the Society and its "artist members" in the premises.

Attest:

(Signed) ARTHUR W. LEVY,
Secretary.

Wednesday, January 22, 1936.

Variety 55

WARING DECISION

Following are pertinent excerpts from the decision handed down last week by Judge McDevitt in the Court of Common Pleas, Philadelphia, upholding Fred Waring's right to restrain WDAS,

Philly outlet, from using a Waring phonograph recording for broadcasting or other commercial purposes:

In the instant case the defendant has appropriated without purchase or legal claim the creation of material produced by the complainant's intellectual effort and application of his unique talents. His creation represents production by organization, by the expenditure of labor, skill and money. His creative genius has perfected something peculiarly his own, stamped with his personality and as inseparable from him without injury as one of his limbs. His unique talents have fashioned something as distinct and original as the product fashioned publication. Communication and dedication are as dissimilar as are performance and publication.

Ownership suggests possession and proprietorship, and sale represents the conveyance of a right of any kind. At the same time, however, one may sell his corporeal and still save his incorporeal right. Undoubtedly the contract or covenant follows the chattel, and only a false legal doctrine could separate the same, which would be equivalent to putting the stamp of approval upon unfair competition.

The complainant is, therefore, entitled to the redress that he seeks.

Let the injunction issue.

Conclusions of Law

1. The creator of a unique and personal interpretation of a musical and/or literary composition possesses a common law property right in the same, and has a right to control and limit its use.

2. The individuality, personality and unusual talents of such an artistic interpreter identify his production, creation or performance in such a manner as to make it different, and consequently, per se, a special value with pecuniary worth.

3. The interpretive talent of the complainant is creative and vests in him an incorporeal property right, just as firmly as though it were corporeal property.

4. Such incorporeal property is entitled to protection.

5. A creation or interpretation that may be captured or transcribed by mechanical means, and then capable of reproduction at the will of the possessor, makes such an interpretation or creation, property.

6. The integrity of one's art is entitled to protection, and the law gives such artist a right to command a return for any commercial utilization of his talent.

7. The talents, creations and interpretations of a performing artist, may only be used or exploited under the terms and conditions imposed by the creator. Any other use is an infringement of his property right, and an injury to his name and commercial worth.

8. The law will follow science and arts in throwing the necessary protection about property rights, both corporeal and incorporeal, tangible and intangible.

9. The making of a phonograph record or the sale of the same, under such conditions as were imposed in the suit at issue, does not constitute a publication.

10. The respondent's purchase of said records vested in him a possession and ownership, subject, however, to the special property right of the complainant.

11. Such a use of a phonograph record as has been made by the respondent in this matter, is a commercial use for profit.

12. The complainant and the RCA-Victor Company were within their legal rights in producing said records for sale and limited use.

13. The respondent's use of said records violated the express restriction stamped thereon, and was an unlawful interference with complainant's right. The respondent's use of said records is an interference with the complainant's contractual relations with the international company, with which he has a contract for his exclusive broadcasting services.

14. The limitation of use or restriction stamped upon the face of the records was a condition or servitude inseparable from the records.

15. The restriction stamped upon the records is not an interference with the purchaser of said records to use them for the purpose intended, it is not an unreasonable condition, its enforcement would not be in restraint of trade, and its enforcement does not create a monopoly. It is a protection of the property right vested in the complainant and enforceable in equity.

16. Such use of said records, as the use made by the respondent, creates unfair competition.

EXHIBIT 10

AMERICAN SOCIETY OF RECORDING ARTISTS

INCORPORATED

Southern California Division
Suite 403, Bank of America Building
9470 Santa Monica Boulevard
Beverly Hills, California
WOodbury 62608
Al Jolson, President

NOTICE

It is reported to the Society by its Bureau of Investigation that the recorded talents of its artist-members have been broadcast for commercial purposes in your place of business without the authority of the Society.

The Society makes available only to licensee-members of the Society permission to so broadcast the talents of its artist-members.

If you intend to continue such broadcasting of such talents of the Society's artist-members, a list of whose names is herewith presented, the Society will give you a license therefor, upon proper application for it.

Notice is hereby given you that the Society will hold you liable for any and all unauthorized usages of the talents of its artist-members and hereby makes demands upon you for payment of damages for all unlicensed usages in the past.

Application for license is attached herewith.

AMERICAN SOCIETY OF RECORDING ARTISTS, INC.

Board of Governors

L. E. BEHYMER, <i>Honorary Chairman.</i>	Ernie Golden
GENE AUSTIN, <i>Chairman.</i>	Jimmy Grier
Fred Astaire	Al Jolson
Ben Bernie	Roger Wolfe Kahn
Don Bestor	Ted Lewis
Henry Busse	Little Jack Little
Eddie Cantor	Vincent Lopez
Noel Coward	Freddy Martin
Jesse Crawford	Jeanette MacDonald
Frank Crumit	Helen Morgan
Eli Dantzig	George Olsen
Jack Denny	Raymond Paige
Morton Downey	Eddie Peabody
Jimmy Durante	Dick Powell
Ted Fio Rito	Buddy Rogers
Jan Garber	Lanny Ross
	Nathaniel Shilkret
	Frances Williams
	Victor Young

Concert-Opera Division

Georges Barrere	John McCormack
Lucrezia Bori	Jose Mojica
Richard Crooks	Grace Moore
Mischa Elman	Elisabeth Rethberg
Ossip Gabrilowitsch	Felix Salmond
Mary Garden	Carlos Salzedo
John Goss	Tito Schipa
Alfred Hertz	Toscha Seidel
Jose Iturbi	Babian Sevitzyk
Maria Jeritza	Marion Talley
Dr. Hans Kindler	John Charles Thomas
Josef Lhevinne	

Committees

EXECUTIVE	CONCERT
AL JOLSON, <i>Chairman.</i>	MARY GARDEN, <i>Chairman.</i>
OPERA	ORCHESTRA
LUCREZIA BORI, <i>Chairman.</i>	NATHANIEL SHILKRET, <i>Chairman.</i>

"THE LAW GIVES SUCH ARTIST A RIGHT TO COMMAND
A RETURN FOR ANY COMMERCIAL UTILIZATION
OF HIS TALENT"

(Opinion Judge McDevitt, *Waring v. WDAS*, Philadelphia, C. P.
January, 1936)

Excerpts from Decision Against Radio Station WDAS:

"1. A creation or interpretation that may be captured or transcribed BY MECHANICAL MEANS, and then capable of repro-

duction at the will of the possessor, MAKES SUCH AN INTERPRETATION OR CREATION, PROPERTY.

2. The INTEGRITY OF ONE'S ART IS ENTITLED TO PROTECTION, and the law gives such artist a right to command a return for any commercial utilization of his talent.

3. The creator of a unique and personal interpretation of a musical and/or literary composition possesses a common law property right in the same, and has a right to control and limit its use.

4. The talents, creations and interpretations of a performing artist, MAY ONLY BE USED OR EXPLOITED UNDER THE TERMS AND CONDITIONS IMPOSED BY THE CREATOR. AND OTHER USE IS AN INFRINGEMENT OF HIS PROPERTY RIGHT, and an injury to his name and commercial worth.

5. * * * The reproduction by virtual theft of his performance * * * is just as much an invasion of his privacy as would be the tapping of the wires of one broadcasting station featuring complainant for the purpose of sending out through another station that rendition * * * or performance * * *

Excerpt from Musical Performers' Protection Act of 1925, Eng., 15 and 16 Geo. V. CH. 46, 31st July, 1935:

(An Act to Prevent Unauthorized Reproduction of Dramatic and Musical Performances)

"1. If any person knowingly * * * (c) uses for the purpose of public performance any record made IN CONTRAVENTION OF THIS ACT, he shall be guilty of an offense under this ACT, and shall be liable, on summary conviction, to a fine * * * for each record * * *

Excerpt from Shafter: Musical Copyright, Page 274:

"To return to the artist: his voice is his property. He should have the right to prevent any exploitation that will decrease the value of his talent."

Excerpt from Savage vs. Hoffman, 159 Federal Rep. 584:

"* * * The manner, method and art of every performer is individual and his own property."

Excerpt from Phonotopia vs. Bradley, 171 Federal Rep. 951:

An injunction on the grounds of unfair competition aside from the grounds of infringement or deception of the public, should be granted in equity to restrain the wrongful appropriation of another's property.

Excerpt from Supreme Court of the United States Decision Delivered by Mr. Justice Holmes, January 22, 1917:

In *Herbert vs. The Shanley Company*, 242, U. S. 591.

"* * * They are a part of a total for which the public pays, and the fact that the price of the whole is attributed to a particular item in which those present are expected to order, is not important. It is true that the music is not the sole object, but neither is the food, which probably could be got cheaper elsewhere. The object is a repast in surroundings that to people having limited powers of conversation or disliking the rival noise give a luxurious pleasure not to be had from eating a silent meal. IF music DID not PAY

IT WOULD BE GIVEN UP. If it pays, it pays out of the public's pocket. Whether it pays or not, THE PURPOSE OF EMPLOYING IT IS PROFIT, AND THAT IS ENOUGH.

Excerpt from Judgment of Civ., Cham., 2nd Instance Buenos Aires, Oct. 28, 1930:

"The purchase of a phonograph record does not * * * convey the right to broadcast its contents."

Excerpt from Gramophone Co. & Tetrzzini vs. State Finance (1912) Tribunal Court, Milan:

"The artistic personality of the performer is reflected in the performance which becomes a distinct product having a special value not only artistic but also, pecuniary—so that the record incorporating this performance NECESSARILY BELONGS ALSO TO THE PERFORMER WHO HAS CREATED IT."

Excerpt from Remick vs. General Electric Co., 4 Fed. (2nd) 160:

"If a broadcaster procures an unauthorized performance * * * and for his own profit makes the same available to the public, served by receiving sets attuned to the station, it is the judgment of this court that he is an infringer, unless express permission is given or performance paid for according to price set by person owning right to performance * * *

Excerpt from Proposal 1st Int. Juridical Radio Congress:

"The radioelectrical transmission of the performance * * * or artistic work cannot be made without the consent of the interpreter."

COURT DECISIONS

Waring vs. UHR'S Roumanian Restaurant, Phila. C. P., 1936.

Waring vs. Studio Ballrooms, Inc., Phila. C. P., 1936.

Waring vs. Robinson Recording Laboratories, Phila. C. P., 1936.

Buck vs. Jewell-LaSalle Realty Co., 283 U. S. 191.

International News Service vs. Associated Press, 248 U. S. 215.

Board of Trade vs. Christie Co., 198 U. S. 236.

Howe vs. Wyckoff, 198 U. S. 118.

Associated Press vs. KVOS, Inc., 80 Fed. (2d) 575.

The Associated Press vs. Sioux Falls Broadcasting Ass'n, U. S. District Ct., South Dakota, Mar. 4, 1933.

Waterson Co. vs. Irving Trust Co., 48 Fed. (2d) 704.

Remick vs. General Electric, 16 Fed. (2d) 829.

Universal Film Co. vs. Copperman, 218 Fed. 577.

Werckmeister vs. American Lithographic Co., 134 Fed. 321.

Sperry & Hutchinson vs. Mechanics' Clothing Co., 128 Fed. 800.

Melvin vs. Reid, 112 Cal. App. 285.

Chaplin vs. Amador, 93 Cal. App. 358.

Binns vs. Vitagraph Co., 210 N. Y. 51.

Messenger vs. British Broadcasting Co., Ltd. (1927), 2 K. B. 543, and (1929) A. C. 151.

Abernathy vs. Hutchinson, 3 L. J. Chancery 209.

Sarpy vs. Holland, 2 Ch. 1908.

Savage vs. Hoffman, 159 Federal Rep. 584.

Phonotopia vs. Bradley, 171 Federal Rep. 951.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

NAB REPORTS

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COURT ACTION ON BROADCASTING CASES

The Court of Appeals of the District of Columbia has granted a stay order to the Wilkinson Broadcasting Company, Mason City, Iowa, in an appeal filed in the Court against the Federal Communications Commission.

In this case the Wilkinson Company appealed against a decision of the Commission granting a construction permit for a new broadcasting station at Mason City to the Mason City Globe & Gazette Company. The Wilkinson Company in its appeal claimed that the Commission had ignored its rights in granting the Gazette Company the permit.

The Palmer Broadcasting Syndicate of Portland, Me., has applied to the Court to dismiss its appeal against the Communications Commission.

The Commission granted a construction permit to the Portland Broadcasting System, Inc., for the erection of a new station at Portland. The Palmer Syndicate and several others who had applications pending for a station at the same time appealed to the Court against the Commission's decision. Prior to asking that its appeal be dismissed the Court had granted a stay order to the Palmer Syndicate.

DENIAL RECOMMENDED FOR NEW STATION

The Port Huron Broadcasting Company applied to the Federal Communications Commission for permission to erect a new broadcasting station at Port Huron, Mich., to use 1370 kilocycles, 250 watts and unlimited time on the air.

Examiner John P. Bramhall, in Report No. I-282, recommended that the application be denied. He found that the applicants failed to show the need for daytime service in the area proposed to be served and they do "not possess the technical qualifications to construct and operate the proposed station."

NEW OREGON STATION RECOMMENDED

Wike & Studebaker filed an application with the Federal Communications Commission asking for a construction permit for the erection of a new station at Baker, Ore., to operate on 1370 kilocycles, 100 watts and 250 watts LS, and unlimited time on the air.

Examiner John P. Bramhall, in Report No. I-284, recommended that the application be granted on certain conditions. The Examiner found that there is need for the proposed service in the area concerned but that interference would result if certain pending applications are not granted. He therefore recommended that the application be granted subject to the following conditions:

- That the application of Station KUJ for change of frequency from 1370 to 1250 kilocycles be granted by the Commission.
- That the site selected by the applicants meet the approval of the Commission.
- That the transmitter equipment comply in all respects with the rules and regulations of the Commission.

CLEAR CHANNEL SURVEY

The clear channel survey which has been under way by engineers of the Federal Communications Commission for a long time has been completed. It is expected that it will be made public on September 3. Copies will be sent to all broadcasting stations by the Commission.

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

- A. P. W. Paper Company, Inc., Albany, N. Y. (2-2398, Form A-2)
Monitor Gold Mining Company, Lake City, Colo. (2-2399, Form A-1)
Messenger Corporation, Auburn, Ind. (2-2400, Form A-2)
The Bastian-Blessing Company, Chicago, Ill. (2-2401, Form A-2)
Paper Sales Company of Detroit, Inc., Detroit, Mich. (2-2402, Form A-1)
Iten-Barmettler Biscuit Company, Omaha, Nebr. (2-2403, Form A-1)
Globe Silver Mines, Inc., Wallace, Idaho. (2-2404, Form A-1)
Committee of Kansas City, Leavenworth & Western Transportation Company, Kansas City, Mo. (2-2405, Form D-1)
Committee of Chicago, Rock Island & Pacific Rw. Co., Chicago, Ill. (2-2406, Form D-1)
Standard Diesel Engine Company, Jersey City, N. J. (2-2407, Form A-1)
965 Fifth Ave., Corporation, New York City. (2-2408, Form A-1)
Scottish Dye Works, Ltd., Vancouver, B. C. (2-2409, Form A-1)
Hussman-Ligonier Company, St. Louis, Mo. (2-2410, Form A-2)
Lanova Corporation, New York City. (2-2411, Form A-1)
El Paso Natural Gas Company, El Paso, Texas. (2-2412, Form A-1)
Edgar P. Lewis & Sons, Inc., Malden, Mass. (2-2413, Form A-2)
Eaton & Howard Management Fund "B", Boston, Mass. (2-2414, Form A-1)
Alabama Gas Company, Montgomery, Ala. (2-2415, Form A-1)
Woodall Industries, Inc., Detroit, Mich. (2-2416, Form A-2)
Politics, Inc., Washington, D. C. (2-2417, Form A-1)
Emerald Park Mining & Development Co., Buffalo, Wyo. (2-2418, Form A-1)
Binks Manufacturing Company, Chicago, Ill. (2-2419, Form A-2)
Sterling Gold Mining Corporation, Houston, Texas. (2-2421, Form A-1)
Rotating Valve Corporation, New York City. (2-2423, Form A-1)
Industrial Securities Corporation, Middletown, Conn. (2-2424, Form E-1)
Managed Estates, Inc., Philadelphia, Pa. (2-2425, Form A-1)
Washington Gas Light Company, Washington, D. C. (2-2426, Form A-2)
Mueller Brass Company, Port Huron, Mich. (2-2428, Form A-2)
Kermath Manufacturing Company, Detroit, Mich. (2-2429, Form A-2)
The Ohio Finance Company, Columbus, Ohio. (2-2430, Form A-2)

Marine Airlines, Inc., New York City. (2-1809, Form A-1-refiling)
Peerless Corporation, Cleveland, Ohio. (2-2380, Form A-2-refiling)

DENIAL RICHMOND STATION RECOMMENDED

The Times-Dispatch Publishing Company, Inc., applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Richmond, Va., to use 1500 kilocycles, 100 watts and unlimited time on the air.

Examiner John P. Bramhall, in Report No. I-285, recommended that the application be denied. He found that while there may be some need in the area for additional service, the interference which granting of this application would cause with existing stations is even more important. Under the circumstances, says the Examiner, granting of the application would not be in the public interest.

RECOMMENDS DENYING NEW WASHINGTON STATION

Gomer Thomas applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Bellingham, Wash., to use 1420 kilocycles, 100 watts and unlimited time on the air.

Examiner John P. Bramhall, in Report No. I-283, recommended that the application be denied. He found that the applicant does not possess the technical and financial ability to construct and operate the proposed station, and he further found that "the evidence fails to establish need for additional service in the area proposed to be served."

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints against the following firms. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

No. 2908. Alleging unfair competition in the sale of advertising cards or coupons redeemable in silverware, a complaint has been issued against **National Publicity Bureau, Inc., National Publicity Bureau and Rogers Silverware Distributors, and Hugh J. Wanke**, individually and as president of **National Publicity Bureau, Inc.**, trading as **Rogers Silverware Distributors**. The respondents have headquarters in **Baltimore**, with an office in the **Rollins Building**.

In soliciting local retail and wholesale dealers, the respondents are alleged to have sold their advertising cards or coupons for stimulation of the dealers' business. Representing themselves as agents of **William A. Rogers or William A. Rogers, Ltd.**, the respondents are alleged to have advertised the silverware used in redemption of the coupons as of a high quality and as genuine **William A. Rogers silverware**. The respondents are alleged to have represented that their sales plan had been adopted by the silverware manufacturer as an advertising campaign for introducing and advertising its products, such advertising taking the place of regular newspaper and magazine advertising.

However, the complaint alleges that the respondents were not representatives of any concern manufacturing silverware, that their plan offered to merchants was not an advertising campaign, and that the silverware used for redemption was not of high quality and was not the well-known **William A. Rogers silverware**.

No. 2909. **National Kream Company, Inc., and National Foods, Inc.**, both of 360 Furman St., **Brooklyn, N. Y.**, are charged in a complaint with unfair competition in the sale of jams, jellies and preserves.

In labeling their products as "pure jams", "pure jellies" and "pure preserves", the respondent companies are alleged to have made misleading representations, as their products, according to the complaint, were not prepared according to the formula recognized by the trade for the manufacture of these foods.

The complaint points out that the trade and public understand jams, jellies and preserves to be made from a mixture of fruits and sugar in a proportion of at least 45 pounds of fruit to 55 pounds of sugar, but that the respondents' products were adulterated by substitution in part for fruit of a mixture of water, sugar and pectin, so that their products contained substantially less fruit than the pure or genuine jams, jellies and preserves.

This deficiency of fruit and the presence of substitutes were not disclosed on the labels, according to the complaint, and the respondents' practices are alleged to have placed in the hands of dealers an instrument of fraud by which they have been able to mislead the public, and to have resulted in diversion of trade to the respondents from their competitors.

No. 2910. Alleging unfair competition in the sale of "Kodicon", a medicinal preparation, a complaint has been issued against **Bernard M. Wolf**, 5 Bloomfield St., **Boston**, trading as **Kodicon Products Company**.

The respondent is alleged to have advertised "Kodicon" as an adequate treatment for head colds, and as an effective treatment for rheumatism, arthritis, neuritis, neuralgia and other ailments, and that "Kodicon" would stop pain. These representations are alleged to be false and misleading.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

Nos. 01433-01438. Entering into stipulations, six companies selling commodities in interstate commerce have agreed to end certain unfair advertising methods.

Four of the companies signing stipulations deal in products designed to reduce weight. These include **Arthur W. Bechtold and Emanuel Nussbaum, of Forest Hills, N. Y.**, trading as **Bavarian Herb Co.**, and selling herb tea; **The Weil Co., Inc., New Haven, Conn.**, selling rubber reducing belts; **Rollette Co., Chicago**, selling a weight-reducing device, and **Perfolastic, Inc., of New York City**, dealing in the "Perfolastic Girdle". These respondents agreed to stop misleading representations of their articles.

Milton R. Ney, of Washington, D. C., selling ladies' fur coats, fur-trimmed coats, and other apparel, agrees to stop describing furs from which coats and collars are made, in any other way than by use of the correct name of the fur as the last name of the description. He also stipulates that when a dye or blend is used to simulate a fur, the true name of the fur appearing as the last word of the description shall be immediately preceded by the word "dyed" or "blended", compounded with the name of the simulated fur. The respondent also agrees not to use a geographic term to describe a fur unless it actually comes from the region indicated.

Allen Henderson, operating as Henderson Beverage Co., Fort Smith, Ark., sells a medicinal product called "7-Up". In its stipulation, the respondent admitted that, according to the weight of scientific authority, "7-Up" is not a competent treatment for over-eating, over-drinking, over-worry, over-working, and other similar ailments, and agreed to stop representing that it was such.

No. 2384. An order to cease and desist has been issued against **American Tap Bush Co., 6404 East Jefferson Ave., Detroit**, prohibiting unfair competition through disparagement of competitors' products in the interstate sale of beer dispensing appliances.

The respondent company is directed to cease representing that taps composed wholly or in part of nickel-plated zinc are harmful and dangerous to use in drawing beer from kegs, increasing the beer's acidity and producing a zinc deposit in such quantity as to render the beer injurious to the health of consumers.

Findings are that the respondent perfected the well-known "Peerless" system for tapping beer kegs, in which all portions of the bush, tap and rod that come in contact with the beer are made of nickel-plated brass. One of the parts contained in the "De Luxe" tap, a duplicate of the Peerless, distributed by **De Luxe Manufacturing Co., of Detroit**, is said to be made of nickel-plated zinc.

No. 2470. An order has been issued directing **Colonial Distilling and Distributing Corporation**, 390 Greenwich Street, **New York City**, to cease and desist from unfair use of the word "distilling" in the respondent company's corporate name and advertising and on stationery and labels.

The order applies to the respondent company's sale of whiskies, gins and other spirituous beverages, except gins produced by it through a process of rectification whereby alcohol purchased but not produced by the respondent company is redistilled over juniper berries and other aromatics.

Under the order, use of the word "distilling" is barred, unless and until the respondent company shall actually own, operate or control a place of business in which it distills the products in which it deals.

Material allegations of the Commission's complaint were admitted by the respondent company to be true and the proceeding was not contested.

No. 2562. Chase Candy Co., 5th Street and Sylvania, St. Joseph, Mo., has been ordered to cease and desist from selling and distributing to dealers, candy so packed and assembled that sales to the public are to be made, or are designed to be made, by means of a lottery, gaming device or gift enterprise.

The order also prohibits the respondent from supplying to dealers, assortments of candy together with a "push card" device designed to be used in distribution of the candy to the public at retail.

No. 2804. Richard Soberanes, 1485 North Vine St., Hollywood, Calif., trading as **Tarzana Mineral Water Co.,** has been ordered to cease advertising that Tarzana Mineral Water will prevent or cure ailments such as rheumatism, neuritis, arthritis, stomach ulcers and high blood pressure.

Findings are that use of the respondent's mineral water will not prevent or cure, nor is it beneficial in the treatment of all or any of the diseases mentioned by the respondent in his radio broadcasts and other advertising matter.

Other representations ordered discontinued are: That the drinking of the respondent's mineral water will supply the body with minerals where there is mineral deficiency in the diet; that this water contains mineral elements in sufficient quantities to render it different from, or of greater benefit than, any pure, potable water, and that the diet of the average American citizen is deficient in minerals.

No. 2874. Wilson Chemical Company, Inc., of Tyrone, Pa., as respondent has been ordered to discontinue certain unfair competitive practices in the sale of salves and miscellaneous merchandise on the "return or remit" plan.

In promoting the sale of its products, the respondent is directed to stop representing that a premium is obtainable from it for a less amount, in either services or money, than is actually the case, and that a premium will be sent upon remittance of a stated amount, without mention of an additional sum to cover postage or packing, in cases where an extra remittance is required.

FTC CLOSES CASE

No. 2891. The Federal Trade Commission has issued an order closing its case against **R. E. Rappeport, 1700 West Monroe St., Chicago,** charged in a complaint issued August 8, 1936, with unfair competition in the sale of leather luggage.

Closing of the case was ordered because the respondent, after service of the complaint, executed a stipulation to cease and desist from the alleged violations of law. The case was ordered closed without prejudice to the Commission's right, should the facts warrant, to reopen it and resume prosecution of the complaint under its regular procedure.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Tuesday, September 8

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Struble, Strong & Fagan (Carl C. Struble, Curtis T. Strong, Jane M. Fagan), The Dalles, Ore.—C. P., 1200 kc., 100 watts, unlimited time.

Wednesday, September 9

HEARING BEFORE AN EXAMINER

(Broadcast)

WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Modification of license, 1130 kc., 500 watts, limited until LS at KSL, Salt Lake City, Utah. Present assignment: 1120 kc., 500 watts, daytime.

The Ogdensburg Advance Co., Inc., Ogdensburg, N. Y.—Authority to transmit programs to foreign countries.

Thursday, September 10

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-212:

NEW—A. W. Hayes, Erie, Pa.—C. P., 1270 kc., 500 watts, 1 KW LS, unlimited time.

NEW—Watertown Broadcasting Corp., Watertown, N. Y.—C. P., 1270 kc., 250 watts, daytime.

Examiner's Report No. I-214:

NEW—Winona Broadcasting Co., Emmons L. Abeles, Secy., Winona, Minn.—C. P., 1500 kc., 100 watts, unlimited time.

NEW—Mankato Broadcasting Co., Mankato, Minn.—C. P., 1210 kc., 100 watts, unlimited time.

NEW—Fort Dodge Broadcasting Co., Emmons L. Abeles, Secy., Fort Dodge, Iowa.—C. P., 1210 kc., 100 watts, unlimited time.

NEW—Clinton Broadcasting Co., Emmons L. Abeles, Secy., Clinton, Iowa.—C. P., 1310 kc., 100 watts, unlimited time.

NEW—Hastings Broadcasting Co., Emmons L. Abeles, Secy., Hastings, Nebr.—C. P., 1420 kc., 100 watts, unlimited time.

NEW—Grand Island Broadcasting Co., Emmons L. Abeles, Secy., Grand Island, Nebr.—C. P., 1370 kc., 100 watts, unlimited time.

NEW—Appleton Broadcasting Co., Emmons L. Abeles, Secy., Appleton, Wis.—C. P., 1500 kc., 100 watts, unlimited time.

NEW—Wausau Broadcasting Co., Emmons L. Abeles, Secy., Wausau, Wis.—C. P., 1310 kc., 100 watts, unlimited time.

NEW—Northern Broadcasting Co., Inc., Wausau, Wis.—C. P., 1370 kc., 100 watts, unlimited time.

Examiner's Report No. I-215:

WPAR—Ohio Valley Broadcasting Corp., Parkersburg, W. Va.—C. P., 1420 kc., 100 watts, 250 watts LS, unlimited time. Present assignment: 1420 kc., 100 watts, unlimited time.

Examiner's Report No. I-246:

NEW—Star-Chronicle Publishing Co., St. Louis, Mo.—C. P., 1250 kc., 1 KW, unlimited time.

WIL—Missouri Broadcasting Corp., St. Louis, Mo.—C. P., 1250 kc., 1 KW, unlimited time. Present assignment: 1200 kc., 100 watts, 250 watts LS, unlimited time.

Examiner's Report No. I-247:

WOL—American Broadcasting Co., Washington, D. C.—C. P., 1230 kc., 1 KW, unlimited time. Present assignment: 1310 kc., 100 watts, unlimited time.

Examiner's Report No. I-271:

NEW—Black River Valley Broadcasts, Inc., Watertown, N. Y.—C. P., 1420 kc., 100 watts, 250 watts LS, unlimited time.

Friday, September 11

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Duluth Broadcasting Co., Duluth, Minn.—C. P., 1200 kc., 100 watts, unlimited time.

NEW—Walker Jamar, Duluth, Minn.—C. P., 1200 kc., 100 watts, unlimited time.

APPLICATIONS RECEIVED

First Zone

WABY—Adirondack Broadcasting Co., Inc., Albany, N. Y.—Construction permit to install a new transmitter; erect a vertical antenna; increase power from 100 watts to 100 watts night, 250 watts daytime; move transmitter from Strand Theatre Bldg., 110 N. Pearl St., Albany, N. Y., to Baintree and Newton Sts., 500 N. of Albany City Line, Colonie, N. Y., and studio from Strand Theatre Bldg., 110 N. Pearl St., Albany, N. Y., to 87 State St., Albany, N. Y. Amended to make changes in proposed equipment and omit request for increase in day power.

W2XMI—Bamberger Broadcasting Service, Inc., Portable-Mobile.—License to cover construction permit for high frequency broadcast station for 31100, 34600, 37600, 40600 kc., 2 watts.

W2XMJ—Bamberger Broadcasting Service, Inc., Portable-Mobile.—License to cover construction permit for high frequency

broadcast station for 31100, 34600, 37600, 40600 kc., 2 watts.

W2XMK—Bamberger Broadcasting Service, Inc., Portable-Mobile.—License to cover construction permit for high frequency broadcast station for 31100, 34600, 37600, 40600 kc., 2 watts.

Second Zone

WKRC—WKRC, Inc., Cincinnati, Ohio.—Modification of construction permit authorizing new equipment, increase in power to 1 KW night, using directional antenna, 5 KW daytime, subject to agreement with WOSU requesting further changes in equipment.

WHAS—The Courier-Journal Co. and The Louisville Times Co., Louisville, Ky.—Voluntary assignment of license from The Courier-Journal Co. and The Louisville Times Company to The Louisville Times Company.

NEW—Science Surveys, Inc., Cleveland, Ohio.—Construction permit for new broadcast station to be operated on 880 kc., 1 KW night and 5 KW day power, unlimited hours of operation, and use directional antenna at night.

WLMU—Lincoln Memorial University, Middlesboro, Ky.—Modification of construction permit (B2-P-1130) to make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts day power.

WMBC—Michigan Broadcasting Co., Detroit, Mich.—Modification of construction permit (B2-P-910) for changes in equipment, requesting changes in authorized equipment and extend commencement and completion dates.

Third Zone

WQAM—Miami Broadcasting Co., Miami, Fla.—Authority to make changes in automatic frequency control of auxiliary transmitter.

KARK—Arkansas Radio & Equipment Company, Little Rock, Ark.—Modification of construction permit (B3-P-197) for equipment changes, increase in power, move of transmitter to site to be determined, Little Rock, Ark., to further request authority to install a new transmitter and vertical antenna, and for approval of transmitter site at Jackson Boulevard, North Little Rock, Ark.

WNAD—University of Oklahoma, Norman, Okla.—Authority to make changes in automatic frequency control.

NEW—Neil O. Davis and F. M. Gleason, d/b as North Georgia Broadcasting Co., Rossville, Ga.—Construction permit to erect a new broadcast station to be operated on 1200 kc., 100 watts power, unlimited time. Amended to omit name of Neil O. Davis from applicant's name.

NEW—Knoxville Journal Broadcasting Co., R. R. Spilman, Ira A. Watson, Roy N. Lotspeich and R. H. Clagett, Knoxville, Tenn.—Construction permit for a new station to be operated on 1200 kc., 100 watts night, 250 watts daytime, unlimited time.

WSOC—WSOC, Inc., Charlotte, N. C.—Authority to make changes in automatic frequency control.

WSGN—The Birmingham News Co., Birmingham, Ala.—Construction permit to install new transmitter.

WATL—J. W. Woodruff and S. A. Cisler, d/b as Atlanta Broadcasting Company, Atlanta, Ga.—Voluntary assignment of license from J. W. Woodruff and S. A. Cisler, d/b as Atlanta Broadcasting Co. to J. W. Woodruff, d/b as Atlanta Broadcasting Co.

KALB—Alexandria Broadcasting Company, Inc., Alexandria, La.—Modification of license to change time from daytime to unlimited time, using 100 watts power, contingent upon B3-P-975, WJBO, if and when WJBO leaves 1420 kc. frequency. Amended to request change in frequency from 1420 kc. to 1210 kc. and omit request that this application be contingent upon WJBO.

WNBR—Memphis Broadcasting Co., Memphis, Tenn.—Construction permit to install a new transmitter and antenna; move transmitter from 1690 S. Lauderdale St., Memphis, Tenn., to $\frac{3}{4}$ mile northwest Five Points, intersection U. S. Highway 70 and Macon Road, Shelby County, Tennessee.

WRDW—Augusta Broadcasting Co., Augusta, Ga.—Construction permit to move transmitter from 309 Eighth Street, Augusta, Ga., to Satcher Estate on edge of city, North Augusta, S. C., and install vertical antenna.

WHBB—W. J. Reynolds, Jr., J. C. Hughes and J. S. Allen, d/b 1500 as Selma Broadcasting Company, Selma, Ala.—Modification of license to change time from daytime to unlimited time, using 100 watts power.

Fourth Zone

WTAD—Illinois Broadcasting Company, Quincy, Ill.—Construction permit to install new transmitter and vertical antenna, and increase power from 500 watts to 1 KW, and move transmitter from 510 Main Street, Quincy, Ill., to North 24th Street, Quincy, Ill.

WCLO—Gazette Printing Co., Janesville, Wis.—License to cover construction permit B4-P-1038 for move of transmitter and new antenna.

NEW—Walter H. McGenty, Rice Lake, Wis.—Construction permit to erect a new station to be operated on 1200 kc., 100 watts night, 250 watts day power, and unlimited time. Amended: Change frequency from 1200 kc. to 1210 kc., time from unlimited to daytime.

WEBC—Head of the Lakes Broadcasting Co., Superior, Wis.—Modification of license to move studio from 1225 Tower Avenue, Superior, Wis., to Spaulding Hotel, Duluth, Minn.

KFH—The Radio Station KFJ Company, Wichita, Kans.—Authority to determine operating power by direct measurement.

WSBT—The South Bend Tribune, South Bend, Ind.—Construction permit to install a new transmitter.

Fifth Zone

KFVD—Standard Broadcasting Co., Los Angeles, Calif.—Construction permit to make changes in equipment, install directional antenna, increase power from 250 watts to 1 KW, and change hours of operation from limited time to unlimited time. Amended to change requested hours of operation from unlimited time to limited time.

KJBS—Julius Brunton & Sons Co., San Francisco, Calif.—Construction permit to install a new antenna; change frequency from 1070 kc. to 1080 kc.; and move studio and transmitter from 1380 Bush Street, San Francisco, Calif., to 1476 Pine Street, San Francisco, Calif. Amended to omit request for change in frequency.

KGCX—E. E. Krebsbach, Wolf Point, Mont.—Modification of construction permit (B5-P-444) for new equipment, move of transmitter, change in frequency, increase in power, and change in hours of operation, requesting changes in authorized equipment and move of transmitter 1 mile from present authorized site, Wolf Point, Mont. (Request of attorney.)

KGCX—E. E. Krebsbach, Wolf Point, Mont.—Modification of construction permit (B5-P-444) for changes in equipment, increase in power, change frequency and hours of operation, and move transmitter, requesting changes in authorized equipment.

KIUP—C. Guy Shepard, Durango, Colo.—Voluntary assignment of license from C. Guy Shepard to San Juan Broadcasting Company.

KVL—KVL, Inc., Seattle, Wash.—Construction permit to make changes in equipment, change frequency from 1370 kc. to 1070 kc., power from 100 watts to 250 watts, hours of operation from share-KRKO to daytime. Amended to change frequency from 1070 kc. to 1270 kc., hours of operation from daytime to unlimited time using 250 watts power, install vertical antenna, and move transmitter from Smith Tower, 2nd and Yesler Way, Seattle, Wash., to site to be determined, Seattle, Wash. Contingent upon KOL being granted change in frequency from 1270 kc.

KPQ—Westcoast Broadcasting Company, Wenatchee, Wash.—Construction permit to make changes in equipment.

NEW—A. W. Mills, Gallup, N. Mex.—Construction permit for a new station to be operated on 1500 kc., 100 watts, unlimited time. Amended to make changes in antenna.

NEW—S. H. Patterson, Denver, Colo.—Construction permit for special broadcasting station for 1570 kc., 1 KW power, unlimited time.

W6XLN—Ben S. McGlashan, Portable-Mobile.—License to cover construction permit for 31100, 34600, 37600, 40600, 90000, 150000, 300000, 600000 kc., 100 watts power, unlimited time.

The National Association of Broadcasters

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CARPENTER HEADS COMMERCIAL SECTION

President Myers has appointed H. K. Carpenter, Vice President and General Manager, Radio Station WHK, Cleveland, Ohio, as Chairman of the Commercial Section.

Simultaneous with his appointment of Mr. Carpenter to head the Commercial Section, Mr. Myers appointed Beryl Lottridge, General Sales Manager, Radio Stations KOIN-KFAB, Omaha, Nebraska, as chairman of the Sales Managers' Division and John J. Gillin, Jr., Commercial-Program Director, Radio Station WOW, Omaha, Nebraska, as chairman of the Industry Promotion Division.

CHURCH RENAMED CHAIRMAN COMMITTEE OF FIVE

Arthur B. Church, President, KMBC, Kansas City, Missouri, has been reappointed by President Myers as Chairman of the Committee of Five. This Committee will represent the NAB on the Joint Committee on Radio Research.

WARNER BROTHERS QUESTIONNAIRE

"Do you wish to subscribe to our free motion picture preview transcription service sent to you in advance of film release?" There is a great deal more in the questionnaire mailed to radio stations last week by Martin Gosch, Warner Brothers Radio Director, but the meat of the proposition is contained in the above question.

This is not unlike other propositions submitted to members from time to time by other film companies. The film people are conscious of the fact that radio offers the most efficient means for exploiting their pictures. By means of "Hollywood News," "Commentaries by leading film stylists," etc., the film personalities may be kept constantly before the listeners on 29,000,000 receiving sets. By means of song plugging (by special permission) and dramatizations, radio popularizes new songs and invites listeners to see their favorite performers.

If the Warner proposition does not seek, as others do, to obtain free time—free exploitation of their pictures—why does not Mr. Gosch place an order for time and pay for that time at the rates specified in the stations' rate cards. He has all the facilities for building excellent commercial programs. He must know that talent costs are *in addition* to time costs. He ought to know that radio stations cannot discriminate between advertisers.

There is even more at issue here. One fact that cannot be ignored is that while radio stations are popularizing film music, they are building a music repertory that requires an expenditure of 5 per cent of their receipts for "time on the air" even though music is not used in certain programs. Another is that after popularizing orchestra leaders and other talent (often identified with motion pictures) radio is threatened with litigation if they do not cease broadcasting the recordings of such persons or pay heavy royalties for their use—and regardless of the fact that the musical selections involved are contained in the ASCAP repertory. "Free offerings," regardless of their source, should receive search-

ing inquiry before acceptance. It may be found that some of them contain the kind of food it takes to build a Frankenstein. A good example of this may be found in the recent offering by "Words and Music" Music Publishers, of a record made by Jan Garber and his Orchestra of two song hits. In the letter transmitting the record Mr. Piantadosi said, "We would greatly appreciate it if you would use this record at every opportunity on your future programs. Thanking you and with best wishes." This offering was made late in July. In August Jan Garber permitted the use of his name in a suit brought by the American Society of Recording Artists against a member station (KFWB). In this suit Jan Garber alleges in substance and among others that the use of his record (Victor Record No. 24567—Brunswick Record No. 6740) was unauthorized; that its use for broadcasting diminished his income, created unfair competition, etc., and demanded an accounting and damages for the "unlicensed" and "unauthorized" use of his record. Will Jan Garber make the same claims concerning his selections offered to stations by "Words and Music" in July?

But back to motion pictures. There is a basis for business relations between radio broadcasting and motion pictures. It is founded on the NAB Code of Ethics. Adherence to the principles in it will eliminate discriminatory practices. That is in the public interest.

PALMER APPEAL DISMISSED

The Court of Appeals of the District of Columbia has dismissed the appeal of the Palmer Broadcasting Syndicate of Portland, Me., against the Federal Communications Commission. It was dismissed at the request of the applicant.

In this case the Commission granted a construction permit to the Portland Broadcasting System, Inc., for the erection of a new station at Portland. The Palmer Syndicate and several others who had applications pending for a station at the same time appealed to the Court against the Commission's action.

NEW OHIO STATION RECOMMENDED

C. A. Rowley filed an application with the Federal Communications Commission asking for a construction permit for the erection of a new broadcasting station at Ashtabula, Ohio, to use 940 kilocycles, 250 watts, and daytime operation only.

Examiner John P. Bramhall, in Report No. I-287, recommended that the application be granted. He found that need for the daytime service "in the area proposed to be served has been clearly established." The Examiner states that the applicant is in all ways qualified to erect and operate such a station as proposed and he finds that it would serve the public interest.

NO TERMINAL CHARGE REDUCTIONS

Officials of the Federal Communications Commission deny that the American Telephone & Telegraph Company has filed tariffs with the Commission reducing the terminal costs in cases where four terminals or more are used. It was explained at the Commission that certain stories appearing in the daily press to this effect were due to a misunderstanding of the tariffs filed.

RECOMMENDS AGAINST CALIFORNIA STATION

The Valley Broadcasting Company applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Pomona, Calif., to use 1160 kilocycles, 250 watts, and daytime hours of operation.

Examiner R. H. Hyde, in Report No. I-286, recommends that the application be denied. The Examiner found that granting of the application would cause interference to one foreign station and two Los Angeles stations "and be subject to interference from these stations." The Examiner further stated that "it does not

appear from examination of the evidence that there is such need for the service of the proposed station as would justify the compromise with engineering standards that would be necessary to provide the operating assignment applied for."

GORDON BERGQUIST

It is suggested that any member who is contemplating the employment of Gordon Bergquist communicate with NAB headquarters.

FEDERAL TRADE COMMISSION ACTION Complaints

The Federal Trade Commission has alleged unfair competition in complaints against the following firms. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

No. 2656. An amended and supplemental complaint has been issued charging **Knight Electric Company, Inc.**, 16 Hudson Street, New York City, and associated companies, with unauthorized use of well-known trade names and the appropriation of the reputation and good will of certain established companies, in the sale of radio receiving sets, tubes and accessories.

The original complaint in this case, issued in December, 1935, charged **Knight Electric Company, Inc.**, with appropriating the names "Majestic International," "Victor International," "Victor Radio Stores," and "Edison Radio Stores," without the authority of the owners of such names, namely, Grigsby-Grunow Co., RCA-Victor Co., and Thomas A. Edison, Inc.

The amended and supplemental complaint names as respondents several additional companies and individuals and alleges the use on name plates attached to radio products sold by them of other names and letters or symbols in addition to those mentioned in the original complaint. Among these are trade names containing the names Marconi, Edison, Bell, Victor, Majestic and Brunswick, the name Brunswick being the property of Brunswick Radio Corporation, and symbols and letters alleged to simulate the letters "RCA" and "GE" as owned by Radio Corporation of America and General Electric Co., respectively.

The complaint alleges that the sale to dealers in radio sets, tubes and like products of escutcheons or name plates, stamped or branded with well-known names, marks, and symbols owned by other companies, without the latter's consent, and the sale of such sets, tubes, and accessories, branded or marked with these names, without authority of the owners, places in the hands of dealers and others the means whereby injury may be done to competitors and the purchasing public in violation of Section 5 of the Federal Trade Commission Act.

Besides **Knight Electric Company, Inc.**, the amended complaint names the following companies engaged as essentially a single business in manufacturing and assembling radio sets, tubes, and like products: **Temple Electric Corporation**, **Acme Radio Corporation**, **Pirate Radio Corporation**, **Gillet Radio Corporation**, **Radio Products Corporation**, and **Franklin Sales and Distributing Company, Inc.**, all of 16 Hudson Street, New York City.

No. 2911. A complaint has been issued against **G. F. and M. F. Pergande**, of Milwaukee, trading as **Pergande Institute**, **Pergande Civil Service Institute**, **Pergande Publishing Company**, **Civil Service Institute**, and **Pergande Civil Service Publishing Company**.

Advertisements and other representations made by the respondents are alleged to have a tendency to deceive purchasers and prospective purchasers of their correspondence courses and books into believing that the respondents and the correspondence school operated by them are connected with or otherwise represent the United States Government or the United States Civil Service Commission, and that their courses and material are made use of by the Government in connection with civil service examinations for positions in the classified civil service.

No. 2912. Charging unfair competition in the interstate sale of tinted or colored photographic enlargements, a complaint has been issued against **Frank McKinnon**, 710 Eddy St., Providence, R. I., trading as **Eastern Art Company** and **United Art Association**.

Selling enlargements of family pictures and other photographs, and the frames therefor, the respondent is said to have employed agents to visit prospective customers in various parts of the country operating under one or the other trade names, neither of the two trade name companies selling in the same territory at the same time.

Among representations made to customers, according to the

complaint, were the following: That pictures sold customers were portrait paintings, oil paintings or water color paintings, when this was not true; that pictures sold by the respondent were worth as much as \$40, or had been bought by prominent people for \$1,000, when, in fact, the respondent's product was a cheap product costing around \$1.25 each; that the respondent operated an art school and gave work to unemployed artists, when this was not true; that customers would get free pictures in lottery drawings, and that the respondent conducted a contest in connection with national advertisers, in which the winning picture of a child would be selected and the parents made the recipient of a prize and of royalties.

Nos. 2913-2916. Alleging unfair competition in the sale of candy through use of methods which promote lotteries or gift enterprises, complaints have been issued against **Marcelle Candies, Inc.**, 223 Peachtree St., N. W., Atlanta, Ga.; **C. E. Gheens**, 817 South Floyd St., Louisville, Ky., trading as **Bradas & Gheens**; **Dilling & Co.**, Dakota and Morris Streets and Chocolate Ave., Indianapolis, Ind., and **Maple City Candy Co.**, 405 Tyler St., La Porte, Ind.

No. 2917. Unfair competition in the sale of poultry remedies in interstate commerce is alleged in a complaint against **Merck and Co., Inc.**, Rahway, N. J.

Selling "Iodine Suspensoid Merck" and "Iodine Vermicide Merck," the respondent company is alleged to have advertised in a manner leading prospective purchasers to believe that "Iodine Vermicide Merck" will remove all kinds of worms from pullets; that this product will prevent worm infestation of poultry, and that "Iodine Suspensoid Merck" will, without other precautionary measures being taken by the user, control coccidiosis, when, according to the complaint, the medicines will not accomplish these results.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

No. 01439. **Breslau**, 1109 F St., N. W., Washington, D. C., selling women's fur trimmed coats, agrees to cease advertising furs used in trimming its coats in any other way than by employing the correct name of the fur as the last name of the description. The respondent company agrees that when a dye or blend is used in simulating another fur the true name of the fur appearing as the last word of the description will be immediately preceded by the word "dyed" or "blended" compounded with the name of the simulated fur.

No. 01440. **A. R. Patterson**, Rochester, N. Y., operating under the name, **Patterson School**, stipulates that he will cease representing that a person pursuing his course of instruction will be sure to pass government examinations, or receive an appointment, or that the passing of an examination and procuring of a position are guaranteed or insured. The respondent also agrees to stop asserting that he accomplishes anything other than the imparting by correspondence of certain information that may help purchasers of his course to pass civil service examinations. He also agrees to discontinue alleging that undoubtedly many emergency positions would be put in the classified civil service and opened up to civil service examinations.

No. 01441. **Mrs. G. Charvat**, 210 West 8th St., Kansas City, Mo., trading as **Byron Tyler** and selling a food product called **Tyler's Macerated Wheat**, will no longer advertise that that product will keep the joints, ligaments, arteries and muscles elastic, or that it is an adequate treatment or competent remedy for indigestion, nervousness and stomach troubles. Other like representations will be discontinued.

No. 01442. **Olive Tablet Company**, 29 E. 5th St., Columbus, Ohio, selling "Dr. Edward's Olive Tablets," stipulates that it will not advertise its preparation as a competent treatment or effective remedy for constipation, unless this assertion is limited as referring to temporary relief. The product will also not be represented as a substitute for calomel. Other similar representations will be discontinued.

No. 01443. **Larre Laboratories, Inc.**, 334 Broadway, Denver, Colo., selling a medicinal preparation called "Zeptabs," will discontinue employing the representation that "Zeptabs" are absolutely safe and harmless, unless notice is given that they must be used strictly according to instructions. The respondent company agrees to stop representing that this product is a competent remedy for certain women's diseases and that it is antiseptic, unless, in the manner in which its use is recommended, it meets the scientific tests of an antiseptic.

No. 01444. **Ben Turoff**, Lee's Summit, Mo., selling a medicinal preparation called "Tar-Zeme," agrees to bar the repre-

sentation that "Tar-Zeme" is a cure for psoriasis, or that when used in such cases it will produce permanent results. Turoff also agrees to stop asserting that "Tar-Zeme" is an effective treatment for eczema, unless the assertion is limited as referring to relief from burning or itching.

No. 01445. Lewis Hotel Training School, Inc., 23rd St. and Washington Circle, Washington, D. C., agrees to cease and desist from representing directly or by inference that the Lewis Hotel Training School has jobs to be filled, or needs additional students to meet requirements of its placement service. Other representations to be discontinued are that salaries range from \$1,800 to \$5,000 a year in the hotel field; that Clifford Lewis has been "appointed managing consultant" to more than 300 hotels; that the course sold by this school will increase the earnings of a student by a definite amount; that a student receives "individual guidance" "under the personal supervision of Clifford Lewis," and other similar assertions.

No. 1741. Glame, Inc., 226 Grand St., Hoboken, N. J., distributor of manicure preparations, agrees to stop representing that its "Glame Polish Remover" feeds or nourishes the nails or cuticle of users, also to discontinue use of the words "feeds" or "nourishes" in any way implying that its product, or the glycerin content thereof, has the power or capacity to feed or nourish the nails or skin.

No. 1755. R. H. Macy & Co., Broadway & 34th St., New York City, in the sale of a cosmetic, "Macy's Skin Food," agrees to stop use of the words "Skin Food" as a trade designation for its product, and to discontinue use of this term or of any other words of similar meaning on labels or in advertising, implying that the product is a skin food or that it will feed or nourish the skin when applied externally, or that it possesses value in excess of what is actually the fact.

No. 1758. Vimay-Chany, Inc., 5835 W. Washington St., Culver City, Calif., in selling its "Amphoteric" cosmetics, agrees to stop advertising that use of the respondent's products will correct an over-acid or over-alkaline condition of the skin. The respondent company agrees to cease asserting that its products will "normalize" the skin; that the use of soaps or of other facial creams will cause or aggravate an over-acid or over-alkaline condition; or that the respondent's products will change the fundamental nature of excretions of the skin.

No. 1766. Fred E. Delaney and Cora Lee Delaney, trading as **Fred E. Delaney Co., 111 East 5th St., Charlotte, N. C.,** in the sale of a line of cosmetics under the trade name "Mata-Hari," will cease using the word "medicated" to describe preparations not impregnated with a drug or other medicinal ingredient, and will discontinue employing the phrases, "Skin Tissue Food," "Anti-Wrinkle Cream," or "Skin Tonic and Freshener," to designate substances which do not feed the tissues, prevent wrinkles, or act as a skin tonic.

The respondents agree to cease representing their demonstrators as "beauticians" or "skin specialists," unless such persons have appropriate degrees or scientific training entitling them to these designations. The respondents agree to stop advertising that they make, or teach others to make, scientific diagnoses of skin conditions, and will abandon use on labels and in other advertisements of the words "New York" and "Washington," unless and until they own, occupy, and conduct branch offices in those cities.

No. 1768. Tril-O-Gy Beauty Service, Inc., 4051 Broadway, Kansas City, Mo., stipulates that it will not advertise its products as being prepared in accordance with the prescription of a dermatologist, "beautician," or other scientifically qualified person, or that it is equipped to, and does, prescribe individual corrective service based on a scientific analysis by an expert "beautician." The respondent company agrees to har the assertion that its preparations possess properties as which nourish or rejuvenate the skin, to smooth away lines, restore elasticity, or stimulate the circulation; or that its products will penetrate the skin or the pores and make the skin free from blemishes. Also, the respondent company will cease alleging that it has a factory or laboratory wherein the products it sells are made or compounded, when this is not true.

No. 2471. Campbell's Distilleries, Inc., 110 Erie St., Camden, N. J., has been ordered to cease and desist representing itself, through use of the word "Distilleries," as a distiller of whiskies, gins or other spirituous beverages. The respondent company, according to findings, purchases, rectifies, blends and bottles liquors but is not a distiller.

The respondent company's practices are held to be in violation of the Federal Trade Commission Act.

Findings are that the respondent company's stock, equipment

and other assets were sold by a receiver and trustee in bankruptcy, but that "nothing appears to show that respondent's corporate existence has not been maintained or that in the future it might not, unless prohibited therefrom, again engage in business as a rectifier and resume the acts and practices * * * described."

No. 2490. A cease and desist order has been issued against **T. S. Craig, 812 Wayne St., Dallas, Tex.,** trading as **United Silk Co.** The order prohibits unfair methods of competition in the sale of hosiery.

Engaged in the sale of hosiery by the house-to-house canvass method, the respondent is ordered to discontinue filling orders with hosiery different from the size, color or quality ordered, and from accepting all or any part of the purchase price when hosiery of the size, color or quality ordered is not delivered to the purchaser at the time promised.

Craig is directed to cease representing to purchasers that a free pair of hose will be shipped with an order, unless this is actually done without added cost to the purchaser, and from asserting that a certain number of pairs will wear for a specified time and that, if they do not, the worn hosiery will be replaced with new until the expiration of the time specified. This part of the order is effective unless and until, under normal wear, the hosiery will last for the time specified; or, if the hosiery does not wear for the time indicated, unless and until the respondent fulfills his replacement promise.

No. 2508. Calafio Company, Inc., 620 West Olympic Blvd., Los Angeles, dealer in medicinal preparations has been ordered to cease and desist from advertising that "Calafio Asthmatic Powder," "Calafio Mentholated Powder," and certain other preparations sold by it will cause asthma or hay fever and the symptoms thereof to disappear.

The respondent company also directed to discontinue asserting that persons afflicted with asthma or hay fever will regain their health if they use these preparations or that the preparations constitute a competent and effective remedy for treating and curing asthma or hay fever. Advertising that the respondent's preparations may safely be used by all persons afflicted with asthma or hay fever is also prohibited in the order.

No. 2524. Prohibiting certain unfair competitive methods in the sale of correspondence school courses has been issued an order to cease and desist against **Charles L. Johnson, 1502 Hinman Ave., Evanston, Ill.,** trading as **National Institute of Accountancy, Inc.**

The respondent is ordered to discontinue representing that his enterprise has offices in the Institute Building, Chicago, and that it is a large, substantial correspondence school, comparable with the leading correspondence schools in the United States, with a staff of trained and experienced teachers, and that the respondent is its "president," "treasurer," or "director."

Findings are that the respondent does not have offices in the Institute Building, Chicago, and that the National Institute of Accountancy, Inc., is not a large school with a staff of trained and experienced teachers, but is a "one man" concern without any teaching staff, with the exception of the respondent, Johnson, and at times one or two persons who assist in grading papers.

No. 2625. An order has been issued requiring **Richard B. Yancey and Mrs. E. Y. Council, of Salisbury, N. C.,** trading as **International China Co. and as Baker Pottery Co.,** to cease and desist from certain unfair competitive methods in the interstate sale of chinaware, earthenware and other pottery.

Specifically, the respondents are directed to stop misrepresenting the number of complete sets of dishes or other chinaware or earthenware that may be made up from various pieces contained in their assortment designated "odds and ends."

According to findings in the case, the respondents' "odds and ends" assortment, containing more than 1,000 pieces, was represented as providing in every instance at least three complete sets of 36 pieces each, of uniform design, pattern or decoration, when, in fact, it was impossible to assemble even one set from such "odds and ends."

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, September 14

HEARING BEFORE AN EXAMINER (Broadcast)

NEW—Telegraph Herald, Duhuque, Iowa—C. P., 1340 kc., 500 watts, daytime.

NEW—Stanley Reid & Charles Withnell Boagel, Jr., d/b as The

Rapids Broadcasting Co., Cedar Rapids, Iowa—C. P., 1310 kc., 100 watts, unlimited time.
 WKBB—Sanders Brothers Radio Station, Dubuque, Iowa—C. P. to move; 1500 kc., 100 watts, 250 watts LS, unlimited time.

Tuesday, September 15

HEARING BEFORE AN EXAMINER (Broadcast)

NEW—Smith, Keller & Cole, San Diego, Calif.—C. P., 1200 kc., 100 watts, daytime.

Wednesday, September 16

HEARING BEFORE AN EXAMINER (Broadcast)

NEW—C. F. Gaarenstroom, Fairmont, Minn.—C. P., 1420 kc., 100 watts, 250 watts LS, unlimited time.
 KSO—Iowa Broadcasting Co., Des Moines, Iowa—C. P., 1430 kc., 500 watts, 2½ KW LS, unlimited time. Present assignment: 1430 kc., 500 watts, 1 KW LS, unlimited time.
 NEW—The Times Publishing Co., St. Cloud, Minn.—C. P., 1420 kc., 100 watts, unlimited time.

Thursday, September 17

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-217:

NEW—C. C. Hill, Geo. D. Walker, Susan H. Walker, Winston-Salem, N. C.—C. P., 1250 kc., 200 watts, daytime.

Examiner's Report No. I-220:

NEW—A. Steneart Graham, E. V. Baxter, Norman Baxter, d/b as Pittsburg, Broadcasting Co., Pittsburg, Kans.—C. P., 790 kc., 1 KW, daytime.

Examiner's Report No. I-222:

WMBG—Havens & Martin, Inc., Richmond, Va.—C. P., 1350 kc., 500 watts, unlimited time.
 NEW—Century Broadcasting Co., Inc., Richmond, Va.—C. P., 1370 kc., 100 watts, daytime.

Examiner's Report No. I-255:

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Texas—C. P., to move to Ft. Worth; 570 kc., 250 watts, 1 KW LS, unlimited time.

The Broadcast Division has taken the following action subject to ratification at its next regular meeting:

APPLICATIONS GRANTED

WFAB—Fifth Avenue Broadcasting Corp., New York City, N. Y.—Granted special temporary authority to operate station without a plate voltmeter for a period not to exceed 15 days.
 WTCN—Minn. Broadcasting Corp., Minneapolis, Minn.—Granted special temporary authority to use transmitter of station WLB to broadcast its programs for the period August 21 to August 24; and to use station WTCN's transmitter with temporary antenna from August 24 for a period of 30 days.
 WNAX—WNAX Broadcasting Co., Yankton, S. Dak.—Granted special temporary authority to operate without a plate ammeter for the period August 26 to September 5, 1936.
 KALB—Alexandria Broadcasting Co., Alexandria, La.—Granted special temporary authority to operate from 6:15 to 11 p. m., CST, nights of September 4 to 14 inclusive, to broadcast results of Evangeline League Championship Playoff.
 KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Granted extension of special temporary authority to operate station without an approved frequency monitor for the period August 29 to September 7, 1936.
 WNBC—State Broadcasting Corp., New Britain, Conn.—Granted special temporary authority to operate unlimited time on the nights of August 29, September 16 and 22, in order to broadcast a rally, tendered to Representative Lemke, a speech by Reverend Coughlin and a Testimonial Dinner to Paul Harris, founder of International Rotary.
 WMAZ—Southeastern Broadcasting Co. Inc., Macon, Ga.—Granted extension of special temporary authority to operate without

antenna ammeter for a period beginning August 20 and ending not later than September 18.

KSCJ—Perkins Bros. Co. (The Sioux City Journal), Sioux City, Iowa—Granted special temporary authority to operate station without antenna ammeter for the period August 24 to September 3, pending repair of apparatus.

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Granted extension of special temporary authority to operate on 560 kc., with power of 1KW night during month of September, 1936, pending filing of and action on license application.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Granted extension of special temporary authority to operate with power of 50 watts from local sunset to 11 p. m., EST, on Tuesdays, Thursdays, Saturdays and Sundays during month of September, pending action on application for modification of license.

WMBG—Havens & Martin, Inc., Richmond, Va.—Granted extension of special temporary authority to operate from 5:30 to 7 p. m., EST, on Sundays during the month of September (provided WBBL remains silent), in order to broadcast special programs.

WDDB—Orlando Broadcasting Co. Inc., Orlando, Fla.—Granted extension of special temporary authority to operate with additional power of 750 watts at night for the period August 29 to September 27, 1936.

WTMV—Miss. Valley Broadcasting Co. Inc., E. St. Louis, Ill.—Granted special temporary authority to operate station without antenna ammeter for the period August 28 to September 6, 1936, pending repair of apparatus.

WKBB—Sanders Bros. Radio Station, E. Dubuque, Ill.—Granted special temporary authority to operate station without antenna ammeter for a period beginning August 28 and ending no later than September 6, 1936.

KSEI—Radio Service Corp., Pocatello, Idaho—Granted extension of special temporary authority to operate station without an antenna ammeter for the period beginning August 27 and ending no later than 10 days thereafter.

WSYB—Philip Weiss Music Co., Rutland, Vt.—Granted special temporary authority to operate from 9 to 10 p. m., EDST, on September 8, 1936, in order to broadcast election returns. (Action taken 8-29.) Also granted special temporary authority to operate from 9 a. m. to 10 a. m., EDST, for the period beginning September 7 and ending September 12, inclusive, for the purpose of broadcasting special features of the Rutland County Fair.

KOAC—Oregon State Agricultural College, Corvallis, Ore.—Granted extension of special temporary authority to operate from 8 a. m. to 2:30 p. m. and from 6:30 to 8 p. m., PST, during September (instead of unlimited time as licensed) in order to observe summer vacation.

WCPO—Continental Radio Co., Cincinnati, Ohio.—Granted special temporary authority to operate a 100-watt portable test transmitter from 12 midnight to 6 a. m., EST, for the period September 1 to September 7, 1936, in order to determine new transmitter site.

KGGF—Powell & Platz, Coffeyville, Kans.—Granted extension of special temporary authority to operate from 7:15 to 9:15 p. m., CST, September 1, 3, 8, 10, 15, 17, 22, and 24, and from 8:15 to 9:15 p. m., CST, on September 2, 9, 16, 23, 1936 (provided WNAD remains silent), in order that WNAD may observe summer vacation.

WNAD—University of Oklahoma, Norman, Okla.—Granted extension of special temporary authority to remain silent on above dates in order to observe summer vacation.

WSUI—State University of Iowa, Iowa City, Iowa.—Granted extension of special temporary authority to operate a minimum of 6 hours daily, instead of unlimited time, for the period September 1 to 20, 1936, in order to observe summer vacation.

KFGQ—Boone Biblical College, Boone, Iowa.—Granted special temporary authority to operate from 2:30 to 4 p. m., CST, September 1, for a special broadcast.

KGKB—East Texas Broadcasting Co., Tyler, Tex.—Granted extension of special temporary authority to operate from 7 a. m. to 2 p. m. and from 4 to 10 p. m., CST, during month of September, 1936, instead of hours now licensed, pending compliance with Rule 131.

KELW—Evening Herald Publishing Co., Burbank, Calif.—Granted extension of special temporary authority to use transmitter of KEHE, with power of 500 watts, for the period September 1, 1936, to March 1, 1937, pending completion of construction of station KEHE.

WTAD—Illinois Broadcasting Corp., Quincy, Ill.—Granted special temporary authority to operate a portable test transmitter not more than 50 watts on 900 kc. between the hours of 12 midnight and 6 a. m., CST, for a period not to exceed 30 days.

KGCX—E. E. Krebsbach, Wolf Point, Mont.—Granted special temporary authority to operate from 9:30 a. m. to 12 noon and from 9 to 11 p. m., MST, on September 12, in order to broadcast speech by Senator Wheeler and other prominent Montana Democrats.

KCRJ—Charles C. Robinson, Jerome, Ariz.—Granted special temporary authority to operate from 8 p. m., September 8, to 2 a. m., September 9, 1936, MST, in order to broadcast election returns.

KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to remain silent September 7th in order to observe national holiday.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted special temporary authority to operate from 8:15 p. m. to 12 midnight, EST, on September 7, 8 and 9, 1936, in order to broadcast pre-election and election night activities.

WHBF—Rock Island Broadcasting Co., Rock Island, Ill.—Granted extension of special temporary authority to maintain main studio at Moline, Ill., instead of Rock Island, for the period September 4 to October 3, 1936.

WILL—University of Illinois, Urbana, Ill.—Granted special temporary authority to operate simultaneously with KFNF from 8 to 11 a. m. daily, CST, except Sunday, during the month of September, 1936.

KFNF—Henry Field Co., Shenandoah, Iowa.—Granted special temporary authority to operate simultaneously with WILL from 8 to 11 a. m. daily, CST, except Sunday, during month of September, 1936.

WSYR-WSYU—Central New York Broadcasting Corp., Syracuse, N. Y.—Granted extension of special temporary authority to operate a 100-watt portable test transmitter between hours of 12 midnight and 6 a. m., EST, for period August 28 to September 11, 1936.

KCMO—Lester E. Cox, Thomas L. Evans and C. C. Payne, Radio Station KCMO, Kansas City, Mo.—Granted extension of program test period for 30 days from August 28, 1936.

W2XK—National Broadcasting Co., Inc., New York City.—Granted extension of tests for 30 days from August 27, 1936.

KNEF—Radio Service Corp. of Utah, Salt Lake City, Utah.—Granted authority to operate station KNEF as licensed, August 30 to September 5, inclusive, to broadcast automobile speed runs on salt beds near Salduro, Utah.

KLZ—KLZ Broadcasting Co., Denver, Colo.—Granted extension of program test period for 30 days from August 29, 1936.

WKRC—WKRC, Inc., Cincinnati, Ohio.—Granted extension of special experimental authority to operate with 1 KW from September 1, 1936, to March 1, 1937.

KSCJ—The Sioux City Journal, Perkins Bros. Co., Sioux City, Iowa.—Granted license to cover C. P. as modified; frequency 1330 kc., 1 KW night, 2½ KW day, unlimited time.

KFEL—Eugene P. O'Fallon, Denver, Colo.—Granted license to cover C. P., 920 kc., 500 watts, share equally with KVOD.

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Granted extension of special experimental authority to operate with 1 KW daytime.

WEED—Wm. Avera Wynne, Rocky Mount, N. C.—Granted license to cover C. P., 1420 kc., 100 watts night, 250 watts day, unlimited time, share night with WCHV.

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Granted extension of special authority to operate with 1 KW to March 1, 1937.

WKZO—WKZO, Inc., Kalamazoo, Mich.—Granted C. P. to install new equipment.

WHP—WHP, Inc., Harrisburg, Pa.—Granted C. P. to move station locally.

KTSA—KTSA Broadcasting Co., San Antonio, Tex.—Granted C. P. to install new equipment.

WAWZ—Pillar of Fire, Zarephath, N. J.—Granted C. P. to install new equipment in accordance with Rules 132 and 139.

KID—KID Broadcasting Co., Idaho Falls, Idaho.—Granted modification of C. P. for new transmitter site and new antenna system.

KLZ—KLZ Broadcasting Co., Denver, Colo.—Granted license to cover C. P., 560 kc., 1 KW night, 5 KW day; also granted authority to determine operating power by direct measurement of antenna power.

KGW—Oregonian Publishing Co., Portland, Ore.—Granted license to cover C. P., 620 kc., 1 KW night, 5 KW day, unlimited; also granted authority to determine operating power by direct measurement of antenna power.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted renewal of license for 630 kc., 500 watts, simultaneous day-time operation with KFBU and share time at night with KFBU for period September 1, 1936, to March 1, 1937.

WMCA—Knickerbocker Broadcasting Co., Inc., New York City.—Granted renewal of license for the regular period; 570 kc., 500 watts, unlimited time.

WMCA—Same for auxiliary.

KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—Granted renewal of license for the regular period.

KFDM—Sabine Broadcasting Co., Inc., Beaumont, Tex.—Granted renewal of license for the regular period.

WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Granted renewal of license for the regular period.

KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska.—Granted temporary extension of present license for a period of 1 month from September 1, subject to such action as may be taken on pending application for renewal.

KSD—Pulitzer Publishing Co., St. Louis, Mo.—Granted temporary extension of present license for a period of 3 months from September 1, 1936, subject to such action as may be taken on application for renewal and related pending applications.

WOCL—A. E. Newton, Jamestown, N. Y.—Granted renewal of license to December 1, 1936.

WOEH—National Broadcasting Co., Inc., Aboard Airplane NC-223-Y.—Granted special temporary authority to operate regularly licensed temporary broadcast pickup station on plane piloted by Howard Hughes on frequencies 4797.5, 6425, 8655, 12862.5, 17310 kc., in addition to licensed frequencies, to describe flight from New York City to Paris, for period August 30 to September 28, 1936.

WCAX—Burlington Daily News, Inc., Burlington, Vt.—Granted special temporary authority to operate from 11 a. m. to 12 noon, 1:30 to 5 p. m. and 7 to 8 p. m., EDST, on August 31 and September 2; from 11 a. m. to 12 noon and 1:30 to 8 p. m., EDST, on September 1, 3 and 5, and from 11 a. m. to 12 noon and 1:30 to 5 p. m., EDST, September 4, in order to broadcast Champlain Valley Fair.

WBPH—Transcontinental & Western Air, Inc., Aboard NC-13711.—Granted extension of special temporary authority to operate regularly licensed airplane transmitter aboard NC-13711 as a broadcast pickup station on August 29, 30, September 5, 6, 7, 12, 13, 19 and 20.

WKP-WQW-WQP-WQH—RCA Communications, Inc., Rocky Point, N. Y.—Granted special temporary authority for point to point telegraph stations in addition to authority contained in present licenses covering operation of these stations, to communicate with broadcast pickup station WOEH for contact control communication service to facilitate reception of program material by Riverhead, N. Y., receiving station for delivery to a National broadcast chain, for the period August 30 to September 28, 1936.

W8XUN—Radio Air Service Corp., Cleveland, Ohio.—Granted extension of special temporary authority to operate radio transmitting apparatus as general experimental broadcast pickup station for period September 2 to October 1, 1936, to broadcast public activities.

W9XPL-W9XPM—KFNF, Inc., Shenandoah, Iowa.—Granted special temporary authority to operate portable-mobile transmitters (2) on September 2, 1936; frequencies 31100, 34600, 37600, 40600 kc., 5 watts.

W9XPK—WDZ Broadcasting Co., Tuscola, Ill.—Granted special temporary authority to operate portable-mobile broadcast pickup transmitter on September 1, 2, 3 and 4, 1936.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KEHE, Los Angeles; KTSA, San Antonio, Tex and WPRO, Providence, R. I.

Licenses of the following stations were extended on a temporary basis only for the period September 1 to October 1, 1936, pending receipt and/or action on renewal applications:

KFRC and auxiliary, San Francisco; KMJ, Fresno, Cal.; KUSD, Vermillion, S. Dak.; WMMN, Fairmont, W. Va.; WPEN and auxiliary, Philadelphia, and WRAX and auxiliary, Philadelphia;

WCAU (auxiliary) Philadelphia; WNYC (auxiliary) New York City; WRDO, Augusta, Maine; WWAE, Hammond, Ind.
 WWL—Loyola University, New Orleans, La.; KWKH—International Broadcasting Corp., Shreveport, La.—Special temporary experimental authorizations further extended for the period September 1 to October 1, 1936, subject to the same conditions as contained in existing authorities to said stations, pending consideration of pending petition of WLWL and petitions in opposition thereto.

The following stations were granted renewal of licenses on a temporary basis only, subject to such action as the Commission may take on their pending applications for renewal:

KFUO, Clayton, Mo.; KSEI, Pocatello, Idaho; WIND, Gary, Ind.; WPHR, Petersburg, Va.
 W9XAF—The Journal Company, Milwaukee, Wis.—Present license extended on a temporary basis only for the period September 1 to October 1, 1936, pending action on application for renewal.
 W2XBBH—Radio Pictures, Inc., Long Island City, N. Y.—Present license extended on a temporary basis only for the period September 1 to October 1, 1936, pending action on application for renewal.

MISCELLANEOUS

NEW—Central Broadcasting Co., Eau Claire, Wis.—The Broadcast Division, upon consideration of a petition filed by the Central Broadcasting Co., reconsidered its action of July 2, 1936, in denying application for C. P. for new station to operate on 1050 kc., 250 watts, daytime. (Site to be determined subject to Commission's approval), recalled its decision of August 7, 1936, in this case, and granted said application effective Sept. 15, 1936.

The Broadcast Division granted the request of the Black River Valley Broadcasters, Inc., that oral argument be granted in connection with Ex. Rep. No. I-271, and that such argument be heard at the same time as, and in consolidation with, the argument scheduled to be heard on September 10, in connection with application of the Watertown Broadcasting Corp., involving Ex. Rep. No. I-212.

The Broadcast Division denied the petition of J. R. Maddox and W. B. Hair, d/b as the Chattanooga Broadcasting Co., Chattanooga, Tenn., requesting that the Commission reopen the hearing on its application for C. P. to establish a broadcast station at Chattanooga (Exp. Rep. I-252). The Broadcast Division granted the request for oral argument in this case, and extended the time for filing exceptions to the Ex. Report until September 1, 1936.

APPLICATIONS RECEIVED

First Zone

WMAL—National Broadcasting Co., Inc., Washington, D. C.—630 Modification of license to change operating power of auxiliary transmitter from 250 watts night, 500 watts day to 250 watts night and day.

WGY—General Electric Co., Schenectady, N. Y.—Authority to 790 install automatic frequency control for main transmitter.

WGY—General Electric Co., Schenectady, N. Y.—Authority to 790 install automatic frequency control for auxiliary transmitter.

NEW—Troy Broadcasting Co., Troy, N. Y.—Construction permit 1240 for a new station to be operated on 1240 kc., 500 watts, daytime.

WCAM—City of Camden, Camden, N. J.—Authority to make 1280 changes in automatic frequency control.

WDRC—WDRC, Incorporated, Hartford, Conn.—Authority to 1330 determine operating power by direct measurement of antenna.

WILM—Delaware Broadcasting Co., Chester, Pa.—Construction 1420 permit to install vertical antenna, move transmitter from Baynard Blvd. & March Rd., Carrcroft, Delaware, to site to be determined, Chester, Pennsylvania, and studio from 920 King Street, Wilmington, Delaware, to site to be determined, Chester, Pennsylvania.

WSAR—Doughty & Welch Electric Co., Inc., Fall River, Mass.—1450 Modification of construction permit (B1-P-225) for changes in equipment, install directional antenna and increase power, requesting extension of completion date from 10-1-36 to 10-31-36.

W2XBBH—Radio Pictures, Inc., Long Island City, N. Y.—Modification of license to delete frequencies 2000-2100, 42000-

56000, 60000-86000 kc., and add 1614, 2398, 23100, 41000, 86000-400000 kc., and additional frequencies 1600, 2012-2016 or 2276-2280, 41600 kc. for possible interference for free facsimile transmission. Amended: To delete frequencies 1600, 2012-2016 or 2276-2280, 41600 kc., and add frequency of 2012 kc.

W1XO—Travelers Broadcasting Service Corp., Portable and Mobile—Construction permit to change equipment and increase power from 7.5 watts to 50 watts.

W1XT—The Travelers Broadcasting Service Corp., Portable-Mobile—Construction permit for replacement of transmitter and increase power from 7.5 watts to 100 watts.

XXX—National Broadcasting Co., Inc., New York, N. Y.—Extension of authority to transmit programs to stations CFCF and CRCT and the Canadian Radio Broadcast Commission.

XXX—National Broadcasting Co., Inc., New York, N. Y.—Extension of authority to transmit recorded programs to foreign radio stations (CJOR, CFAC, CJOC & CJCA).

Second Zone

NEW—Berks Broadcasting Co., Pottsville, Pa.—Construction permit for a new station to be operated on 640 kc., 250 watts, daytime. Amended to change frequency from 640 kc. to 580 kc.

WAVE—WAVE, Inc., Louisville, Ky.—License to cover construction permit (B2-P-1225) for a new transmitter.

WEXL—Royal Oak Broadcasting Co., Royal Oak, Mich.—Construction permit to install a new transmitter and make changes in antenna.

WBTM—Piedmont Broadcasting Corp., Danville, Va.—Construction permit to make changes in equipment.

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Construction permit to install a new transmitter and increase power from 500 watts, 1 KW day, to 5 KW.

WGAL—WGAL, Inc., Lancaster, Pa.—Construction permit to 1500 install a vertical antenna, move transmitter from 4042 N. Christian Street, Lancaster, Pa., to 4-10 W. King Street, and studio from 8-10 W. King Street to 4-10 W. King Street, Lancaster, Pa.

Third Zone

WWNC—Citizen Broadcasting Co., Inc., Asheville, N. C.—Voluntary assignment of license from Citizen Broadcasting Co., Inc., to Asheville Citizens-Times Co., Inc.

NEW—The Birmingham News Co., Birmingham, Ala.—Construction permit for a new station to be operated on 590 kc., 500 watts night, 1 KW day, unlimited time. Amended to install directional antenna for night use and approval of transmitter site at Section 28, Township 17 South, Range 3 West, 800 feet N.W. intersection of Bankhead Highway and Arkadelphia Road, East Thomas, Birmingham, Ala.

KPRC—Houston Printing Co., Houston, Tex.—Modification of 920 license to change name from Houston Printing Co. to Houston Printing Corporation.

WAPI—WAPI Broadcasting Corp., Birmingham, Ala.—Authority 1140 to install automatic frequency control.

NEW—Dr. William States Jacobs Broadcasting Co., Houston, 1220 Tex.—Construction permit for a new station to be operated on 1220 kc., 1 KW, unlimited time.

NEW—William Avera Wynne, Wilson, N. C.—Construction permit for a new station to be operated on 1310 kc., 100 watts, daytime. Amended to make changes in antenna.

NEW—Red Lands Broadcasting Association, Ben T. Wilson, President, Lufkin, Tex.—Construction permit for a new station to be operated on 1310 kc., 100 watts, daytime.

KBST—Big Spring Herald Broadcasting Co., Big Spring, Tex.—1370 Modification of construction permit (B3-P-440) for new station, further requesting authority to make changes in equipment, install vertical antenna, approval of transmitter site at Big Spring, Tex. (no street address), and move studio from 208 E. 3rd St., Big Spring, Tex., to The Crawford Hotel, 114 West Third St., Big Spring, Tex.

KGFF—KGFF Broadcasting Co., Inc., Shawnee, Okla.—License 1420 to cover construction permit (B3-P-735) as modified for new equipment, increase in power, and move of transmitter.

NEW—Paul B. McEvoy, Pub., Hobart Democrat-Chief, Hobart, 1420 Okla.—Construction permit for a new station to be operated on 1420 kc., 100 watts, unlimited time. Amended to change hours of operation from unlimited time to daytime.

Fourth Zone

- KLPM—John B. Cooley, Minot, N. Dak.—Construction permit
1240 to make changes in equipment, install a vertical antenna,
change frequency from 1240 kc. to 1360 kc., increase power
from 250 watts to 1 KW day and night, change hours of
operation from specified hours to unlimited, and move
transmitter from 26 E. Central Avenue, Minot, N. Dak.,
to near Minot, N. Dak.
- WRJN—Racine Broadcasting Corp., Racine, Wis.—License to
1370 cover construction permit (B4-P-370) as modified for new
equipment, increase in power, and move of transmitter.
- WGL—Westinghouse Electric & Manufacturing Co., Fort Wayne,
1370 Ind.—Voluntary assignment of license from Westinghouse
Electric & Manufacturing Co. to Westinghouse Radio Sta-
tions, Inc.

Fifth Zone

- KSFO—The Associated Broadcasters, Inc., San Francisco, Calif.—
560 Voluntary assignment of license from The Associated Broad-
casters, Inc., to Western Broadcast Co.
- KMPC—Beverly Hills Broadcasting Corp., Beverly Hills, Calif.—
710 Authority to transfer control of corporation from Pacific
Southwest Discount Corp. (a Delaware Corp.), to George
A. Richards, 1000 shares common stock.
- KXA—American Radio Telephone Co., Seattle, Wash.—Authority
760 to make changes in automatic frequency control.
- KVOD—Colorado Radio Corp., Denver, Colo.—Construction per-
920 mit to install a new transmitter, erect a vertical antenna,
increase power from 500 watts to 1 KW night, 5 KW day
and move transmitter from outside of Denver, Colorado
to site to be determined, outside of Denver, Colorado.
- KYOS—Merced Star Publishing Co., Inc., Merced, Calif.—Modi-
1040 fication of construction permit (B5-P-673) as modified for
a new station, to further request authority to install new
transmitter.
- KDON—Monterey Peninsula Broadcasting Co., Del Monte, Calif.
1210 —Construction permit to change frequency from 1210 kc.

to 1280 kc., install a new transmitter and increase power
from 100 watts to 250 watts night, 1 KW day.

- KGVO—Mosby's Incorporated, Missoula, Mont.—Construction
1260 permit to make changes in equipment.
- KMED—Mrs. W. J. Virgin, Medford, Ore.—Construction permit
1310 to make changes in transmitter, install new antenna, move
transmitter from Sparta Bldg., Main & Riverside Avenues,
Medford, Oregon, to Ross Lane, Medford, Oregon. Amended:
To change hours of operation from specified hours to un-
limited time and change transmitter site 2.4 miles from re-
quested site, Ross Lane, Medford, Oregon.
- NEW—Wm. C. Grove & S. H. Patterson, a partnership, Cheyenne,
1420 Wyo.—Construction permit for a new station to be operated
on 1420 kc., 100 watts night, 250 watts day, unlimited time.
- KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—License to
1430 cover construction permit (B5-P-2837) as modified for new
equipment, increase in power, and move of transmitter
locally.
- KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Authority
1430 to determine operating power by direct measurement of
antenna.
- KVOE—The Voice of the Orange Empire, Inc., Ltd., Santa Ana,
1500 Calif.—Modification of construction permit (B5-P-912) to
make changes in authorized equipment.
- KDB—Santa Barbara Broadcasters, Ltd., Santa Barbara, Calif.—
1500 Construction permit to make changes in equipment and in-
crease power from 100 watts to 100 watts night, 250 watts
day.

Puerto Rican Zone

- WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, Puerto
1370 Rico.—Modification of construction permit (B-P-668) for
approval of transmitter site at about 350 feet from Insular
Road No. 2, Mayaguez, Puerto Rico, and studio about 1
mile from center of city, Mayaguez, P. R.
- NEW—Juan Piza, San Juan, Puerto Rico.—Construction permit
1500 for a new station to be operated on 1500 kc., 100 watts
night, 250 watts daytime, unlimited time.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

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RECOMMENDS VOLUNTARY ASSIGNMENT

The First Congregational Church of Berkeley, Calif., licensee of broadcasting station KRE, has applied to the Federal Communications Commission for consent to voluntary assignment of the license of the station to the Central California Broadcasters, Inc., of Berkeley, Calif.

Examiner R. H. Hyde in Report No. I-288 recommends that the application be granted. The Examiner found that the applicant for the assignment of the station license is "legally, technically, financially and otherwise qualified to continue the operation of the station," also that "the application may be granted within the purview of Section 310 of the Communications Act of 1934." It was found also by the Examiner that "the public interest, convenience and necessity would be served by the granting of the application."

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

Peoples Bridge Corporation, New York City (2-2431, Form A-2)
Ryan Aeronautical Company, San Diego, Calif. (2-2432, Form A-1)
Compressed Industrial Gases, Inc., Chicago, Ill. (2-2433, Form A-2)
Stokely Brothers & Company, Inc., Indianapolis, Ind. (2-2434, Form A-2)
National Bond & Investment Company, Chicago, Ill. (2-2435, Form A-2)
Super Mold Corporation of California, Lodi, Calif. (2-2436, Form A-1)
Locke Steel Chain Company, Bridgeport, Conn. (2-2437, Form A-2)
Magnolia Gold Mining Company, Denver, Colo. (2-2438, Form A-1)

BROADCAST STATION CHANGES

The Federal Communications Commission this week issued a list containing alterations and corrections (italicized) of broadcast stations to the edition dated January 1 for the month of August as follows:

Call Letters	Main Studio Location	Name of Licensee	Power	Frequency (kc)	Time Designation
KCMO	Kansas City, Mo.	Lester E. Cox, Thos. L. Evans and C. C. Payne	100w	1370	S. H. S. A. U.
KID	Idaho Falls, Idaho <i>M. C. P. T-nr. Idaho Falls</i>	KID Broadcasting Co.	250w 500w-LS C. P. 500w-1kw-LS	1320	U
KLZ	Denver, Colo. <i>T-nr. Denver</i>	KLZ Broadcasting Co.	1kw 5kw-LS	560	U
KMA	Shenandoah, Iowa	May Seed and Nursery Co.	1kw 2½kw-LS	930	S-KGBZ **U S. A. U C. P. U
KOMA	Oklahoma City, Okla.	Hearst Radio Inc.	5kw	1480	U
KSCJ	Sioux City, Iowa	Perkins Brothers Co. (The Sioux City Journal)	1kw 2½kw-LS	1330	U

Hamilton Depositors Corporation, Denver, Colo. (2-2439, Form C-1)
Standard Life Insurance Co., of Ind., Indianapolis, Ind. (2-2440, Form A-1)
Texas Hydro-Electric Corporation, Seguin, Texas (2-2441, Form A-1)
Wolverine Tube Company, Detroit, Mich. (2-2443, Form A-2)
Pittsburgh Steel Company, Pittsburgh, Pa. (2-2444, Form A-2)
The Trane Company, La Crosse, Wis. (2-2446, Form A-1)
Commercial Banking Corporation, Philadelphia, Pa. (2-2447, Form A-2)
The Gleen L. Martin Company, Middle River, Md. (2-2448, Form A-1)
Commonwealth Telephone Company, Madison, Wis. (2-2450, Form A-2)

TELEPHONE RATE INVESTIGATION

The Telephone Division of the Federal Communications Commission has approved a motion of Commissioner Brown calling for a telephone rate investigation and for the appointment of Carl I. Wheat as special counsel for this work. In this connection the Commission has ratified the following motion of Commissioner Brown:

"I move that the Commission, under the authority of Section 205 (a) of the Communications Act of 1934 and of Public Resolutions Number 8, Senate Joint Resolution Number 46, immediately initiate a rate investigation into the charges, classification, regulation and practice of the American Telephone and Telegraph Company in interstate commerce.

"I further move that the Chairman of the Telephone Division of the Federal Communications Commission be directed and instructed to immediately contact Mr. Carl I. Wheat of Los Angeles, Calif., regarding his availability as special counsel to have full charge of such investigation and that the Chairman report back the results of such negotiations at the earliest possible date."

The Telephone Division also took the following action in connection with Mr. Wheat:

Carl I. Wheat, of Los Angeles, Calif., is hereby appointed Associate Counsel, Telephone Investigation, especially in charge of long lines toll rates and other matters incident or relating thereto, at a salary of \$9,000 (Nine Thousand Dollars) per annum, effective September 15, 1936, under the provisions of Public Resolution No. 8 of the 74th Congress and the Communications Act of 1934, and subject to the provisions of the laws, resolutions, or acts of Congress, and the Federal Communications Commission.

<i>Call Letters</i>	<i>Main Studio Location</i>	<i>Name of Licensee</i>	<i>Power</i>	<i>Frequency (kc)</i>	<i>Time Designation</i>
KSTP	St. Paul, Minn. T-Radio Center <i>C. P. T-nr. St. Paul</i>	National Battery Broadcasting Co.	10kw 25kw-LS	1460	U
KTAT	Fort Worth, Texas T-Birdville	<i>Raymond E. Buck</i>	1kw	1240	U
WAAF	Chicago, Illinois	Drovers Journal Publishing Co.	1kw	920	D
WACO	Waco, Texas	KTSA Broadcasting Co.	100w	1420	U
WBLK	Clarksburg, W. Va.	The Exponent Co.	100w	1370	D (C. P. only)
<i>Formerly WEXP</i>					
WEAN	Providence, R. I. <i>M. C. P. T-E. Providence</i>	Shepard Broadcasting Service, Inc.	500w C. P. 1kw	780	U
WEAU	<i>Eau Claire, Wisc.</i>	<i>Central Broadcasting Co.</i> <i>Effective 9-15-36</i>	250w	1050	D (C. P. only)
WEED	nr. Rocky Mount, N. C.	Wm. Avera Wynne	100w 250w-LS	1420	U-D S-WCHV night
WHBL	Sheboygan, Wisc. <i>T-nr. Sheboygan</i>	Press Publishing Co.	250w	1300	U
WHIO	Dayton, Ohio T-nr. Dayton	Miami Valley Broadcasting Corp.	1kw 5kw-LS	1260	U
WHP	Harrisburg, Pa. T-Lemoyne <i>C. P. T-Swatara Twp.</i>	WHP, Incorporated	500w 1kw-LS	1430	U
WJNO	West Palm Beach, Fla.	Hazlewood, Inc. <i>C. P. covered by license</i> <i>Strike out effective 1-7-36</i>	100w	1200	U
WKBV	Richmond, Ind. <i>T. N. of Richmond</i>	Knox Radio Corp.	100w	1500	S. H.
WLBC	Muncie,	Donald A. Burton	100w 250w-LS	1310	Simul. D. S-WTRC night
WMBD	Peoria, Ill. <i>T-bet. Peoria and Pekin</i>	Peoria Broadcasting Co.	500w 1kw-LS	1440	U
WMCA	New York, N. Y. T-Flushing	Knickerbocker Broadcasting Co., Inc. <i>Strike out **1kw</i>	500w	570	U
WNAC	Boston, Mass. T-Quincy	Shepard Broadcasting Service, Inc.	1kw 5kw-LS	1230	U
WOL	Washington, D. C.	American Broadcasting Co. <i>Strike out C. P. T-Md.-1kw-1230</i>	100w	1310	U
WOLS	<i>Strike out all particulars</i>				
WTHT	Hartford, Conn.	The Hartford Times, Inc. <i>C. P. covered by license</i> <i>Strike out effective 2-4-36</i>	100w	1200	D

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints against the following firms. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

No. 2918. A complaint has been issued against **John D. Myers**, trading as **John Sterling Remedy Co.**, 1600 Bryant Bldg., **Kansas City, Mo.**, charging him with unfair competition in connection with the sale of a treatment for a social disease.

In a free booklet entitled "Sterling's Royal Remedy" distributed by the respondent he allegedly advertises that his product is a remedy and cure for the disease and an effective treatment for it in all stages; that it cures and removes the symptoms of the disease and gives permanent relief.

These representations as to the efficacy of the respondent's product are untrue, according to the complaint, which charges, among other things, that use of the remedy is dangerous and detrimental to patients and the public, increases the chance of the disease invading the nervous system and causes gastric disturbances.

No. 2919. Alleging unfair competition in the sale of a product designated "Genuine Texas Mineral Crystals," a complaint has been issued against the **Dollar Crystal Company**, having headquarters in the Redick Tower Building, **Omaha, Nebr.**

By means of radio broadcasts and otherwise, the respondent company is alleged to have represented that the drinking of water in which its product has been dissolved will relieve headache, nervousness, irritability, and fatigue; will remove the cause of disease; and will remove poisonous waste matter. The respondent is said to have advertised that its product has relieved thousands of cases of ailments caused by a sluggish system and

that thousands of persons have found lasting relief from rheumatism, arthritis, neuritis, indigestion, constipation, and other diseases.

The complaint alleges that practically the sole constituent of the respondent company's crystals is hydrated sodium sulphate, or Glauber's Salts, which is a saline laxative and purgative and that its only therapeutic effect is in the relief of temporary constipation. According to the complaint, many of the symptoms and ailments for which the respondent company represents its product to be a relief or cure, arise from causes which hydrated sodium sulphate will not cure or relieve, but will positively aggravate, and the product is not effective in producing lasting relief or cure for any of the ailments or symptoms mentioned.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

No. 1742. **Meskin Brothers Fur Corporation**, 144 West Twenty-seventh St., New York City, agrees to cease and desist, in the sale of dyed rabbit skins, from using the words "seal" and "beaver," or pictorial representations of seals or beavers, as marks, stamps or descriptions for dyed rabbit skins. Exception to this provision is to be made when the words "seal" and "beaver," or either of them, are used to designate rabbit skins which have been dyed so as to simulate seal or beaver, in which case these words shall be immediately accompanied by other apt and adequate words printed in conspicuous type so as to indicate clearly that the products are dyed rabbit skins and not seal or beaver skins.

No. 1743. **The Swiss Colony Vineyards Corporation**, 527 West Broadway, New York City, engaged in business as a distributor in the sale of wines, agrees to cease using the words

"Swiss Colony" in its corporate name or in any manner tending to mislead purchasers into the belief that its business and that of a competitor, Italian Swiss Colony, 781 Beach St., San Francisco, are one and the same, or that it is connected in any way with Italian Swiss Colony. The respondent corporation also will discontinue use of the word "Vineyards" to imply that it owns or controls the vineyard in which are grown the grapes from which its wines are produced, and will stop using the word "Winery," to imply that it owns or controls the winery establishment in which its wines are made, when such is not the fact.

According to the stipulation, Italian Swiss Colony is the name of a corporation which for many years has been engaged in the grape and wine business, and its wines, sold and distributed under its corporate name, are said to enjoy a favorable reputation.

No. 1744. William M. Irvine and George F. Taylor, 7338 Woodward Ave., Detroit, trading until recently as Rogers Silverware National Distributors, are engaged in selling coupons for use by retailers in connection with the marketing of their merchandise, and in the redemption of such coupons by exchanging them for silverware articles. They will cease using the word "Rogers" as a part of their trade name and discontinue advertising that they are manufacturers or distributors of Wm. A. Rogers silverware, and that their agents are connected with the Wm. A. Rogers silverware people.

Among other representations that Irvine and Taylor agree to discontinue are that their agents have nothing to sell; that their sales plan costs local merchants nothing; that their sale contract guarantees money back or cash refund, and that the silverware given to retailers' customers for the redemption of coupons is free. Use of the name "Dun & Bradstreet" or "Dunn & Bradstreet" as a reference, without authority from that company, also will be stopped.

Irvine and Taylor are said to be operating now as Manufacturers National Silverware Distributors.

No. 1745. Tidewater Electric Corporation, 127 East Olney Road, Norfolk, Va., distributor of "Kelvinator" electric refrigerators, agrees to stop employing in its advertisements the assertion "Again the Government contract goes to Kelvinator," or other similar representations, alone or in connection with pictures of Government buildings, battleships, or property, so as to imply that the Government uses only Kelvinator equipment, or that Government awards are made to the Kelvinator Corporation, of Detroit, to the exclusion of all other refrigerator companies, or that the Government buildings, ships and properties illustrated are equipped entirely with Kelvinator refrigerators, when this is not the fact.

No. 1746. S. C. Clayton, Inc., 803 Summer St., Boston, engaged in the manufacture and sale of preserves and syrups, will discontinue labeling its marmalade products, which are of domestic make, with the word "Paisley's," in connection with a tartan and coat of arms of foreign appearance, or which imitates the British coat of arms. Paisley is a city in Scotland renowned for its marmalade products, the stipulation points out, and the tartan background of plaid, said to appear on labels or containers of the S. C. Clayton Company's marmalade, usually is associated with Scotland.

No. 1748. Pontiac Refining Company, Inc., 646 South Saginaw St., Pontiac, Mich., engaged in the refining of gold, platinum and silver, and in the distillation of mercury and compounding of amalgams for use of dentists, agrees to stop asserting in advertisements that it is the manufacturer of its "Chief Castloy" brand of dental amalgam, when this is not a fact; and to cease using the brand name "white gold" to describe a product, the gold content of which is not substantial.

The respondent company stipulates that it will no longer advertise that dentists can make an economical casting gold by the use of gold scrap to alloy "White Castloy." The stipulation points out that few dentists are able to do such work properly or have means of knowing the gold content of their scrap.

No. 1749. Kelvinator Corporation, 14250 Plymouth Road, Detroit, and Leonard Refrigerator Company, Grand Rapids, Mich., the capital stock of which is owned and controlled by Kelvinator, agree to cease using advertising matter the import and implication of which is that Kelvinator and Leonard electrical refrigerating equipment is the only such equipment purchased and used by the United States Government, and that tests or investigations have been conducted by the Government of all standard makes of electric refrigeration before making its awards, except when these assertions are limited to investigation made by the Government from performance figures furnished by refrigerator manufacturers submitting bids on proposals.

The two corporations also agree to bar the use of awards made to them by the Government, as a basis for their advertising or for

the advertising furnished by them to or for the use of other companies.

No. 1750. National Manufacture & Stores Corporation, 578 Bankhead Ave., Atlanta, distributor of Leonard electric refrigerators, agrees to cease the use in its advertising of the same class of representations which will be discontinued by the Leonard Refrigerator Company under the latter's stipulation entered into with the Commission.

Nos. 1753-1754. Ben Greenholtz, trading as Greenmoor Coats Co., 237 West Thirty-seventh St., New York City, and Hecht Brothers & Co., Inc., Baltimore and Pine Sts., Baltimore, in the sale of women's coats and dresses, agree to stop using on brands or labels affixed or intended to be affixed to their products, the words "British Tweed," independently or in connection with the words "King Edward III" or any pictorial representation of the British Royal Arms or of the Union Jack. These respondents also will cease employing these pictorial devices alone or in connection with other words, so as to imply that the products so designated are made of cloth manufactured in Great Britain, when such is not the fact.

No. 1756. Robert McBratney & Co., Inc., 121 Franklin St., New York City, importer of linens, stipulates that it will cease using the words "Non-Krush" as a brand or label for its products, or in any way which may imply that the articles referred to are uncrushable, when this is not a fact.

No. 1757. Sanders Manufacturing Company, 122 4th Ave., Nashville, Tenn., stipulates that in the sale of sewing kits it will cease representing in advertising matter that the kits are "Made in America" or "Made in U. S. A.," when in fact such products are not wholly manufactured or produced in the United States. The company also agrees to stop selling sewing kits in cases marked as made in the United States, unless the name of the country of origin of the imported part of the kit is plainly marked on the outside of the case.

According to the stipulation, the spools and thread in the cases were manufactured in a foreign country.

No. 1759. George W. Stuart, Monroe, Wis., trading as George W. Stuart Company, in the sale of cheese, agrees to case and desist from use of the words "Little Switzerland" in advertising or labeling those of his products made in the United States, and from use of the word "Switzerland" independently or in connection with "Little" or other words in a manner to imply that his cheese products are made in Switzerland and imported into this country, when such is not the fact.

No. 1760. William Kahn, 807 High St., Des Moines, Iowa, trading as Goodrich Raincoat Co., stipulates that he will discontinue use of the name "Goodrich" in connection with the trade name under which he operates his business, and will abandon use of the name "Goodrich" in any way which may imply that the products he sells are the products of the B. F. Goodrich Co., of Akron, Ohio. The respondent also agrees to bar use of the words "manufacturer" and "factories," when in fact he operates no factory, and use of the term "custom-made" on labels attached to garments not custom-made. He will also cease representing that he is doing special advertising work, or is selling raincoats made to individual measurement so as to advertise a particular brand of cloth, or at the actual cost of labor in making such garments, when this is not a fact.

No. 1761. Milton Wolfe, 141 West Thirty-sixth St., New York City, formerly trading under the name "Harrold's," in the sale of scarves, agrees to discontinue branding, labeling or marking such products as "hand-loom woven," when in fact they are not woven or manufactured on a hand-loom.

No. 1762. Goodrich Grinding Wheel Company, 1500 West Madison St., Chicago, manufacturing grinding wheels, oilstones, abrasive specialties and razor hones, will discontinue using on labels or cartons, a fictitious value or price in excess of that at which its products are sold or are contemplated to be sold in the usual course of trade. The company also agrees to bar use on cartons or otherwise of the phrase "\$1 Value Now Only 25 Cents." implying that the price referred to has been recently reduced, when this is not true. The respondent company stipulates that it will stop using on cartons or otherwise the phrases "Pat. Appl'd For" and "Pat. Pending," to refer to products on which it has no application pending for patent.

No. 1764. International Latex Corporation, 607 Atlantic Ave., Rochester, N. Y., manufacturer of bathing caps, pad shields, crib sheets, and similar articles, under its stipulation, will discontinue advertising by means of the words "Not Rubber" or "Looks like rubber but isn't," or by means of other words of equivalent meaning, implying that its products are made of material other than rubber, when, according to the stipulation, these products

are composed of a material consisting basically of rubber hydrocarbon obtained from the caoutchouc tree, and therefore are not properly designated as "not rubber."

The respondent corporation also agrees to stop employing representations to the effect that its products prevent perspiration, make sweating impossible, or other similar assertions, and to desist in the use of advertising matter employing the word "sterilized" or other synonymous terms which may tend to deceive buyers into believing that the articles sold are free of bacteria, when this is not true.

No. 1765. New Process Co., Warren, Pa., selling dry goods, including hosiery, by mail-order, will cease using in advertising or in any other way, the representation "Originally \$1.59 a pair—now eight pairs for only \$5.55," so as to imply that the hose so offered for sale and sold has a present day market value of \$1.59, or that the price has recently been reduced from \$1.59 a pair to eight pairs for \$5.55 or 69½ cents a pair. The respondent corporation also agrees to cease advertising that \$1.59 hose is being offered at approximately 69½ cents a pair or that the offer is a limited one or is based on a limited quantity, when such are not the facts.

No. 1739. Isador Abramovitz and Benjamin Kapplan, 108 West Twenty-seventh St., New York City, trading as A. & S. Ribbon Co., agrees to cease employing the word "manufacturers," either alone or in connection with other words, on printed matter distributed in interstate commerce, when they do not make or manufacture the ribbon sold by them.

No. 1771. Continental Distilling Corporation, 260 South Broad St., Philadelphia, in selling whiskey designated "Old Hickory," agrees to cease using in advertising matter any and all testimonials unless they are the genuine, honest, and unbiased opinions of the authors, arrived at from the personal use of "Old Hickory" whiskey.

No. 1772. The Corozone Air Conditioning Corporation, 4122 Hanna Bldg., Cleveland, manufacturing electrical devices for purification of indoor air, stipulates that it will stop advertising or offering for sale any of its products as "air conditioners," or from representing in advertisements or otherwise that these devices will perform air conditioning, unless such apparatus actually belongs to the class of devices known to the trade and public as air conditioners.

The stipulation points out that the words "air conditioning" signify control by a mechanical device of the temperature, humidity, and circulation of air in rooms, buildings, and railroad passenger trains, and that the non-performance of any one or more of these functions disqualifies a device for designation as an air conditioner, as understood by the trade and purchasing public.

No. 1773. Sampson Solarz, 14 South Hanover St., Baltimore, trading as Solarz Thread & Yarn Co., agrees to abandon use of the words "silk" and "satin" on labels to designate products not composed of silk.

No. 2456. An order has been issued against the Blackwell Journal Publishing Co., of Blackwell, Okla., publisher of The Blackwell Daily Journal, requiring it to cease and desist from unfair competitive methods in violation of Section 5 of the Federal Trade Commission Act.

Practices of the respondent publishing company were found to have had a capacity and tendency to injure its competitor, the Blackwell Tribune Publishing Co., publisher of The Blackwell Morning Tribune.

The order prohibits certain specific practices entered into for the purpose of injuring competitors engaged in interstate commerce either through their circulation of newspapers outside of Oklahoma or through their obtaining contracts from national advertisers. These practices are: (1) Circulation of false, disparaging statements concerning the financial condition and responsibility of its competitor or competitors; (2) offering to newspaper subscribers of its competitor or competitors subscriptions to its own newspaper without cost; and (3) quoting or charging advertising rates which are below the cost to the publisher of the advertisements as set up and published.

No. 2528. National Salesmen's Training Association, 21 W. Elm St., Chicago, has been ordered to cease and desist from certain representations in the sale of correspondence courses and printed matter relating to salesmanship and sales management.

The respondent is directed to stop representing expressly or by implication that the earnings of persons studying or persons who have completed the courses are greater than their usual and ordinary earnings under normal conditions; and that the demand from employers of salesmen for such persons exceeds the demand that actually exists.

The order also prohibits the use in advertising of testimonials containing statements as to increased earnings attributed to the

respondent's courses of study when the amounts mentioned were not actually earned under normal conditions.

Other practices prohibited by the order are the representation that the respondent will obtain positions for purchasers of the courses at greatly increased salaries; that it will refund the purchase money paid for courses to students who are not satisfied with the training received, unless, in the latter instance, the respondent does actually make such refunds without imposing additional conditions.

No. 2711. Foster-Milburn Co., 1280 Main St., Buffalo, N. Y., has been ordered to discontinue false and misleading advertising in connection with the sale of Doan's Pills, or any other medicinal preparations or compounds possessing similar properties.

The order directs the respondent corporation to cease representing that Doan's Pills give quick relief and will "Wash out 15 miles of kidney tubes"; that certain bladder conditions indicate that the kidneys need cleansing, and may be a danger signal and mean loss of vitality; and that if the kidneys do not perform certain functions, the body will absorb poisons, causing serious trouble.

Nothing in the order is to be construed as preventing the respondent corporation from making proper therapeutical claims or recommendations which are based upon reputable medical opinion or recognized medical or pharmaceutical literature.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, September 21

HEARING BEFORE AN EXAMINER (Broadcast)

WSBT—The South Bend Tribune, South Bend, Ind.—C. P., 1010 kc., 1 KW, unlimited time. Present assignment: 1360 kc., 500 watts, share WGES.
WEMP—Milwaukee Broadcasting Co., Milwaukee, Wis.—C. P., 1010 kc., 250 watts, 500 watts LS, unlimited time. Present assignment: 1310 kc., 100 watts, daytime.
NEW—Glenn Van Auken, Indianapolis, Ind.—C. P., 1050 kc., 1 KW, daytime.

Tuesday, September 22

HEARING BEFORE AN EXAMINER (Broadcast)

NEW—Theodore E. Johnson, Houston, Texas—C. P., 1210 kc., 100 watts, unlimited time.
NEW—Bayou Broadcasting Co., Houston, Texas—C. P., 1210 kc., 100 watts, daytime.
NEW—H. J. Laubengayer, Salina, Kans.—C. P., 1500 kc., 100 watts, unlimited time.

Wednesday, September 23

HEARING BEFORE AN EXAMINER (Broadcast)

WBBR—Peoples Pulpit Association, Brooklyn, N. Y.—C. P., 1300 kc., 1 KW, 5 KW LS, share WEVD, WFAB, WHAZ. Present assignment: 1300 kc., 1 KW, share WEVD, WFAB, WHAZ.
WROW—Augusta Broadcasting Co., Augusta, Ga.—C. P., 1240 kc., 250 watts, 500 watts LS, unlimited time. Present assignment: 1500 kc., 100 watts, unlimited time.
NEW—John S. Allen and G. W. Covington, Jr., Montgomery, Ala.—C. P., 1210 kc., 100 watts, daytime.

Thursday, September 24

HEARING BEFORE THE BROADCAST DIVISION

WCFL—Chicago Federation of Labor, Chicago, Ill.—C. P., 970 kc., 50 KW, unlimited time, experimentally. Present assignment: 970 kc., 5 KW, unlimited, experimentally.
KJR—Fisher's Blend Station, Inc., Seattle, Wash.—C. P., 970 kc., 10 KW, unlimited time. Present assignment: 970 kc., 5 KW, unlimited time.

The Broadcast Division has taken the following action subject to ratification at its next regular meeting:

APPLICATIONS GRANTED

WEBC—Head of the Lakes Broadcasting Co., Superior, Wis.—Granted special temporary authority to operate without antenna ammeter for a period not to exceed 30 days.

- WAGM—Aroostook Broadcasting Corp., Presque Isle, Maine.—Granted special temporary authority to operate from 10 p. m., EST, to 11 p. m., EST, September 1, 3, 8, 10, 1936; from 8 p. m. to 9 p. m., EST, September 2, 5, 6, 9, 11, 1936; from 7 to 8 p. m., EST, September 4, 1936; from 9 to 10 p. m., EST, September 12, 1936, and from 8 p. m. to 12 midnight, EST, September 13, in order to broadcast political speeches.
- WEBQ—Harrisburg Broadcasting Co., Harrisburg, Ill.—Granted special temporary authority to operate station without antenna ammeter for a period not to exceed 15 days.
- WJIM—Capitol City Broadcasting Co., Lansing, Mich.—Granted extension of special temporary authority to operate station without antenna ammeter for a period not to exceed 10 days.
- KOIN—KOIN, Inc., Portland, Ore.—Granted special temporary authority to rebroadcast program from Tillamook Light, station KCBO, consisting of description of light located on rock in Pacific near entrance to Columbia River, between 4 and 5 p. m., PST, September 9, 1936.
- KGCX—E. E. Krebsbach, Wolf Point, Mont.—Granted special temporary authority to operate station without an approved frequency monitor for the period September 9 to October 9, 1936.
- WAML—New Laurel Radio Station, Laurel, Miss.—Granted special temporary authority to operate from 7 to 9 p. m., CST, Wednesday, September 9; Thursday, September 10; Friday, September 11; Sunday, September 13; and from 10:30 to 12 noon, CST, Sunday, September 13, in order to rebroadcast from 1st Methodist Church.
- WIEX—National Broadcasting Co., Inc., Aboard Western Air Express Corp. Airplane NC-13306.—Granted special temporary authority to operate the regularly licensed aircraft transmitter KHAQY, owned by United Airlines Transport Corp. aboard Western Air Express Boeing plane as a broadcast pickup station on frequencies 2760 or 2790 ke. for test and program transmission in connection with program Boulder Dam World Power Congress, for period September 7 to 12, inclusive, frequencies 1606, 2020, 2102, 2760 or 2790 ke., 50 watts.
- WEST—Associated Broadcasters, Inc., Easton, Pa.—Granted special temporary authority to operate simultaneously with station WKBO from 9:30 to 9:45 p. m., EDST, on September 7, 14, 21 and 28, 1936, and from 9 to 9:30 p. m., EDST, on September 19, in order to broadcast Democratic State network schedule; and from 10:15 to 10:30 p. m., EDST, on September 21, 22, 28, 29 and October 5 and 6, 1936, in order to broadcast Democratic National Committee Schedule.
- KUMA—Albert H. Schermann, Yuma, Ariz.—Granted special temporary authority to operate from 10 p. m., MST, on the night of September 8, 1936, until termination of election returns.
- WGBE—Onondaga Radio Broadcasting Corp., Syracuse, N. Y.—Granted authority to operate WGBE as licensed September 7, 8 and 9, 1936, to broadcast special events at New York State Fair.
- KABJ—Central States Broadcasting Co., Lincoln, Nebr.—Granted authority to extend service tests through September 11 and operate KABJ Thursday, September 3, to broadcast President Roosevelt Parade, Des Moines, Iowa.
- WJEP—Stromberg Carlson Tel. Mfg. Co., Rochester, N. Y.—Granted authority to operate WJEP as licensed September 2 to 10, inclusive, broadcast international Star Boat Races off Port of Rochester from Coast Guard Cutter Jackson.
- KIIH—KFAB Broadcasting Co., Lincoln, Nebr.—Granted authority to operate KIIH as licensed September 6 to 11, inclusive, broadcast Nebraska State Fair.
- WJEP—The Stromberg Carlson Tel. Mfg. Co., Rochester, N. Y.—Granted authority to operate WJEP as licensed September 7 to 16, inclusive, to broadcast special events at Rochester Exposition.
- KIFI—George W. Young, Minneapolis, Minn.—Granted authority to operate KIFI as licensed September 9 to 11, inclusive, broadcast special events of State Fair.
- WADC—Allen T. Simmons, Tallmadge, Ohio.—Granted license to cover C. P., 1320 ke., 1 KW night, 5 KW day, unlimited time.
- KPPC—Pasadena Presbyterian Church, Pasadena, Calif.—Granted C. P. to make changes in equipment.
- KGU—Marion A. Mulrony and Advertiser Pub. Co., Ltd., Honolulu, T. H.—Granted C. P. to install new equipment.
- WABY—Adirondack Broadcasting Co., Inc., Albany, N. Y.—Granted C. P. approving vertical antenna, transmitter and studio sites and installation of new equipment.
- KWK—Thomas Patrick, Inc., St. Louis, Mo.—Granted modification of license to determine operating power by direct measurement of antenna input.
- WBLV—Herbert Lee Blye, Lima, Ohio.—Granted modification of C. P. approving transmitter and studio sites and installation of new equipment.
- WAAB—Bay State Broadcasting Corp., Boston, Mass.—Granted modification of C. P. to install new transmitter.
- KFJB—Marshall Electric Co., Inc., Marshalltown, Iowa.—Granted modification of C. P. approving transmitter site and installing vertical radiator.
- KWK—Thomas Patrick, Inc., St. Louis, Mo.—Granted license to cover C. P., 1350 ke., 1 KW night, 5 KW day, unlimited time.
- KABE-KIGA—National Battery Broadcasting Co., St. Paul, Minn.—Granted authority to operate stations as licensed on September 14 to 26, inclusive, to broadcast Minnesota Safety Drive Council.
- W4XCA-W4XBS—Memphis Commercial Appeal, Memphis, Tenn.—Granted authority to extend test stations W4XCA and W4XBS 90 days beginning June 18, 1936.
- KIIQ—KMTR Radio Corp.—Granted authority to operate station as licensed on September 14 to 19, inclusive.
- KABJ—Central States Broadcasting Co., Lincoln, Nebr.—Granted authority to extend service tests for 30 days from September 12, 1936.
- WDAE—Tampa Times Co., Tampa, Fla.—Granted authority to extend program test period for 30 days from September 13.
- WAVE—WAVE, Inc., Louisville, Ky.—Granted extension of test period for 30 days from September 1.
- WPRP—Julio M. Conesa, Ponce, P. R.—Granted extension of special temporary authority to operate station without an approved frequency monitor for a period of 30 days from September 7, 1936.
- WLAK—Lake Region Broadcasting Co., Lakeland, Fla.—Granted special temporary authority to operate without antenna ammeter for a period not to exceed 15 days from September 15, 1936.
- KOTN—Universal Broadcasting Corp., Pine Bluff, Ark.—Granted special temporary authority to operate without an approved frequency monitor for a period not to exceed 30 days from September 14.
- KTSM—Tri-State Broadcasting Co., El Paso, Tex.—Granted extension of special temporary authority to carry program of station WDAH for period September 12 to October 11, 1936.
- KMA—May Seed & Nursery Co., Shenandoah, Iowa.—Granted extension of special temporary authority to operate unlimited time for a period beginning September 11 and ending not later than October 1, 1936, pending action and completion of construction as specified in application.
- WLBL—State of Wisconsin, Department of Agriculture and Markets, Stevens Point, Wis.—Granted extension of special temporary authority to operate station without an approved frequency monitor for the period September 13 to October 12, 1936.
- National Broadcasting Co., Inc., New York City.—Granted extension of authority to transmit programs of National Broadcasting Co. to all stations under control of Canadian authorities that cannot be consistently received in continental United States. Programs originating at the studios of stations associated with NBC may be transmitted by NBC but must pass through its regular chain facilities. For period of 6 months.
- Atlantic Broadcasting Corp., New York City.—Granted authority to transmit sustaining and commercial programs to stations of Canadian Radio Broadcasting Commission provided such programs are transmitted through the main control channels of stations WBBM and/or WABC.
- WBBM Broadcasting Corp., Chicago, Ill.—Granted WBBM Broadcasting Corp. authority to transmit sustaining and commercial programs of Columbia Broadcasting System to stations of the Canadian Radio Commission, provided such programs are transmitted through main control channels of stations WBBM and/or WABC.

APPLICATIONS RECEIVED

First Zone

- WTBO—Associated Broadcasting Corporation, Cumberland, Md.—800 Modification of license to change hours of operation from

daytime until sunset at Dallas, Tex., to unlimited time, using 250 watts power.

WOCL—A. E. Newton, Jamestown, N. Y.—Construction permit 1210 for equipment changes to comply with Rule 132. Amended to make further changes in equipment.

WOCL—A. E. Newton, Jamestown, N. Y.—Voluntary assignment of license from A. E. Newton to James Broadcasting Co., Inc.

WCAP—Radio Industries Broadcast Co., Asbury, N. J.—License 1280 to cover construction permit (B1-P-1110) for antenna changes.

WSAR—Doughty & Welch Electric Co., Inc., Fall River, Mass.—1450 Modification of construction permit (B1-P-225) as modified for increase in power and equipment changes, to further request authority to install new transmitter.

WMBQ—Joseph Husid, Receiver, Metropolitan Broadcasting Corp., Brooklyn, N. Y.—Involuntary assignment of license from Metropolitan Broadcasting Corp. to Joseph Husid, Receiver, Metropolitan Broadcasting Corp.

World Broadcasting System, Inc., New York, N. Y.—Extension of authority to transmit programs from the World Broadcasting System, Inc., to the Northern Electric Co., Ltd., and all radio broadcasting stations licensed in the Dominion of Canada, and Newfoundland radio stations.

NEW—Olean Broadcasting Co., Inc., Portable-Mobile.—Construction permit for a high frequency relay broadcasting station for 31100, 34600, 37600, 40600 kc., 25 watts power.

Second Zone

WHKC—Associated Radiocasting Corporation, Columbus, Ohio.—640 Construction permit to install new transmitter; increase power from 500 watts to 1 KW night, 5 KW day; and change in time from limited to unlimited time; antenna changes; and move of transmitter from Sharon Road (10 miles north), Columbus, Ohio, to site to be determined, Columbus, Ohio.

WMMN—A. M. Rowe, Inc., Fairmont, W. Va.—License to cover 890 construction permit (B2-P-506) as modified for changes in equipment, increase in power, and move of transmitter.

WMMN—A. M. Rowe, Inc., Fairmont, W. Va.—Construction 890 permit to install new transmitter and increase power from 500 watts night, 1 KW day, to 1 KW night and 5 KW day.

WSPD—Toledo Broadcasting Co., Toledo, Ohio.—Voluntary assignment of license from Toledo Broadcasting Co. to The Fort Industry Co.

WBNS—WBNS, Inc., Columbus, Ohio.—Construction permit to 1430 install a new transmitter and increase power from 500 watts night, 1 KW day, to 1 KW night, 5 KW daytime.

NEW—Berk Broadcasting Co., Portable-Mobile (Reading, Pa.).—Construction permit for a high frequency relay broadcasting station on 31100, 34600, 37600, 40600 kc., 1 watt power.

NEW—Reading Broadcasting Co., Portable-Mobile (Reading, Pa.).—Construction permit for a high frequency relay broadcasting station on 31100, 34600, 37600, 40600 kc., 1 watt power.

NEW—WJR, The Goodwill Station, Portable-Mobile.—Construction permit for a high frequency relay broadcasting station to be operated on 86000-400000 kc., 2 watts. Amended to request 90000, 100000, 200000, 400000 kc.

NEW—WJR, The Goodwill Station, Portable-Mobile.—Construction permit for a high frequency relay broadcasting station to be operated on 86000-400000 kc., 40 watts. Amended to request 90000, 100000, 200000, 400000 kc.

Third Zone

WQAM—Miami Broadcasting Co., Miami, Fla.—Authority to 560 make changes in automatic frequency control of main transmitter, R.C.A. 1-D.

NEW—Texhoma Broadcasting Co., Wichita Falls, Tex.—Construction permit for a new station to be operated on 630 kc., 1 KW, unlimited time, studio and transmitter to be determined, Wichita Falls, Tex. Amended to install directional antenna night, non-directional antenna day, and give transmitter site as Wichita River and Byers Road, Wichita Falls, Tex.

NEW—Observer Co. & News Publishing Co., Charlotte, N. C.—880 Construction permit to erect a new broadcast station to be operated on 880 kc., 500 watts night and 1 KW day power, unlimited time.

KFRO—Voice of Longview, Longview, Tex.—Construction permit

1370 to make changes in equipment and increase power from 100 watts to 250 watts. Amended: Change type of equipment.

KELD—Radio Enterprises, Inc., El Dorado, Ark.—Construction 1370 permit to install a new transmitter and make changes in antenna.

KMAC—W. W. McAllister, San Antonio, Tex.—Construction permit to install a new transmitter and vertical antenna, increase power from 100 watts to 100 watts night and 250 watts day, move transmitter from 430 North St. Mary's St., San Antonio, Tex., to 319 Avenue A, San Antonio, Tex.

Fourth Zone

KFUO—Evangelical Lutheran Synod of Missouri, Ohio, and other states, Rev. R. Kretzschmar, Chairman, Board of Control of Concordia Seminary, Clayton, Mo.—Construction permit to install a new transmitter; install directional antenna for night use; increase power from 500 watts night, 1 KW day, to 1 KW night, 5 KW day; and change hours of operation from S-KSD to ½ time. (Requests part of facilities of KSD.)

WMT—Iowa Broadcasting Co., Cedar Rapids, Iowa.—License to 600 cover construction permit (B4-P-1021) as modified to make changes in equipment and increase power.

KFRU—KFRU, Inc., Columbia, Mo.—Construction permit to 630 stall a new transmitter.

WTAD—Illinois Broadcasting Corporation, Quincy, Ill.—Construction permit to install new transmitter and vertical antenna, increase power from 500 watts to 1 KW, move transmitter from 510 Main St. to North 24th St., Quincy, Ill. Amended to omit request for increase in power.

KGFV—Central Nebraska Broadcasting Corp., Kearney, Nebr.—1310 Authority to make changes in automatic frequency control.

WMBD—Peoria Broadcasting Co., Peoria, Ill.—Construction permit to install new transmitter and increase power from 500 watts night and 1 KW day to 1 KW night and 5 KW day.

WTMV—Mississippi Valley Broadcasting Co., Inc., East St. Louis, Ill.—Construction permit to install new transmitter, increase power from 100 watts to 100 watts night and 250 watts day. Amended to change type of equipment to W.E. 351E-1.

KOVC—George B. Bairey, Valley City, N. Dak.—Modification of 1500 construction permit (B4-P-224) to install new transmitter and antenna, and for approval of transmitter site at 312½ Fifth Avenue, Valley City, N. Dak. Amended to make changes in antenna and change transmitter and studio address from 312½ Fifth Avenue to 312 Fifth Avenue, Valley City, N. Dak.

Fifth Zone

KVI—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—570 Modification of construction permit (B5-P-602) for new equipment and increase in power, antenna changes, move of transmitter, to further request change in type of equipment to W.E. 355 D-1.

KHQ—Louis Wasmer, Inc., Spokane, Wash.—Modification of construction permit (B5-P-925) as modified for equipment changes, increase in power, move of transmitter, to further request move of transmitter .6 mile (same address) and extend commencement and completion dates 30 and 180 days, respectively.

KJR-KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Construction permit to make changes and move the present 970 licensed auxiliary transmitter of KOMO to 26th Avenue, S.W., and Florida St., West Waterway, Seattle, Wash., to be used as an auxiliary transmitter for stations KOMO and KJR, using the same antenna.

NEW—Peninsula Newspapers, Inc., Palo Alto, Calif.—Construction permit for a new broadcast station to be operated on 1160 kc., 500 watts power, daytime operation. Amended: Change type of equipment to RCA ET 4250, and the requested power from 500 to 250 watts.

KOL—Seattle Broadcasting Co., Seattle, Wash.—Construction permit to make equipment changes.

KGCS—E. E. Krebsbach, Wolf Point, Mont.—Modification of 1310 construction permit (B5-P-444) to make changes in authorized equipment. Amended to change type of transmitter to be installed.

KIDO—Frank L. Hill and C. G. Phillips, d/b as Boise Broadcast Station, Boise, Idaho.—License to cover construction permit (B5-P-1165) for new transmitter and antenna and move of transmitter.

The National Association of Broadcasters

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JAMES W. BALDWIN, Managing Director

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JULY 6, 1936

Monday Morning

The opening session of the Fourteenth Annual Convention of the National Association of Broadcasters, held in the Boulevard Room, Stevens Hotel, Chicago, convened at 10:30 o'clock, President Leo J. Fitzpatrick (WJR, Detroit) presiding.

CHAIRMAN FITZPATRICK: I'd like to have the officers of the Association kindly come to the platform here.

While we are waiting for the officers of the NAB to gather here, I want to take this opportunity of formally welcoming you to this annual convention of the NAB.

It is a double pleasure for me as your President particularly at this time because among your group I have found one who has been missing from our ranks for several years who has devoted many, many years of marvelous service to the cause of radio. And I'd like to have him stand just a moment so we can welcome him back—and that is Paul Morency.

... The convention arose and applauded. Paul Morency arose and acknowledged the applause. ...

CHAIRMAN FITZPATRICK: And now that the meeting is officially opened, I want to read a telegram to Mr. Glenn Snyder:

“I regret extremely that the necessity for my remaining over at my summer home until tomorrow makes it impossible for me to have the pleasure of being present personally at the opening of your convention as I had definitely planned. I am, therefore, sending the Honorable Barnet Hodes, Corporation Counsel for the City of Chicago, to represent me officially and extend my cordial greetings to your fine organization as well as my hearty welcome to your visiting members. Best wishes for a most interesting, enjoyable and successful convention. Edward J. Kelly, Mayor.” (Applause)

I now have the pleasure of introducing Barnet Hodes, Corporation Counsel for the City of Chicago. Mr. Hodes. (Applause)

BARNET HODES (Corporation Counsel, City of Chicago): Mr. Chairman and Members of the NAB:

His honor, the Mayor, had planned to be here in person and he found it was impossible for him to be here, so he asked that I give to you his own message, which is very short, and I am going to take the privilege of reading it to you.

“Chicago deeply appreciates the honor of your convention, and it is my earnest hope that you will be shown every possible hospitality while you are guests in our city.

“After all, it is fitting that you meet here since many of the improvements which have been made in broadcasting were developed here.

“Your group can rightfully take pride in your industry, for you have contributed in no small measure to increased happiness, education and progress of the world in general.

“I believe firmly that radio broadcasting has been a tremendous factor in developing a finer and broader intelligence among the people of America.

“Both children and adults who have had to forego the advantages of attending schools regularly have found in the radio a splendid opportunity to gain an education and enhance their value to themselves and their communities.

“The radio has given all of us a keener appreciation of good music, literature and the theater.

“It has been a boon to the farmers—not only in the providing of information for better farming but also in keeping them up to the minute on market conditions.

“And what a godsend radio has been to the sick and the crippled, the shut-ins of all kinds, whose drab lives have been brightened beyond measure.

“Our citizens, because of the countless broadcasting facilities, are now able to keep in direct touch with the doings of our national government and its various political subdivisions. Important issues can quickly be brought to the attention of the public, and it is quite often vital that reactions be obtained from our citizens immediately in order to support a good measure or destroy a harmful one.

“Yes, indeed, ladies and gentlemen, radio broadcasting does play a definite and positive part in the life of America, and the influence of your activities will continue to grow more and more.

“I think that your group is entitled to generous commendation for your fine efforts to keep broadcasting clean in every sense of the word. You have kept your industry on a very high plane, and you should be proud of this accomplishment.

“It is my hope that all of your time while you are here will not be confined to business.

“We'd like to have you take the opportunity of getting around Chicago and becoming better acquainted with us.

“We want you to leave our city with a real sense of admira-

tion and good will, and a feeling that you have been well treated here and want to come back again.

"You'll find us a friendly city—always willing to do everything possible for our guests.

"I trust that out of your sessions here will come genuinely constructive ideas for the general advancement of broadcasting, and I wish you every measure of success not only in your convention but for all time to come." (Applause)

CHAIRMAN FITZPATRICK: Thank you and will you convey to your Mayor our grateful thanks for the sentiments you so ably expressed.

As you will see by your program, the next address is by your President.

I have been going back in my mind over the past thirteen years, recalling the year when a small group got together and formed the National Association of Broadcasters. There are several present here today who recall what our plans were at that time, what aspirations we had, and what objectives were created for the betterment of the industry as a whole.

I think it is quite obvious that the men who formed the NAB were very farsighted because in the succeeding years radio has certainly been confronted with more problems than fall to the lot of the average youthful industry. It is equally true that that same body of men continued to have the welfare of the broadcasting business constantly at heart.

I have reviewed the time from 1923 to the present in my mind for a very definite reason. I think it brings up a comparison and a situation which we ought to face. Last year, after serving as a director, vice president and in other capacities, you unanimously elected me as your President. I suppose I can be permitted the frankness of saying that, perhaps because of early newspaper training, I always felt that a position of this kind was a thankless one.

My sentiments in this respect are well known to you. When I became your President, I did not feel I was the man for the job. I have not done the job in such a way that this organization is held together one hundred per cent. which *should* be the achievement of the man in that office. But I also say that I don't believe there is a man in this room who could achieve that, a man in this room who could worthily fulfill my conception of the official head of the National Association of Broadcasters.

That is something we are very prone to forget here and it is one of the big reasons why our ranks have split. We have in radio both the big and the little stations. That does not mean, as most of us seem to think, that we have just two sets of problems, one for the little fellow and one for the big fellow. It means we have *three* sets of problems, a triangle of which two sides together are equal to the third—we have the problems of the small station, the problems of the big station and, enveloping them all, the problems of radio as a whole. And *that*, I contend, is how this organization should view its obligations.

I have contended from the very first that we need some one to eliminate all the petty bickering or strife, to weed out the quarreling, and to cement broadcasters together in their common purpose and duty and obligation to the listening public.

However, as your President, I am very thankful to have this official privilege of saying to you just what is in my heart with regard to broadcasting.

The National Association of Broadcasters, during the past year, has been fraught and beridden with factional discord greater than at any time in the past. I don't doubt that much of this is due entirely to misconception—to misconception of what is meant by progress and what is or is not beneficial to the industry.

No one would ask that this, or any other organization, get along without some discord or quarreling. I am one of a very large family of children—an Irish family in addition—and I know that a certain amount of quarreling and bickering is inevitable in any family, even one of the most devoted! But, the broadcasters have failed to do what a devoted family does and that is, spring together to form a united front when threatened by danger from the outside.

The men who founded this organization could not possibly have anticipated a year like this present one. I think it would have broken their hearts had they done so because the NAB was founded not only with farsightedness but with hopes and ideals. We haven't even done what ninety-nine out of a hundred families will do—and that is wash our dirty linen in our own back yard! During the past twelve months much of our dirty linen has been washed right under the public gaze. In Detroit, I am living right at the heart of one of the biggest industries in the world, constantly associating with men every day who have it uppermost in their minds—that is, the automobile business—and if there

is one-tenth of one per cent. the trouble and dissension in the automobile industry, I, for one, certainly haven't heard of it. They do keep their problems decently to themselves. It seems to me there are more changeable, erratic people, more sheer gossips, in the radio industry than in any other body of sound-minded or capable business men in the country. That is a strong statement but I'll add one even stronger—that I have never seen so many petty maneuverings, so many insidious intrigues or so many political practices as I have in this group. And we are not going to help that situation any so long as we have no more privacy in our meetings than a county fair!

The NAB was founded for progress, I sincerely believe, but until we grow up and throw out a lot of juvenile proceedings, we might as well abandon any idea of progress. The most successful combatants are always those who know the enemy's moves in advance. The most vital thing in a successful campaign is secrecy of movements. We have never had that. Every step that we have proposed to take, every move that we have proposed to make, has been exploited or exposed long before ever we were ready to advance.

This is about the second time I have ever spoken to you as a body. As I said before, I am frankly—and without any apology or hedging—taking advantage of the fact that I am, ostensibly, the acting head of this organization. And, whatever remarks I may make are built just around one idea—and that is a plea that here in this organization we clean house mentally, absolve ourselves from selfishness and then pull for a common cause! And, if there is any man who doesn't believe that radio has problems confronting it which need a united front, then he is blind, deaf and dumb to what is going on!

Just as I said a moment ago, whatever goes on in the broadcasting business is well publicized in advance. So we have been advised (and it is indicated by published reports) that at this annual convention of the NAB for 1936 we are going to have a split in the ranks. This organization, with hundreds of thousands of dollars invested capital, with the work of a lifetime, with the responsibility of running a business, a public service of which very few other people know anything at all—(because we have been the pioneers and have had to make all the mistakes and profit from them)—*this* organization, with its hands full of trouble, is going to pull apart!

There is an old saying, "United We Stand; Divided We Fall." There is another old saying, "Divide To Rule." I have just one thing to say in my last appearance as President of the NAB, that whatever are the forces which threaten the disruption of this group, let us analyze them fully and see whether they want the continued progress of the radio industry or whether they seek only to follow that old rule of military and political strategy—Divide To Rule! I urge you to forget petty personalities, to present a united front in every effort. We inherited a responsibility from the first year that NAB was formed. And it should be our duty to recognize that, to realize that radio is not merely an industry or business but it is also the greatest mold of public sentiment there is today, one of the greatest gifts that God in His kindness has made possible for His human beings to use and enjoy on this earth. It ought to be our purpose to re-envision the bright future that lies ahead of radio and march toward it shoulder to shoulder.

If we don't, radio will go ahead without us! It will go ahead with other men at the helm, those perhaps who are not nearly so capable of fulfilling its destiny as we ourselves because, as I say again, we have nursed the industry along through its growing years—it should be our understanding of it which profits both radio and ourselves the most at this time when it is more or less grown up. You can't stop progress. Radio will go forward. We'll either continue to be at the helm—or we'll turn into mere bits of grit which those mighty spinning wheels will toss off in their steady advance toward greater things.

The radio industry has the greatest responsibility there is in this country today. Let us view that responsibility as men!

This is my first plea to you as President of this Association. I assure you it is my last!

And, I thank you for your patience in listening to my first plea. (Applause.)

One of the few privileges you have in being the official head of this organization is to pay tribute to one whom you have admired for years. Ever since the inception, practically, of the Federal Radio Commission I have admired and enjoyed the friendship and association of our next speaker who understands far more than I can express to you the problems that confront us all.

It gives me pleasure to introduce to you at this time one who needs no introduction but your friend and counselor—Judge Sykes.

(The convention arose and applauded.)

JUDGE EUGENE OCTAVE SYKES (Chairman, Broadcast Division of the Federal Communications Commission, Washington):

Mr. President, Members of the Association, Ladies and Gentlemen:

Eight years ago, in the summer of 1928, it was my privilege and pleasure to address your Association at its meeting in this same comfortable and hospitable hotel. At that time, the Federal Radio Commission was in its swaddling clothes, about a year and a half old, and your Association was likewise an infant of about the same age. As I recollect it, your membership at that time also included members of the Radio Manufacturers Association. Much water has passed over the dam since that meeting.

A rather strange coincidence is the fact that at that time I discussed with you the legal meaning and effect of the Davis Amendment which had been enacted into law in March of that year. At this time I shall discuss with you the legal meaning and effect of the repeal of the Davis Amendment.

You will recall that Section 9 of the Radio Act of 1927, by which the Commission was created, in part read as follows:

"In considering applications for licenses and renewals of licenses, when and in so far as there is a demand for the same, the licensing authority shall make such a distribution of licenses, bands of frequency of wave lengths, periods of time for operation, and of power among the different States and communities as to give fair, efficient, and equitable radio service to each of the same."

You will recall that under this Act the Radio Commission was to exercise for one year the original powers therein granted and, after that year, these powers were to be exercised by the Secretary of Commerce with the right of appeal to anyone dissatisfied with his decision to the Radio Commission; or, in other words, after one year the Commission was to become an appellate body in radio matters from decisions of the Secretary of Commerce. Likewise, you will recall that the Deficiency Bill, which carried the appropriation for the newly created Radio Commission, failed to pass at that session of Congress and the only available funds were those appropriated for the Radio Division of the Department of Commerce, which funds were shared with the Radio Commission.

This bringing order out of chaos was a much bigger job than Congress contemplated. The Commission, due to a lack of funds, was unable to employ any staff except some clerical help. It was impossible to pass on a great many applications and it was impossible to bring order out of chaos during the first year.

At that time, the cream of the radio facilities were being used in the large cities. Congress thought that the Commission was dilatory in making its distribution of these facilities among the states, and this led to the passage of the Davis Amendment. This Amendment, in brief, provided that these radio facilities should be divided equally, as nearly as possible, among the five zones and then the facilities of the zone should be further equitably divided among the states, as nearly as possible, in accordance with population. The object and purpose of Congress, namely, to bring about a fair division of radio facilities throughout the entire country, was most praiseworthy but the formula laid down for this division was too much of a mathematical formula and failed to take into consideration a number of salient facts, such as, disparity in size of the five zones, that there was no way of stopping the carrier wave interference of stations and that, in effect, the Amendment would really operate in favor of the smaller zones and the smaller states with a dense population.

As a result of this Amendment, in the fall of 1928, the Commission, as a yardstick, adopted certain quota figures which allocated a value to stations of certain classes and power. It gave to each of the five zones eight high-powered, clear-channel assignments. It likewise gave, as nearly as possible, to each of the zones its share of regional and local stations. This brought about a number of changes within the country. This allocation, from the standpoint of radio listeners, which we must primarily consider, was an improvement on the first allocation of the Commission.

It soon became evident, under this allocation, that the states with a large area and sparse population were lacking in radio service, though over quota under the Davis Amendment. The Commission likewise found that the day power of a number of stations could be increased without interference but in order to do this, it became necessary to separate night and day quota. This was done and radio reception was greatly improved by increases in day power of stations.

Bearing in mind the fact that a great many of the rural population have no radio reception, except that of a secondary nature, and that these of our people should be given more reception if possible, the Commission, from time to time, recommended to the Congress that the Davis Amendment be repealed and the original provision in the Radio Act, above quoted, be reenacted into law. This recommendation was also made to the Committees of the Senate and the House when the Communications Bill was under consideration.

A secondary recommendation, made at that time, was that if the Davis Amendment were not repealed, then the Commission be authorized to put in local stations, regardless of quota, which would not create interference with existing stations.

The Congress, at that time, accepted this second recommendation as to local stations and a number of construction permits, for this class of station, have been granted by the Commission. Right here I would call your attention to the fact that a local station is to serve a particular community and that, if possible, it should be owned and controlled by the people of that community and not outsiders. The Commission has had a number of applications from people of different communities and different states to establish local stations. A lot of these applications smack of the nature of promotional and speculative schemes. These applications are most carefully scrutinized and studied by the Commission and these facilities, whenever possible, have been allocated to persons of the local communities.

You will also remember that the Davis Amendment provided that a station be charged to the state wherein is located its studio. In hearings before the various committees of the Senate and the House, certain states, more particularly one, claimed that the stations of a great city were using this little state as a dumping ground for their transmitters, that while the transmitters were located within the little state, the studios were in the large city and the stations, in truth and in fact, were stations of that city. Hence, we find incorporated in the Davis Amendment the further provision that a station belonged to the state wherein its studio was located, and since some states have a number of studios, the Commission properly decided that the studio mentioned in the law was the principal studio of the station.

The recent session of Congress repealed, as recommended by the Communications Commission, the Davis Amendment and reenacted in its stead the original provision of the Radio Act, from which I have already quoted, with a slight change in phraseology. This Amendment also abolishes the five zones into which the country was divided. Consequently, the Broadcast Division has repealed those rules relating to quota made necessary by the Davis Amendment.

In all applications for new stations or increases in power, changes in hours of operation, and so forth, of existing stations, the main questions now for consideration are:

1. Will interference be caused with existing stations by such grant?
2. Would it be to the benefit of the listening public to grant the application?
3. Will the granting of the application tend to bring about a fair, efficient and equitable radio service among the states and the communities?

Also, the Commission will be able to decide, upon the facts presented, to what state and community 'the station is to be charged.

I feel sure that, under the present amendment, the Commission will be enabled to give these rural listeners better radio service than they now enjoy.

No new general allocation has been made by the Commission since that of 1928, under the Davis Amendment. Since then many technical improvements have been made in equipment, including antenna design. All of us have learned a great deal in that time.

The Commission has in its files the result of the extensive field survey of the coverage and characteristics of broadcasting stations. With these improvements, and this knowledge, it should be possible to make improvements in the allocation. This question has been receiving the careful study of the Commission.

On the second instant, the Broadcast Division decided to hold such an informal hearing beginning October 5. Those who desire to participate will be furnished information as to the results of the above studies so that you may carefully consider this data in preparing to make your suggestions and recommendations at the hearing. I am sure that you will appreciate the great importance of this conference to the listening public, the entire broadcasting industry and to the Commission.

Here I will digress from my written remarks to say that there were a number of plans considered by us as to what we should do in the calling of this informal conference. Should we first tentatively set up one, two or three plans to be criticized by you or should we instead of giving you any proposed plans to criticize, first call all of you in? As I stated a moment ago, we have learned a lot in the eight years since we made the allocation under the Davis Amendment—not only the members of the Commission but all of you. Our touchstone always is to improve reception to the listening public. That being true, we finally decided that the best way to do it was to have you gentlemen all come in, after studying what we have in our files relating to the coverage of all stations in the United States, to have you gentlemen come in to us and suggest what possible improvements, if there be any, that can be made under the old 1928 allocation. One advantage of that is, some people might have thought if the Commission had set up one, two or three plans, that the burden of proof, so to speak, was on you gentlemen to convince us that none of those plans was a good one, whereas with no plan in view but with a conference on as we have called it, we believe that after that conference, instead of before, in other words, we will be able the better to make any changes if such should be made in the old allocation of 1928.

Returning now to my notes, there are other changes and improvements in our present Communications Law relating to broadcasting which are quite well known and about which I shall not trespass upon your time.

Speaking technically—and I am not an engineer, you know—the constant effort of the Communications Commission has been to improve broadcast service to the listening public. A great step in this direction is through betterment of station broadcasting equipment. The Commission has no jurisdiction over receiving sets and cannot prescribe standards for their production. I am informed by engineers—and as I said, I am not an engineer so if this statement is incorrect, blame the engineers and not me—but, I am informed by engineers that the transmission quality of broadcasting stations now surpasses the reception capability of a majority of broadcast receiving sets. I hope and believe that the set manufacturers will improve the fidelity of receiving sets.

There have been adopted, within the last year, a number of regulations dealing with technical aspects of broadcast transmission. These are aside from the changed rules and regulations governing services outside of the conventional broadcast band. In these new regulations our desire has been to help the broadcasters help themselves. Very little complaint has been received about these new rules and we, therefore, infer that they must be good.

Some of the greatest improvements I think are those relating to antenna design. It has been learned that the radiating system of the broadcasting station is as important as its transmitter and that though a station may have the finest modern transmitting apparatus, its job will be a poor one unless it has the proper antenna system.

Our new rule No. 131 requires broadcasters to meet certain specifications respecting antennas. This is in order to enable the broadcaster and the listening public to get the utmost available service out of his plant. Based on our survey, we believe that approximately fifty per cent. of the stations, by this improvement, will vastly expand their radio coverage without any increase in power.

Rule No. 132 requires broadcasting stations to clean up in their transmitter rooms. This is for the safety of employees and visitors and should be most carefully followed.

By rule No. 139, we now require the installation of modulation monitors to improve the coverage and fidelity of transmission. These new rules provide a gradual improvement in broadcasting equipment and are working most satisfactorily.

I regret to say that we have not yet been able to reach an agreement with Mexico relating to broadcast channels. The result is that we still have interference with some of our stations. This matter is continuing to receive the consideration of the State Department and the Communications Commission and we trust that some time, some day, a satisfactory agreement may be reached.

Just a fortnight ago there was held in Washington a conference involving projected uses of channels in the very high frequency band. The conference envisages the development of such services as television, facsimile, very high frequency broadcasting, and other experimental services which you broadcasters eventually will be called upon to nurture. Outstanding men in all phases of radio and communications, including the various governmental services, appeared before the Commission and presented their views. From this testimony the Commission hopes to formulate allocation plans governing future development of these new bands.

From statements made at this conference we are sure that important strides have been made in television, although perhaps it is not yet ready for general use. Facsimile seems to be well perfected and it is possible that the Commission, in the near future, may make provision for its transmission. This question, however, has not yet been settled.

I would also call your attention to the importance of the committee composed of educators and broadcasters to bring about a method of cooperation relating to the broadcasting of educational and other like programs. This committee, as you know, is headed by Dr. John W. Studebaker, Commissioner of Education. It is composed of practically an equal number of leading educators and broadcasters. It is our sincere hope that a plan bringing about this cooperation may be worked out. I would, therefore, impress upon the members of that committee the importance of attending its meetings and helping to solve this question.

A good deal has been said in the past relating to the program content of some broadcasts over stations. I congratulate you upon the valuable service rendered by your diligent and efficient Managing Director, Mr. James W. Baldwin, in contacting in your behalf the Commission, The Federal Trade Commission, The Post Office Department and The Department of Agriculture upon this question. I would call your further attention to the fact that, while an alleged cure-all remedy may not be harmful if taken, it might be harmful because it prevented a patient who was sick from consulting a doctor in time to cure or alleviate his trouble.

I want to assure you of our deep appreciation for the cordial cooperation you have always shown our Commission and we feel sure that this will continue.

In my service, since the creation of the Radio Commission in 1927, I have seen radio broadcasting and the radio business grow with stupendous strides. Now broadcasting reaches practically into the homes of all of our people, and correspondingly with this growth in the industry, your responsibility and ours has grown. You should ever remember that your programs reach the homes and firesides of our entire citizenship and you should especially remember that they reach the ears of the children of tender age in that plastic stage when their character, for good or bad, is being molded. Therefore, your every thought, your every aspiration and your every act should be to see that each and every program broadcast by your station should tend to improve and develop and make better American citizens of every man, woman and child within its service range.

In conclusion, Mr. President, I want to congratulate you, and your very efficient Managing Director, and your Association upon its growth and development and upon your splendid administration as the head of this Association. As an evidence of the value to your membership, I would refer to the excellent preparation and the illuminating testimony presented by your Association in the so-called educational hearing before the Broadcast Division. A like valuable service to the country and to your Association will be presented in the hearing upon the question of proposed changes in the allocation of 1928. Also, you have grave and serious problems over which the Commission has no jurisdiction but of which you are cognizant and which we trust you may be able to solve satisfactorily.

All of these matters, in my opinion, make your Association a most important one, not only to your membership but to the entire radio industry and to the citizenship of the country. This cooperation and collaboration among all of us is necessary in order that we may improve radio service and strive to give to all of the people the best public broadcasting service in the world. Therefore, I hope and trust, Mr. President, that ere long every broadcaster in the United States may become a member of your Association.

... The convention arose and applauded. . . .

CHAIRMAN FITZPATRICK: I can assure you, Judge Sykes, that the outburst of applause expresses far better than mere words our feeling toward you for your splendid epitome of the work of the Federal Communications Commission. I do hope you will carry back to Washington with you the heartfelt appreciation of this organization for your attendance here today, and may you live a thousand years to be with us!

The next portion of our program is an address by our Treasurer, Mr. Isaac D. Levy of WCAU Broadcasting Company, Philadelphia. It gives me pleasure to present to you our Treasurer for the past few years, Mr. Levy. (Applause)

ISAAC D. LEVY (Treasurer, NAB; WCAU, Philadelphia): Mr. President, Judge Sykes, Members, and Ladies and Gentlemen: So that there would be no misunderstanding as to what I say today and to be sure that this wasn't going to be construed as an

impassioned speech but merely a declaration of facts, I have reduced this talk to writing.

This is the day I have waited for since last August and it was only with the greatest restraint that I contained myself.

At the last meeting I asked you to elect me as Treasurer so that I could carry on your copyright fight. There were opposed to me, at that time, nine out of ten on the Nominating Committee and a certain element of the Board of Directors.

I placed the issue squarely before you. If you elected me, it was because you wanted me to carry on the copyright fight. This membership disregarded the views of the faction of the Board who opposed me, and, by my election, you mandated me to carry on that fight. I accepted that command. We would have had no trouble with copyright, and you members would all have paid less than you are now paying, had I been permitted to carry out your views.

But, the majority of your Board of Directors had no intention of following your desires in the matter and proceeded immediately to do things in their own way. They were your Directors, which means that they were men elected by you to carry out your expressed wishes. These gentlemen ignored your desires, ignored me, and, by doing so, said to you, "We don't care what you want; we will do what we please." With the aid of Mr. Baldwin, they brought about what Mr. Baldwin, himself, termed in his 22,000 word document, "the most humiliating failure this organization has ever suffered."

Because this organization is so set up that members of the Board serve from one to five years, a condition presents itself where these Directors may continue to ignore your wishes and you are helpless. It makes no difference what you want them to do; they will do as they please. Your Constitution is just a little cute and tricky.

My complaint is not with this membership; it is with the ten gentlemen on the Board and Mr. Baldwin, and, when I tell you the story, my complaint will be your complaint; you are entitled to know how your Directors and Mr. Baldwin behaved themselves.

You placed in my hands a responsibility that I was anxious to assume and carry. I, therefore, owe you an explanation as to what occurred, and for that purpose *alone* I come to you today, and, when I have told you what transpired in the last year, I will remain in this room long enough to answer any attempts at justification by the guilty parties. Some of you may think this Association would be better off without me; I have no desire to change your opinion. But I know I will be better off without this Association, and so at the conclusion of the copyright discussion, I resign, on behalf of Station WCAU, as a member of NAB.

And, since it is the last time I will be before you, please listen attentively to what I have to tell you, and then judge the facts as the business men that you are, and realize what position you have been placed in as a member of this Association.

When I returned to Philadelphia last summer, after a short trip to California, I immediately communicated with Mr. Baldwin and requested that he call a meeting of the Board of Directors—this was by letter dated August 26.

The purpose of this Directors' meeting was to have you accept immediately the offer of ASCAP to extend your contracts for five years. As I told you in my last talk, I wanted this offer accepted immediately—before Warner Brothers withdrew from the organization. Some sixty-five of you accepted my word for it and signed that extension agreement. There would have been plenty of time for the rest of you to accept it had the Board meeting been called when I first requested it.

This meeting was not called until October 17, 1935, about two months after I requested it, and it took place at the St. Regis Hotel in New York. Before the meeting was opened, ten or a majority of the Directors met secretly and prepared a plan of their own.

Your President, Mr. Fitzpatrick, was ignored, as well as I. He has been shamefully treated during his entire term, despite the fact that he was elected unanimously by this organization. They considered him an outsider, and many were the insults heaped upon him. Since I can remember, Mr. Fitzpatrick has been one of the most powerful influences in this Association. He is recognized as a leader in the broadcasting industry. He was a hard-working President, and a clear thinker, but the ten on your Board treated him as a traitor, and I would not have blamed him if he had not even come to this meeting.

After listening to the plan of the secretive element of the Board, I suggested to the whole Board that they pass a resolution to have Mr. Baldwin send a letter to the membership, advising them to accept the offer of ASCAP of June 17, 1935. The resolution was passed. Mr. Baldwin was directed to notify the members, but he didn't do it.

Had Mr. Baldwin notified you to accept the ASCAP offer, you would then have guaranteed to you by ASCAP the Warner Catalog for which a large number of you are now paying a considerable sum of money.

We had been guaranteed substantially the same catalog that ASCAP had, which included Warner Brothers. We would have had a united front. Warner Brothers would have had no one to turn to, and how long would it have been then before Warner Brothers would have been back with ASCAP?

I had been informed that Warner Brothers were about to withdraw. There was no reason why Mr. Baldwin should not have sent that communication in October. He had been ordered to do so—it was a mandate! Since the Board had acted, it was his duty to send that letter, but he refused to notify you.

Time was very important because I wanted those letters of acceptance sent by you before Warner Brothers withdrew. I telephoned Mr. Baldwin several times, begging him to notify you of the resolution passed by the Board. I asked him to call a general meeting of the membership; this he also refused to do. Several months elapsed and nothing happened.

On December 3, 1935, one day less than seven weeks after this important information was to be sent you, I telephoned Mr. Fitzpatrick and urged him to have Mr. Baldwin send a telegram urging the broadcasters to accept this offer. I also called Mr. Baldwin. I told Mr. Baldwin he would have to assume responsibility if he did not send the telegram as directed by the Board on October 17, 1935.

Mr. Fitzpatrick agreed with me that a telegram be sent immediately. Mr. Baldwin told me he would call Mr. Fitzpatrick, which he did. Then Mr. Baldwin told me he was going to poll the Board. Why, I don't know, when he already had the order to send the notice. ASCAP regarded this quarrel with Warner as a private fight of their own, one within their own ranks, and told us that we had no concern with it. Here were two members of the Executive Committee, Mr. Fitzpatrick and myself, composing a majority, demanding that the Managing Director notify you of a resolution, and Mr. Baldwin deliberately ignored us.

Then, the next day, Mr. Baldwin sent the telegram. But the very next day after that Warner Brothers withdrew, which was on December 4. After sending the telegram, the very next day Mr. Baldwin sent another telegram repudiating his first one. I told him if he did not send the first telegram that I would send one to all the broadcasters. I could not understand why or how he could assume the responsibility of disobeying the order of the Board and jeopardizing your position.

Then came a series of telegrams, letters, manuscripts, books, pamphlets and every sort of written memoranda, giving you advice that no intelligent person in the world could understand—not even the senders—hysterical rambling, hopeless confusion, to which I refused to contribute.

The publicity released by Mr. Baldwin during the past year tore into shreds this Association. He was a Managing Director, employed by us, who assumed the role of a dictator. He forgot there was such a thing as an Executive Committee with whom he was to consult; he forgot there was a President; he forgot there was a Treasurer; he did as he pleased, influenced by a number of men who haven't yet the slightest conception of what it is all about.

About this time Mr. Baldwin sent a plan to members of the Board to solve your problem. It proposed that stations use records and music in the public domain (this was a new idea), and that they curtail their hours of operation. He wanted to tell you to cut down your time and use music in the public domain.

This was his idea of a solution to this problem. Now, there may be some of you who think this is all right. If so, you can still do it. I won't complain if anyone cuts down his hours of operation, or uses music in the public domain, but those of you who do can't expect us to be so silly. That suggestion might be expected from Fred Allen or Jack Benny in their comedy talks. I would insult your intelligence if I were to go on any further in discussing this suggestion.

This copyright situation is one that is not understood at all by Mr. Baldwin or any of the ten members of the Board who supported him. I daresay that even this membership is of the belief that for every violation of the copyright, the court assesses the damages at \$250.00. This is not true, and never was. But I cannot be surprised if you think so when no one on the Board knew differently. So that you may understand it, the Supreme Court of the United States held in the La Salle Case, which is reported in 283 U. S., page 202, in the year 1930, that the \$250.00 minimum award applies to infringements not exceeding twenty-five in number. This means that the court, in the absence of

actual proof of greater damage, could not award less than \$250.00, nor more, for any number of infringements up to twenty-five. It might be interesting for you to have your lawyers read that case.

One man who had just recently stepped into the picture said, "I don't know why everybody could not give a power of attorney to one man and let him settle it in a half hour." Why, we had been working for years to settle the problem—and here was a novel suggestion. I turned to him and asked him if he would do it, and said that we would be very happy if he would. It did not take over two or three minutes to show him he knew nothing of the matter. I went to several other meetings of the Board, and on December 16, at the St. Regis, I found that a committee had been dealing with Starr of Warner Brothers. It was at this meeting that one of your members of the Board had a thick document from which he read, and earnestly excited himself to a peroration with the fervor of an Aimee McPherson; rising on the spreading wings of an eagle to the apex of an all cure for ills, and, while he was soaring above the clouds, he let us in on his great solution that Mr. Baldwin was to be in complete charge of copyright. The deafening thunder of applause and yells of "Halleluiahs" recalled to me the program of Elder Michaux. You must understand that no copyright committee was appointed by the Board. Everybody was going to be on the committee, but that everybody eliminated me, because the secret ten were running the hippodrome show. I tell you this to show you how this mass voting unit caused you to spend money foolishly.

You may consider it boastful if you wish, my saying that I was the only one who understood this situation. Call it conceit, if you wish, but the results prove that you are paying now for Warner Brothers as well as ASCAP, whereas you would be paying to ASCAP only, had you followed my advice. You may say that Warner Brothers would have withdrawn anyhow and that the question of whether or not ASCAP had guaranteed their catalog would be a litigated one. The answer to this is that not only I but all the able counsel I have consulted, are of the opinion that ASCAP guaranteed to deliver Warner to its licensees. You may ask why I didn't play the Warner music. It was because I didn't want to encourage the different members of ASCAP to withdraw. I didn't want to be confronted with a dozen of the members of ASCAP, each of them seeking a special license fee. I know some other broadcasters refused to play Warner music. But we who have signed the extension agreement with ASCAP are entitled to play the Warner catalog without additional cost to us.

At the meeting on December 16 I reminded the Board that you had elected me to carry on this fight but that made no difference to them. They were going to do as they pleased—your wishes meant nothing to them.

When I saw I could be of no use in the deliberations and that the secret ten were running things to suit themselves, I withdrew from the meeting and told them there was nothing further I could do. It was just as in 1932—the Board again ignored your wishes. I could speak of a number of acts of discourtesies, when Mr. Baldwin promised to send me copies of resolutions before he sent them out and never sent them to me; also, I would receive some of the correspondence weeks after you got them. But, that is unimportant now.

Mr. Baldwin appointed his own committees, appointing some who were not even members of our organization. For the miserable mess you are in, you thank these ten members of the Board.

Last July it was considered frightful to have your contract extended for five years but this same crowd did not hesitate to advise you to pay ASCAP the same amount and pay an additional substantial sum to Warner Brothers.

Now, I have no confidence in Mr. Baldwin or the secret ten on copyright—you may have, but you have a right to your opinion as I have to mine.

We have had a year of ballyhooing by him and his associates—plenty of circus antics; no one interfered with him. I sent no letters to disturb this march to hell. It would have been of no use to do so and it would only have made it more confusing. They decided they wanted full credit for their accomplishments and now they have it. They took the reins and ran wild. They failed because they were fundamentally wrong and still are. As Baldwin, in his memorable document, admits, it was a humiliating failure.

Three of the ten men on the Board protected themselves after the meeting last July by signing an extension of the ASCAP agreement. They didn't write to you and tell you that, and they may attempt to explain why, but, if I were one of you that was advised to do nothing about accepting the extension, I would ex-

pect that the three men on the Board who signed it themselves would, at least, let me know what they had done. Why did they do it, if they thought it was not the proper thing to do and, if it was the proper thing to do, why didn't they tell you about it?

I don't worry about what people say; I watch what they do. No words can eradicate that exhibition from my mind. And yet these men, secure themselves, violated your instructions to them but didn't tell you what they were doing to protect themselves. You may be satisfied with that conduct; I am not.

They may attempt to explain; if so, weigh their explanation, test it by common sense, test it by reason and when you have heard it all, the outstanding fact will be that they signed the extension themselves but didn't tell you anything about it.

This Association, as far as I am concerned, is for the purpose of serving its members in a body when the expense would be too great for the individual to secure it alone. I never regarded it as a social organization or a political body. We joined it because we thought it would be mutually beneficial. We paid our dues and expected to get something for them. We received less than nothing for our money. Oh, yes, I forgot. . . . Before one of the meetings each Director received an imposing book bound in black composition leather with the name of the Director on the cover in gold. It is a very pretty book and I am going to keep it because I like the cover. I am sorry one was not sent to each of you. As for the value of its contents, well, that didn't amount to much but you could remove it and keep something interesting in it. (Laughter.)

I am for peace in this organization as much as anyone in it but you will never have peace in it with mismanagement. It will be only a short time before the organization collapses if you run it the way you have been running it. The handwriting is on the wall! Yes, I am for peace but not when it means disaster. Peace means contentment. Is there in this room a person who is contented? In the last year I have found this organization a total failure. Politics have developed. Members were cliquing. Certainly no member of this Association would share the profits of his station with any other. None of them will pay each other's bills. Each of you will get all the business you can. So, there is a community of interest only as to the protection of your business from unjustified assaults.

I have received a number of letters from members urging me to form an organization apart from NAB. I will form such an organization. We will give service to our members. We will not allow politics to creep in. We will not allow outsiders, with no experience, to dominate our activities by creating feeling within our organization. If there is anybody in this Association who wishes to join the one I propose forming, let him do so with the knowledge that we will work with no one getting medals, that we will serve the members intelligently. All are welcome.

One of the things I want this new association to do is to render some legal service for which the stations now pay lawyers. Very frequently the stations are obliged to secure information in Washington or be apprised of the conditions concerning problems in which they are interested, where it is unnecessary to engage a lawyer because a messenger boy could render the same service. This new organization will render that service without cost.

In our organization there will be no kings and no big shots—all will be plain members—it will be a democratic organization. We will have a Managing Director; he will be a person who understands the technical as well as the business side of this industry. He will set up his organization in Washington and whenever anything of importance comes up, he will notify all the members to come to Washington and participate in the discussion.

I have already asked a prominent lawyer to come into this organization, not only as general counsel but as general adviser.

There will be no President nor any Board of Directors. Those who are not able to appear will receive a written report of what has transpired, but all will be welcome to attend the meetings. The dues will be less than your present dues; smaller stations will pay much less than they are now paying.

What are you getting for the dues and assessments you are now paying? Not much—and I understand there is a proposal by the Board that your dues be increased fifty per cent. That won't be sufficient if they keep squandering their money as they did in the last year. There were more Directors' meetings last year than there were altogether in the history of your organization, and how expensive they were! It was necessary to pay

some of the Directors as much as \$300.00 or more for their expenses to attend a single meeting. Each meeting probably cost around \$1,200.00 and you were paying for it.

You see, this is the first meeting of our Association where the talk on copyright preceded the report of the Managing Director and, necessarily, I am compelled to anticipate what I know will be proposed to you, since these matters were passed on favorably by your Board, and don't get any idea that there was any unanimity on the Board; these ten stuck together and were able to accomplish what they wanted because they were in the majority. You owners of small stations are being kidded. It may be that I will have to answer some of the representations made by the Managing Director because I preceded him in this talk and, if so, I will reserve that right.

Now, there is to be a proposal to spend some \$200,000 on a revised Program Foundation Fund. Baldwin has already appointed a Director of New Bureau of Copyright—I heard of it through NAB REPORTS.

While I think this \$200,000 fund is ridiculous, still it will probably be put through only to find that you won't collect \$20,000; I only collected about \$40,000 for the copyright fight.

In the voluminous report, and reports, Mr. Baldwin sent you, he inadvertently neglected to tell you as to what happened with the Radio Program Foundation and its fund. This organization was formed against my advice. You may recall when it was first proposed by Mr. Schuette that I opposed it and spoke of its futility.

Most of you to whom I have spoken believe that it was formed by NAB and you contributed money to it without a clear impression as to what was to happen to that money other than to buy music catalogs to which you were given the right of usage. Since Mr. Baldwin has not told you about this, in any of his many communications to you, let me give it to you.

Three gentlemen, Hostetler, Loucks and Schuette, formed a corporation and they acquired a little music. You were to pay for its use, and some of you did. Each one of these three men was in the employ, at the time, of NAB and being paid for his services. If this corporation had been a great success, the profits would flow to the stockholders—Schuette, Loucks and Hostetler. When they decided to abandon this project as a failure, there was \$5,000 left which they divided among themselves and sent a letter to the NAB Board justifying their action. They never could have secured the subscription of the members of NAB had they explained in full that whatever profits there would be would go to them, individually. From those members of NAB with whom I have spoken, who contributed to this Program Foundation, I learn that they were under the impression that this was a project of the Association and not a private venture. Certainly this was not an altruistic movement where they were going to pay for the expenses of incorporating, about \$100.00, and not profit, if any money was to be made out of the proposition. This letter was even too much for the Board to act on. Even the secret ten couldn't go along on this, so it was tabled, but you who have paid should know about it, and now you have it.

A few months ago I returned the balance of the money I collected in the copyright fund to the members who had contributed. The Board had passed a resolution that I turn it over to them. This I refused to do since it was not the money of the Association. I attended the Board meeting in Chicago and told the members that, regardless of what they decided should be done with this money, I was going to return it to those who sent it, that this money was impressed with a trust, and I would ignore the decision of the Board. They finally came around to my way of seeing that.

I had requested Mr. Baldwin, by letter, to place me among the speakers of this Convention so that I could tell you what had transpired. This letter was ignored and so, at the Board meeting in Chicago, I requested that they authorize Mr. Baldwin to list me as a speaker and frankly told them that my request was merely a formal one; I would speak anyhow and if they refused to pass the resolution, I would tell you members of my request and they would not be able to stifle me. They saw this my way, too. In other words, the only things they saw my way were those over which they had no control.

As far as I am concerned, history of NAB now ends and prophecy begins.

A year has gone by and there has been no furtherance of the Government suit.

I have heard so much of the per-piece plan that I tried to get a number of publishers to submit their catalogs with the price

opposite each piece. Not one of them was willing to do so, even though Mills requested it. I am for the per-piece plan, as you should know, if and when it becomes practical or possible, but I am against it as long as it will double, or triple, our costs for music.

Just think of a man like Mr. Loucks, with his experience, writing an article for the Broadcast Magazine advocating the per-piece plan when he knows that there isn't a Chinaman's chance of putting it through. I might as well ask you to agree to buy the Wrigley Building in Chicago for \$10,000. What chance would we have of getting it? You have about an equal chance of having ASCAP agree to the per-piece plan, and yet Loucks writes articles about it.

Here is indeed a strange situation, where a number of these ten have come to me, telling me that I know more about it than anyone else, and when it comes to the vote, they stick together in legion and vote against me. One of these men wrote me a letter, telling me I know more about it than anyone else, that he was disgusted with the way things were going, and even offered to pay me a fee as a lawyer to advise him as to what to do. I can't understand that sort of nonsense. Are there any of you who would employ any of this Board to handle your copyright matters?

There is no use going any farther into what has happened in the last year; I have told you this ASCAP story many times. It is sufficient to say that, had you been advised properly by the Board, you all would be better off and paying less than you are paying now, and the burden has come, as always, on the little fellow who has been misled.

As it is, I have been trying to do something for you. I have been working with some publishers to purchase the Warner catalog and put it back in ASCAP. This would relieve you who have signed for the Warner catalog from further payments for that catalog but you would receive the same without additional cost under your contract with ASCAP.

Because I did not go along with Mr. Baldwin or the secret ten in their schemes, malicious lies were spread about me. They even went so far as to condemn my contract with ASCAP, wired the Attorney General to the effect that I was conspiring with ASCAP and condemned me generally for not participating in their failure. But, to me, the most important part of their exhibition was not what they did to me but the fact that they had disobeyed your orders.

I am not attacking Mr. Baldwin personally but I am attacking his ability and his knowledge.

The only thing I seem to have been able to gain in this organization is the suspicion of those who want to run the show. I have made lots of friends among you broadcasters; I appreciate that friendship. I have made friends all my life and I never want to lose one—I can't spare one of them. When I find the man who hasn't many friends, I find the man who hasn't done all he could for those he knows. During the year, I received many letters from broadcasters on all subjects, I answered them immediately, as many of you know. There is nothing that I wouldn't do, individually, for any of you. For that reason I don't relish the idea of never seeing you again in a body, but that can't be helped. If at any time I can help or be of any use, I am at your service.

I want peace. We all want peace—but an honorable peace—and an organization which will be honest with its members. And, we do not have this now.

You and I have been shamefully treated by a self-seeking few. You are paying and will continue to pay for their irrational schemes. That is my prophecy.

With the secret ten and Mr. Baldwin directing your affairs, you must fail. And so, for that reason, I am stepping out. (Applause).

CHAIRMAN FITZPATRICK: Continuing our Monday morning's program, the next will be the report of the Managing Director, Mr. James W. Baldwin. (Applause).

JAMES W. BALDWIN (Managing Director, NAB, Washington): My report will be brief. All major developments of interest to you have been fully described in the NAB REPORTS and it is waste to consume your time here in discussing in full what has already been reported to you.

Membership

The membership of the NAB is larger today than at any time in the history of the Association. There are 407 members, an increase of 22 since the last convention.

Finances

As of July 1 last we had a balance of \$46.56. Receipts in the period from July 1, 1935 to June 30, 1936 totaled \$97,043.44. Expenditures for the same period amounted to \$79,638.51, leaving a balance of \$17,451.49 as of June 30, 1936.

Cooperative Bureau of Radio Research

I want to speak to you very briefly about the Cooperative Bureau of Radio Research. At the session tomorrow morning you will hear a report on this Bureau. It is important that all of you attend that session. Your Committee of Five, working in cooperation with committees of the ANA and AAAA have done some very constructive work. The report on radio set figures by counties reported last week is the best example of the good that can be accomplished through cooperation by the seller, the buyer and the agency. This is the first time in the history of radio that fundamental information has been issued with the joint approval of the advertiser, the agency and the broadcaster. There is much that remains to be done. New projects will require new financing. Thus far the National Broadcasting Company and the Columbia Broadcasting System have paid the expenses of the committee. It is not right for them to bear all these expenses. There is not a single station that does not benefit by all the work that has been done and each station should bear its proportionate share of the expense. I do not wish to trespass further on the report you will hear tomorrow morning. Again let me say it is in your interest to attend that session and participate in the discussion.

Informal Engineering Conference Held By FCC

And now a word about the informal engineering conference held by the Federal Communications Commission. All of you are aware of the importance which attaches to the so-called informal engineering conference held by the Federal Communications Commission beginning June 15. Through the courtesy of Purdue University we were able to obtain the services of Dr. Charles B. Aiken as Technical Consultant. His statement and that of the Managing Director made at the hearing have been furnished you in NAB REPORTS dated June 27. In selecting Dr. Aiken, it was our endeavor to choose a man of outstanding qualifications and one who could impartially approach the problems involved. Widespread comments made by radio engineers since Dr. Aiken testified confirm the confidence we had placed in him. I am sure that the NAB made a substantial contribution to the scientific and technical data which must be considered by the Commission in the formulation of future policies. This hearing will be the subject of further comment by the Engineering Committee.

Amendment of FCC Rule 229

Also I should call to your attention the amendment of FCC Rule 229. The Engineering Division of the Federal Communications Commission held an informal engineering conference on June 8, 1936 to explain and hear comments on Rule 229, as amended. The new rule which was to go into effect July 1 was printed in full in NAB REPORTS dated May 24. As of June 8 we had not had time to receive an expression of views from the members and because of this and the great importance which attaches to the modifications, the effective date has been postponed until August 1. This also is a matter which will be covered by your Engineering Committee report tomorrow afternoon and I urge you to give the matter careful attention.

Cost Accounting System

Few stations have availed themselves of the opportunity to obtain the uniform accounting forms approved at the last convention. The system which you approved is sufficiently flexible to provide for the smallest and largest stations. I have no doubt that all stations, and particularly the smaller ones, could benefit greatly by installing the system.

Agency Recognition Bureau

By resolution (No. 13) adopted at the convention last year, you instructed the Managing Director to proceed immediately with the creation of a bureau of agency recognition with the understanding that the said bureau will be finally established only if the cost of its first year of operation is underwritten by the stations proposing to avail themselves of its services. Steps were taken last July to effectuate your policy. The project failed to receive financial support. Only thirty-seven members

contracted to support the bureau. The replies received from non-subscribing members divide into three classes: (1) one group of members advised that they already maintained or had available to them adequate facilities for meeting the problem in question; (2) another group explained that their losses through uncollectible accounts were too small to justify the expense of maintaining such a bureau; and (3) the third group advised that the small amount of national advertising handled by them would not justify the expense involved.

Legislation

The Second Session of the Seventy-fourth Congress, which adjourned June 20, enacted into law only two radio bills which affect the radio broadcasting industry. Only one of these is of special interest and that one repealed the Davis Amendment—an action long advocated by the NAB.

Of the bills which failed of enactment and which received any serious consideration, two are of special interest. The so-called Copeland Pure Food and Drug Bill was the subject of many conferences during the closing hours of the session. The bill as passed by the Senate placed the responsibility for administration on the Department of Agriculture. The House modified the bill so as to place the responsibility of administration on the Federal Trade Commission. The bill failed of enactment because of the dispute over which department of the Government should administer it. Action on this type of legislation may be expected at the next session of Congress. It is my opinion that our industry should support it with reasonable limitations. A modernization of the statute respecting foods and drugs is needed. It would be in keeping with the self-imposed restrictions which you already have placed on commercial credits.

The Duffy Copyright Bill failed of enactment in the House after favorable action in the Senate. Extended hearings were held by the House Patents Committee. The case of the broadcasters was ably presented by counsel specially retained for the purpose. You have no cause to be ashamed of the record made by the NAB at that hearing. A review of the transcript of proceedings before that committee will disclose to any impartial person that the bill was not reported out because of the bias and prejudice of the committee chairman. There is every reason to believe that the Duffy Bill would have passed the House if it had been reported out by the committee. In addition to the chairman of that committee, there are certain members, as the record will disclose, who, it would seem, are unfriendly to broadcasters as compared with other interests. However, this is not the only bill that failed of enactment. There were thousands of other bills which, like the Duffy Bill, will come up for further consideration at the next session of Congress. You should make it a point to inform your congressmen and senators of the importance of this legislation to the broadcasting industry.

Copyright

The actions of your Officers and Directors in respect to copyright matters have been fully reported to you. Hours might be consumed in discussing the many ramifications of the copyright problems. The injustices which have and do now prevail are recognized by the great majority. But the important thing is not to waste our time in post-mortems. Let us look to the future. Your Board of Directors has approved the establishment of a Bureau of Copyright within the NAB. A program of activity has been outlined for execution by that Bureau. Consistently with authority given him by the Board, the Managing Director has appointed a Director of that Bureau. He is a man of exceptional experience in the field of music. He has had experience in the business of publishing music. He is a composer and an arranger of music; and he has had extended experience in the building of musical programs for radio presentation. Now, what does this mean? It means that for the first time the broadcasters have decided to pay attention to their own business and build for themselves a supply of raw material to tide them over in times of emergency. It is fundamental that without a supply of your own raw material, you are subject to whatever toll a monopoly may choose to exact from you. The Director of the Bureau of Copyright is now engaged in compiling and arranging Public Domain music of a quality which will tide you over in periods of emergency and give you an opportunity to bargain. Moreover, I can assure you it is not necessary to restrict the Copyright Bureau to the field of public domain music. I know some of you are impatient. But the job cannot be done in a day. I estimate two years are required to place you in a position which will enable you to free yourselves from all the existing inequalities. It can be done. With your cooperation, it will be done. Each

member then will have a bargaining power which will permit him to handle his own negotiations. And, when this task is accomplished, the controversies such as have arisen incidental to negotiations for equal contracts can be taken out of the NAB.

I shall not attempt to answer the statements that have been made this morning. I only commend to your reading and consideration the report which was made to the membership following the Board of Directors' meeting held on February 3, 1936. I am sure that there is no statement on which any question might arise in your minds that cannot be answered to your satisfaction by the facts enumerated in that report.

Doubtless, numerous questions concerning broad policies occur to you and there are many phases of the copyright problem which I might discuss. I feel, however, that discussion of them here in an open meeting would be prejudicial to the best interests of you as individuals as well as the Association.

Increase in Dues

There will be presented for your consideration an amendment to the By-Laws which will increase the dues of members fifty per cent. This increase is proposed in order that the Association may arrange for the completion of certain research projects. These projects deal particularly with listening habits, station coverage and related subjects. I have already explained that the expenses of the Radio Research Bureau thus far have been borne by the National Broadcasting Company and the Columbia Broadcasting System. At least the major portion of such expenses should be paid by the NAB. The necessity of obtaining information that can be accepted as impartial and authentic need not be emphasized. The need for uniform standards likewise is recognized by everyone. It is my recommendation that such work be accomplished through arrangements with an adequately equipped university. The results of their work will be acceptable to all and the cost under such an arrangement will be considerably less than it would be if you set up your own organization.

There is also a need for research in the technical field. The engineering hearing just concluded by the Federal Communications Commission serves as a good example of the need of some arrangement whereby the industry can have available at all times quantitative data on all technical and scientific questions that arise. Here again I would recommend an arrangement with a qualified university so as to minimize expense and insure acceptability.

In conclusion, I merely want to say this: during the last year the ship NAB has traveled through some heavy seas. There have been a few cases of seasickness. That is to be expected when you are carrying more than 400 passengers. Some of your passengers may decide to get off the ship. I predict that for each passenger that gets off, two new ones will come aboard.

The great majority of broadcasters in this country appreciate the need of a strong organization. Such an organization can exist only when it seeks to serve all its members on an equal basis. I urge all of you to unite with that aim in view. In no other way can you protect the American system of broadcasting and your own investments.

Finally, I want to express my appreciation to the officers, the directors and the members for the support and cooperation given me during my term as Managing Director. Also, I want to pay tribute here to the personnel employed at the headquarter's office. Such service as I have been able to render would have been impossible without their ability and willingness to serve. (Applause.)

CHAIRMAN FITZPATRICK: I have a number of announcements I would like to call your attention to at this time. (Announcements.)

Here are three letters from Saint Paul:

"It gives me great pleasure, as Governor of Minnesota, to extend to your Association an invitation to hold your 1937 convention in the State of Minnesota. Your associates here will gladly make every arrangement for the success of your convention and the pleasure of those who attend.

"The State of Minnesota will be honored by your presence, and a cordial welcome awaits you."

"Sincerely yours, (Signed) Floyd B. Olson, Governor of Minnesota."

The next is from the Mayor:

"As Mayor of the City of Saint Paul, it is a sincere pleasure for me to join in the invitation which you are receiving to hold your next meeting in Minnesota's capital city.

"Saint Paul takes great pride in its reputation as a host city. During the past few years we have a very representative cross section of national, regional and state conventions; and the city as a whole has endeavored to take an active part in welcoming the people who make up these meetings. Our citizens always have felt that the meeting of a particular group was not entirely the problem of the local members of that organization, and have been happy to join in making the convention a success.

"With that in mind, Saint Paul has gone forward in providing the best in auditorium facilities and in encouraging the development of the finest hotels and most outstanding recreational facilities for your use.

"Saint Paul's geographical location and its climatic and vacation advantages have been conducive to record attendance at many meetings. It is my hope that these advantages will appeal to you and that I may have an opportunity to personally welcome your Association to Saint Paul.

"Cordially yours, (Signed) Mark H. Gehan, Mayor."

And, the third letter is from the Saint Paul Association of Commerce:

"It is my privilege to represent the civic and commercial interests of the City of Saint Paul in again joining in the invitation which is being extended to your Association to hold its next annual convention in Minnesota's capital city.

"We feel that there are a number of sound reasons why your National Association would have an enjoyable and successful convention in Saint Paul next year. Geographically, our city offers your membership the opportunity to come from the East or the West in the same time and from the same distance. Climatically, we have an advantage over cities in other parts of the country; and in housing and meeting facilities, we feel sure of being equal to any city which may invite you.

"Moreover, Saint Paul offers the opportunity to your members to combine their trip to the convention with a delightful vacation in Minnesota, America's leading summer playground. This unusual attraction of a metropolitan area with all of the expected convention facilities, so closely combined with an ideal vacation country, has brought heavy attendance to many national organizations which have chosen Saint Paul as their convention city.

"May we repeat what we have been pleased to say to your Saint Paul members, that the Convention Department will consider it not only an honor but a privilege to cooperate heartily on all convention details, should our city be chosen.

"Sincerely yours, (Signed) Julius L. Perl, Secretary-Manager."

The next procedure, according to our schedule, is the appointment of committees. There will only be two committees appointed at this time, the Nominating Committee and the Resolutions Committee.

NOMINATING COMMITTEE

Mallory Chamberlin, *Chairman*
J. Thomas Lyons
Burt Squire
Glenn Snyder
Donald Withycomb

RESOLUTIONS COMMITTEE

John J. Gillin, Jr., *Chairman*
E. B. Craney
Ralph R. Brunton
Harrison Holliway
Gardner Cowles, Jr.

I want to express my appreciation for the expeditious manner in which this convention was carried on this morning. We have reached the end of our schedule but before adjourning, I think it is only fitting and proper that I should ask if there are any questions or any discussion of any nature that you should like to have at this time.

SAMUEL ROSENBAUM (WFIL, Philadelphia): Mr. Chairman, I have to apologize for taking the time of this convention to address it on an occasion when this is the first time I have ever attended one of these conventions. However, it doesn't seem to me right that the burning subject of discussion which has been brought up by our Treasurer should be passed over entirely without comment. I joined because Ike Levy urged me to. It was the right thing to do!

It is a long time since I have heard any such tongue-lashings and diatribes as Mr. Levy has addressed to us this morning. Now, he may be entirely right. I do not profess to be well enough versed in the subject to be able to cast judgment without further study and discussion of everything said. But there is one portion of his remarks which I think should be the subject of discussion without being passed over and forgotten.

It is perfectly apparent that there is some very deep feeling in Mr. Levy's breast with regard to the manner in which he has been treated and he has stated that as a result of the manner in which he has been treated and his ideas have been disregarded, he proposes to pull out and organize another association.

Now, Mr. Chairman, I submit to you, and I think it should be well weighed and considered by every member of this Association, that it might be that that suggestion from Mr. Levy emanates from a kind of personal feeling which is not the proper thing to animate a member of this Association who wishes to work for the good of the whole.

I say to Mr. Levy that he does have something to gain by being a member of this Association. There is no man who is so shrewd, whose conniving ability is so great, whose satisfaction with his own abilities is so deep that he can say to a group of men who come here from distant points for the purpose of cooperation, that he can get along better himself than he can with us.

I don't believe Mr. Levy realizes the implication of the attitude he is taking, and as a member of this Association and as a friend of Ike Levy, I call upon Mr. Levy in the presence of his friends—and I am sure there are many—that that idea is not cooperative, is not American and is not the way we get things done! (Applause)

CHAIRMAN FITZPATRICK: Anyone else who has any further remarks to make relative to anything that has transpired this morning?

MEFFORD R. RUNYON (Columbia Broadcasting System, New York, N. Y.): Mr. Chairman, I am a relatively newcomer at these meetings, this being only my fourth one. I have, however, during these four years, become deeply interested in the activities of this body and during the past two years, and particularly the past year, I have been somewhat distressed by the feeling I had that we were going on divergent ways.

It is my feeling that a trade association should handle on behalf of its members largely issues which are non-controversial and in that way, we will not have, as Mr. Fitzpatrick pointed out, dirty linen to wash in our back yards.

There are many problems confronting this industry on which we can and do have a united front. Those are things which I think can be undertaken on behalf of these people by the NAB. I feel it has a very real function to perform and a service which it can render all of us.

However, there seems to me to be one burning issue which has grown in importance over the past several years and that is the issue of copyright, and on copyright it seems we have many divergent views. It is probably not one of the problems which Mr. Fitzpatrick would have included in his classification of the "problems of radio" because there are apparently so many views on what should be done that it is impossible to reconcile them in a united front.

Every speaker who has spoken has said he wants peace. I, too, want peace. And, I am going to make a suggestion for your consideration during the rest of this convention which may achieve peace. It is that we take the controversial issue of copyright entirely out of NAB and that we present a united front on the many other problems of radio on which we do have substantial unanimity of opinion. (Applause)

CHAIRMAN FITZPATRICK: Anyone else?

ALFRED J. McCOSKER (WOR, Newark, New Jersey): Mr. President and members of the convention, I propose to speak very briefly at this time but I do want to say, in view of the fact that Mr. Levy has not said so for himself, that the impression of the gentleman from WFIL that Mr. Levy may have been actuated by a personal attitude, I happen to know is entirely wrong. His attitude springs from experience, hard work and an honest purpose to do something, first, for broadcasters as a whole and if this is not permitted him, to at least apply it to the benefit of his own station.

In addition to this, I want to say that I echo heartily the suggestion made by the previous speaker, Mr. Runyon, that there be maintained an organization that will be truly representative of broadcasters and if this can be done only by the elimination of this harassing copyright situation, that copyright be removed from the province of the Board of Directors and the Officers of the National Association of Broadcasters.

I am not here to delay you, to be vituperative or argumentative but I must say in all justice that my observation of the proceedings of the last several meetings of the Board of Directors have led me to the conclusion that the group referred to as the secret ten—and I haven't counted them; I don't know that the adjective is deserved because I found them especially public and articulate at those meetings! I must say that, in my opinion, many of the ideas that they advocated and the methods that they chose to execute their ideas, were far from my conception of what is best for organized broadcasting and I was almost invariably voting with the minority.

Thank you. (Applause)

CHAIRMAN FITZPATRICK: I think that those who take the opportunity of addressing this meeting at this time reflect their interest in the industry. Are there any others who would like to speak? If not, a motion is in order for adjournment.

(Announcements.)

(The meeting adjourned at 1:05 o'clock.)

JULY 7, 1936

Tuesday Morning

The meeting convened at 10:30 o'clock, President Fitzpatrick presiding.

CHAIRMAN FITZPATRICK: Will you kindly take your places as rapidly as possible?

At this time I would like to appoint two other committees:

ELECTIONS COMMITTEE

Warren Williamson, Jr., *Chairman*
Herbert Hollister
John J. Storey
Lee Coulson
Hugh A. L. Half

CREDENTIALS COMMITTEE

Dean Fitzer, *Chairman*
Lambdin Kay
Martin Campbell
Walter J. Damm
Dale Robertson

Your program today—and I might say before starting the program that due to a sudden illness, it will be necessary for your President to leave the meeting in just a short time and it will be impossible to return before you adjourn and so I want to thank you again for the privilege of presiding this year and for your appreciation of my work, and I trust I will see you all again next year.

The first speaker is Arthur B. Church of Midland Broadcasting Company, Station KMBC, Kansas City, Missouri, who will speak on the "Cooperative Bureau of Radio Research." (Applause.)

ARTHUR B. CHURCH (KMBC, Kansas City, Missouri): Mr. Chairman and members of the Association, one of the important shortcomings of radio today is the lack of basic authenticated data as to the factors having bearing upon the use of stations and networks by advertisers. I do not mean to imply that radio has no information to offer the advertiser. Indeed, there is a profusion of information, compiled and published by a host of sources. I would not be surprised if stations, networks, advertisers and agencies, combined, spent in the neighborhood of \$1,000,000 annually on radio research. Much of this information is highly valuable. If properly culled, a wealth of information is revealed, highly valuable and generally equal, at least, to that supplied by other media.

However, this research fails in several respects. In the first place, there is no single source of fundamental information which can be looked to as *official* and which receives the sanction of the buyer, the seller and the middleman (the agency) in the advertising field. Rather there is a variety of source and presentation which sometimes is embarrassing and always confusing.

In the second place, little of the data now provided by broadcasters, advertisers and agencies is comparable by reason of the fact that different fundamental concepts, different methods of collecting and compiling information, and different applications even of the same method, exist with regard to almost every piece of research conducted. This is a healthy condition in one sense, for it lays the groundwork for sound scientific research by pioneering and experimentation. But, radio has progressed past that point. Enough is known about the general problems of radio research to make standardization of techniques possible and necessary.

This dissimilarity of approach, execution and interpretation has

also caused much research to miss its mark. The average station manager knows little about research. There are no agreed standards of application for the various methods in the field. As a result, I would say that at least half, and perhaps more of the radio research done annually is at least partially wasted in that it fails to get the information desired and to live up to full potentialities. Please do not construe me to say that other media do not have this problem. None is pure white, any more than radio is pure black. But, because of our newness, the problem is particularly pressing in our fields.

These shortcomings in radio research point definitely to the need of some organization for broadcast advertising which will fulfill the fundamental function inherent in the Audit Bureau of Circulation in the periodical field. I conceive the fundamental function to be that of supplying *fundamental authenticated information* regarding the medium. Please note that I say "fundamental." No cooperative venture of that type can or should try to provide all information. Ample room is left for competitive research and for study of more restricted and intensive aspects of the use of the medium. But *fundamental* information is definitely an industry matter and can be collected best by the industry as a whole.

Such a cooperative organization would confer material advantages upon the broadcasters even as it would benefit advertisers and agencies.

1. It would provide a source of *basic, authentic information* and *would increase confidence in the entire radio advertising medium*.

2. It would eliminate much duplication of effort in the research field. This would result in a saving of money on the part of individual broadcasters. The broad fundamental approach also would improve the general quality of the results secured for each dollar expended.

3. Such a bureau would tend to eliminate the waste entailed in competitive research of a defensive nature; that is, research necessitated to refute the extreme claims of competitors made without any foundation and possible only because of the non-existence of basic authenticated information on the medium.

4. It would furnish a common denominator whereby stations and groups of stations could be compared. Please note that it would not make competition cut and dried, any more than has the A.B.C. in the newspaper field. It merely would establish a sound basis on which to build further competitive effort.

5. Indirectly it could not help but result in the general improvement of radio research and in the establishment of sound standards of procedure which would ensure the station manager getting his money's worth for the dollars spent in research.

Many of the leaders in the industry have recognized this situation for some time. As early as 1931, Philip G. Loucks, then Managing Director of the NAB, began studying the idea. In 1934 the interest of Mr. Loucks and other members of the industry culminated in the appointment by the NAB of a Committee of Five empowered to study the advisability of a cooperative bureau of radio research, its practicability and the problems relating to its establishment; and also to deal with the representatives of the ANA and AAAA with regard to such a joint endeavor.

Dr. Herman S. Hettinger, Assistant Professor of Marketing at the Wharton School of Finance and Commerce, was secured as Director of Research of the NAB for the period of a year and was instructed to assist the committee in its work. Dr. Hettinger's services were invaluable in this field and much that transpired since has been the result of his early efforts and subsequent advice.

In the spring of 1935, the deliberations of the NAB committee reached the point where it was ready to extend an invitation to the ANA and AAAA jointly to consider the subject. An invitation to this effect was extended to both organizations. As a result, there was formed in the fall of 1935 the Committee of Fifteen, later known as the Joint Committee of Radio Research, composed of five members each from the NAB, ANA and AAAA. This committee was given the task of conducting exploratory studies and deliberations looking to the ultimate establishment of a bureau.

At the first meeting of the committee, in September 1935, discussion took place as to the scope of the work to be undertaken, but no final conclusion was reached. It was decided that the exploratory work should give attention to the following fields: (1) methods for arriving at the number of radio sets in use in the United States by counties; (2) listener habits; (3) station coverage and circulation; and finally some attention was to be paid to the exploration of program popularity methods.

A Committee of Seven was formed from the Committee of Fifteen membership to act as its representative between meetings. A Technical Committee, composed of leading research experts, was

also formed to advise the Committee of Fifteen on technical matters.

The Technical Committee was immediately instructed to recommend the best means of estimating the number of radio families in the United States by counties. It reported on a stop-gap method for securing an immediate figure as of January 1, 1936, and in addition, reported that a final comprehensive set count could be made only by recourse to several hundred thousand interviews in the field. This was in October.

The Technical Committee was instructed to proceed with the stop-gap method and to estimate radio families by counties as of January 1, 1936, as soon as possible. Work was begun in November. Data collected in the past was studied and evaluated as a base on which to build the 1936 estimates. Delay was experienced by reason of the extreme difficulty in securing satisfactory data from set manufacturers as to set sales by geographical districts. By the middle of March this information was secured from enough of the enterprising and leading companies to make possible the estimates by states. In reviewing the information then available, the Technical Committee did not feel that it possessed enough data to proceed with county estimates. It so advised the Committee of Fifteen.

Mr. Baldwin and I pointed out strongly that state information was of little if any value to the individual station and urged reconsideration. Attention was attracted to the possible use of what is known as the multiple correspondence method, developed and applied in market research by Dr. L. D. H. Weld, Director of Research of the McCann-Erickson Agency, and chairman of the Committee of Seven. Mr. Baldwin raised the question as to the possibility of using this method to get county data. Mr. Weld stated he believed it could be done and the Technical Committee unanimously approved the idea.

Use of the method involved a tremendous amount of detailed statistical work before results were available. I am happy to say that the county figures were prepared and have been approved by the Committee of Fifteen. When you arrive home from the convention, you will find a full set of them on your desk. I am advised by Dr. Hettinger, the technical consultant of your Association, that, in his opinion, they are the best information on this point thus far made available and that the results even exceeded his own somewhat optimistic expectations.

I cannot over-emphasize the importance of this achievement. It took time. There were many delays, mostly unavoidable. There was much preliminary experimentation to be done. But—*for the first time in the history of the medium authoritative, fundamental information, bearing the stamp of the advertiser, agency and broadcaster, has been released to the public!* This marks a most significant step forward on the part of the broadcasting medium.

But one step is not an entire journey. Much remains to be done. Immediately this task was completed, the Committee of Fifteen turned its attention to the more fundamental considerations involved in the possible creation of a cooperative radio research bureau. Fundamental reorganization of the method of committee procedure also was necessary. The Committee of Seven was shown to be impractical and was disbanded. The Technical Committee was augmented by the inclusion of Dr. Weld, who now became its chairman, Dr. George Gallup of Young & Rubicam, and Dr. Smelser of the Procter & Gamble Company. Since the next steps involved a great deal of detailed study and analysis, it was deemed necessary to place the project under the direction of a full time research expert. Mr. Paul F. Peter was proposed by the NAB and was unanimously approved by the Committee of Fifteen. He was secured for the position.

Let me say a word regarding Mr. Peter. Naturally, we believed him to be the best qualified person for the position or we would not have proposed him. In this we were seconded by those research experts whom we consulted on the problem. As Chief Statistician of the National Broadcasting Company, Mr. Peter either directed, conducted or analyzed every kind of research conducted in the broadcast advertising field. Later duties, as statistician for the Radio Corporation of America, gave him further insight into the radio set count problem. General fundamental research in broadcasting problems gave him a broad industry viewpoint. His desirability as director of the project was further enhanced by a reputation for thoroughness and complete intellectual honesty among his colleagues in the research profession. I feel that we have been most fortunate in securing Mr. Peter to direct the exploratory work looking to the eventual establishment of a bureau.

At the present time the Committee of Fifteen has retained Mr. Peter for a period of six months for the following purposes: (1) to survey all methods of determining coverage of stations and listening habits now in use by broadcasters, advertisers, agencies or research organizations and to report on their validity and results; (2) to make recommendations to the Committee of Fifteen on those methods which yield the most reliable results in the quickest time and at least expense.

Mr. Peter already has begun work. Your station probably has received a letter by now requesting that you send him any information that you may have on file. Will you please do so as soon as possible? I may add that a similar request is being made of advertising agencies and advertisers.

This brings us up to date. Now—where do we go from here? The appointment of Mr. Peter is but the first essential step in the exploratory work which is necessary. Similarly, the analysis which Mr. Peter, or anyone in his position, can make of the research material furnished him is but a beginning. True, it will be a valuable beginning but it can indicate only two things: (1) which methods are worthy of further study and intensive testing in the actual field, and (2) what gaps exist in our knowledge of radio research technique.

From here on, much remains to be done. While Mr. Peter is engaged in this task, the Committee of Fifteen and the groups it represents must decide what should be the scope of the information which can be logically furnished by the bureau when it is set up.

This is not as simple as it may seem. It involves a good deal of hard thinking and careful planning. It is easy to say that radio set ownership, listening habits and some measure of basic station coverage or circulation should be included. But then we come to a question of specific definitions. What shall we find out about sets? What listening habits are of fundamental concern? Specifically, what information is necessary?

Until we can decide this in our own minds, Mr. Peter can give us little in the way of our answer. He cannot evaluate methods until he knows what information they are intended to reveal.

Neither can Mr. Peter's evaluation of the data you provide him furnish a final answer by itself. There will not be enough comparable information to yield a final answer.

The only way final methods can be determined will be to take those which seem most promising, to apply them in certain test areas at the same time or under analogous conditions and in this way to determine their exact value. This will entail field research. It will also require both money and organization. Do not forget, also, that in a few months we must begin to figure what should be done in the way of carrying forward our county set figures into 1937.

But let me return to the question of exploratory study. How can we best organize this larger exploratory research and how can we maintain it at minimum expense with maximum results?

Mr. Baldwin and your committee have given this question considerable study. We have recognized that certain fundamental requirements must be fulfilled. Organization must be effected. This organization must be sufficiently comprehensive and permanent to carry the project to a successful conclusion—and I doubt that six months will be sufficient. Quite likely a year will be required. The organization must be completely unbiased and must possess unquestioned scientific authority. It must be equipped to handle the work at minimum expense.

In reviewing these requirements we recall the success achieved by the outdoor advertising industry in solving a similar problem by placing its exploratory research at a great university—in this instance, Harvard.

We felt that lodging the exploratory study at a university, in similar fashion, would be the most logical solution of our own problem. We believe this to be true for several reasons: (1) a university possesses the desired permanence of organization, (2) it has the necessary equipment in the way of business and tabulating machinery, statisticians, tabulating experts, marketing experts, engineering experts and other technicians to provide facilities and personnel adequate to assist Mr. Peter in successfully concluding the exploratory research, (3) being a non-profit organization, a university can furnish these facilities at a minimum expense, while the very permanence of its organization precludes the high overhead which necessarily attends the creation of any large temporary organization, (4) a university's interest is purely scientific, precluding any special bias or interest, and (5) a university possesses prestige and unquestioned authority.

Perhaps it is quite natural that your committee should give first consideration to the Wharton School of Finance and Commerce

of the University of Pennsylvania, where Dr. Hettinger has conducted a vast amount of fundamental research in broadcast advertising and broadcasting economics. Much of this was done for the NAB.

Your committee made careful investigation of the school and as a result we feel it possesses the following advantages: (1) as the oldest school of business in the United States, the Wharton School possesses a prestige both in this country and abroad certainly exceeded by no similar institution; (2) its Bureau of Industrial and Economic Research has proven its value to business and government, including the National Retail Dry Goods Association, National Association of Hosiery Manufacturers, Wool Institute, Cotton Textile Institute, United States Coal Commission and others; (3) we already know the work of the Wharton School in the radio field and its interest in such work; (4) the school, located in Philadelphia, is strategically situated with regard to the centers with which contact must be maintained.

Your committee held conversations with Dr. Joseph Willits, Dean of the Wharton School, to ascertain whether the school would be interested in conducting such exploratory research, provided our plan was deemed acceptable by the Committee of Fifteen. Dr. Willits expressed a definite interest on the part of the school, provided (1) that the study should be a fundamental scientific one, (2) that the results would be generally available and (3) that it would be adequately financed.

Your committee is unanimous in its preference of the Wharton School. It is important you clearly understand that any program which is finally decided upon must result from complete mutual agreement of the members of the Committee of Fifteen representing the American Association of Advertising Agencies, the Association of National Advertisers and the National Association of Broadcasters. The plan presented by your committee represents a vast amount of investigation and thought and has been unanimously approved by the committee members including the network members.

Accomplishment of the exploratory project, of course, requires money. Both the Columbia and the National networks have been exceedingly generous in their contributions. The members of this Association who will eventually receive many of the benefits of the work, will, of course, wish to do their share. It is estimated that not more than \$50,000 will be required to finish the exploratory work. A year ago I asked the Board of Directors to approve a contribution up to \$5,000 to be used on the project if necessary as I felt that the networks should not be asked to carry the full burden. The Board decided, however, that the financial condition of the Association at that time was such that action on my recommendation should be postponed.

I am sure the membership of this Association will agree with me that this constructive work is so important that it should be pushed forward as rapidly as practical and that the individual stations through their national organizations will wish to pay their share of the cost. I hope this convention will approve my recommendation which is contained in a separate resolution to approve the setting aside of \$10,000.00 or, at the discretion of the Board of Directors, a greater amount if this appears necessary and if the withdrawal of such additional funds will not, in the opinion of the Board, seriously deplete our treasury.

Your Committee on Radio Research during the last year has numbered five. We now believe, in order that the committee of the radio industry may properly represent the various classes of stations, as well as the major networks, that your committee for the ensuing year should number seven. It may be necessary, in order to work to best advantage with the agencies and the advertisers who prefer small committees, to limit our executive committee to five members. In this event, it will perhaps be desirable to select five of the committee as a committee to meet with the joint Committee of Fifteen.

Briefly summarizing, your Committee on Radio Research recommends (1) that you endorse the general plan for completion of the exploratory project on the basis we have presented it to you; (2) that you authorize your Committee on Radio Research to offer this plan to the joint Committee of Fifteen as the plan the broadcasting industry would prefer to have employed; (3) increase the number of the committee from five to seven members, which shall include a representative from each major network subscribing to the project, also representatives from local, regional and clear-channel or high-power station classifications; the Managing Director of the Association shall also be a member of the committee; and (4) that \$10,000 shall be made available for use on the project as necessary and that an additional amount may

be devoted to the project by the Board of Directors if, in the Board's opinion, this is desirable.

In closing, I wish to make some remarks of a somewhat personal nature. It has been my opportunity for many years to serve this Association. The work of this particular assignment has given me more pleasure than anything else I have tried to do for the NAB. I believe I can foresee tremendous benefits, not only to every member of this Association but also to everyone directly or indirectly connected with the broadcasting industry. The need for fundamental information acceptable to advertisers, agencies and broadcasters has long been recognized. We have actually begun to meet these needs through the joint efforts and the cooperation of the Committee of Fifteen. The buyers and the sellers of radio advertising are actually working shoulder to shoulder to benefit each other to the utmost. It is with such constructive work as this that our Association should be primarily concerned.

Your Radio Research Committee has really been an active committee during the past year. The cooperation I have had from every member has been one of the most gratifying experiences and the cooperation all of us have had from John Benson, from Paul West and their respective committees has been indeed remarkable, especially in view of the varied problems and interests of the three groups. The untiring assistance of Dr. Hettinger has been invaluable to us. The enthusiastic and intelligent cooperation of our Managing Director, Jim Baldwin, has also helped to make this work pleasurable to me.

I hope that this Association will appreciate both the value of the progress already made and the importance of the completion of exploratory work for the ensuing year. Give your new committee your enthusiastic endorsement on its report of progress and its recommendations.

I thank you.

And now, before I sit down, I want to introduce to you, if he will stand up, the man we are so enthusiastic about who is actively engaged in conducting the work for the committee, Paul Peter. Where are you, Paul? (Applause.)

(Paul Peter arose and acknowledged the applause of the convention.)

CHAIRMAN FITZPATRICK: Thank you, Arthur. That was very interesting and very educational. I am going to ask Mr. Myers if he will not take the chair.

And, before he does, I just want to disillusion you about that old story of the man who had two sons, one of whom went to sea and the other became Vice President of the NAB, and the father hasn't heard from either one of them since. (Laughter.)

As I said in my opening salutation, it is imperative that I leave Chicago at 1:00 o'clock by plane and so I am going to present as presiding official of the meeting your Vice President, Mr. Myers.

May I express to you, Mr. Sandage, my deep regret in leaving before hearing your talk but I assure you I shall read it with the keenest of pleasure. (Applause.)

(Mr. Myers took the chair.)

CHAIRMAN MYERS: First of all, you have heard the report of Arthur Church. Are there any comments or questions or any discussion of that very important report?

There is no doubt that report covers one of the major activities of the Association during the past two years. Last year there was no comment on the report; it was adopted as read. It seems this must be of very great interest to almost every person in this room. I would like to hear some discussion of Mr. Church's report. Has some one something to say about it?

Has anyone any comments at all on the ABC of radio, meaning it in two ways—the ABC of Arthur B. Church and the ABC as applied to the Audit Bureau of Circulation? What we are trying to do is give advertising buyers an Audit Bureau of Radio. Mr. Church has spent weary days and nights on this, as have his committee, for many months. Have we anything at all to say about it?

J. BURL LOTTRIDGE (KOIL-KFAB, Omaha and Lincoln, Nebraska): I have no criterion in this matter. I think Mr. Church's report is complete as it is.

CHAIRMAN MYERS: Aren't there some questions, any points not entirely clear?

If there are no comments, the report will be accepted. It is covered by resolutions which will be presented for discussion by the Resolutions Committee.

It is now my privilege to introduce a gentleman whom most of you have heard of and whom we all take pleasure in listening to. Our next speaker will give an address on "What the Radio Business Census Means to the Broadcasting Industry"—C. H. Sandage, Chief of the Division of Communications, Bureau of the Census, Philadelphia. (Applause.)

C. H. SANDAGE (Chief, Division of Communications, Bureau of the Census, Philadelphia, Pa.) The invitation to appear on this program was accepted with particular pleasure because it gives me an opportunity not only to discuss with you the current census of the broadcasting business but also to thank you for your splendid cooperation in this census. You are helping to make it a distinct success. At this date all but five broadcast stations in the entire country have filed their census schedules and these five will soon be in, I believe. This is by far the best return the broadcasting industry has ever made to any business inquiry and is a tribute to the confidence which the industry has in the Census Bureau.

The Census Bureau has watched with interest the development of the broadcasting industry, as demonstrated by the increasing volume of radio advertising, the number of receiving sets in use and other tangible evidences of growth. Figures compiled by the Bureau and estimates made by a joint committee representing various advertising organizations show an increase in the number of families having radio receiving sets, from 12,048,762 in 1930 to 22,869,000 in 1935, or 90 per cent in five years. Revenue from the sale of radio time increased tremendously at a time when revenues in most industries were on the decline. According to estimates made by Dr. Herman Hettinger and your own Association, gross billings from the sale of time increased 250 per cent. from 1929 to 1935. Paralleling this growth has been the recognition of radio as an outstanding agency of communication.

Recognizing all this, the 1935 Census of Business set apart for the first time the radio broadcasting industry as a separate but distinct part of the Business Census. In developing the character and scope of this study, the Division of Communications of the Census Bureau received the able counsel and advice of officers of your Association and other members of the radio industry.

As a result of these conferences, a schedule was devised for collecting information from radio stations and networks. Questions were limited to such basic items as revenue, employment and pay rolls.

It is not possible to give you the official results of this census now, since reports are yet to be obtained from five stations. Also figures have not been released for radio networks. It is possible, however, to give you the data for all radio stations except those located in Illinois and Louisiana. There were 560 regular radio stations in operation in the United States December 31, 1935, which sold time during that year. The other 68 stations were operated by churches and schools, or were inactive. Of the 560 time-selling stations, figures have been released for 517, or 90 per cent. of the total number.

The net revenue from the direct sale of time by these 517 stations, plus the sums they received from networks, amounted to \$47,957,501 in 1935. This figure represents net time sales, that is, gross billings after time and quantity discounts have been deducted but including agency discounts. This is in harmony with the Government practice to collect all sales and revenue data in terms of net. Your own figures, however, have been in terms of gross billings and, hence, are not entirely comparable.

The breakdown of this \$47,957,501 shows some interesting facts. Some \$24,000,000 or almost exactly one-half of station revenue was received from local advertisers—that is, those business houses selling their merchandise or services largely in one trading area. Of the remainder, almost one-half was derived from national and regional "spot" advertisers and an equal amount from networks as payment for carrying network commercial programs. This latter figure for these 517 stations amounted to \$11,920,543.

The total non-network time sales of these 517 stations amounted to \$36,036,958. This figure is only \$308,465 less than the estimate of station time sales for 1935, made by your Association. Your estimates were indeed conservative. An industry—especially an advertising industry—that understates rather than overstates its size and importance is a rarity. You are to be congratulated!

The breakdown of broadcast station revenue clearly indicates that local advertising was the backbone of the 1935 business of radio stations. The relative importance of local advertising, however, varies by geographical areas. Thus about 61 per cent. of the time sales of stations in the mountain states came from local advertisers while the middle Atlantic states received only 46 per cent. of their time sales from this source. Vermont, Nevada and Wyoming—those three states combined—obtained 86 per cent. of their time sales revenue from local advertisers. The comparable ratio for Kentucky stations was about 35 per cent.

Naturally, the inclusion of network figures will change the relative position of local advertising in terms of the total broadcasting business. Individual stations, however, should give serious thought to the local factor in their operations.

Employment and Pay Rolls

Employment data for broadcast stations outside Illinois and Louisiana show that an average of 11,446 persons were employed in 1935. They received an annual pay roll of \$18,972,845. More than 90 per cent. of this sum was paid to full-time employees. The total pay roll amounted to more than 40 per cent. of the advertising revenue of those stations.

Employment and pay roll figures include only those persons in the direct employ of broadcast stations. Many persons appearing before the microphone are employed and paid by the advertisers and by networks. The latter are to be shown separately in our final report as network personnel. Direct employees of advertisers are not reported.

A more detailed analysis of employment for a representative week shows that station talent, including artists and announcers, make up the largest number of employees and receive a greater portion of the annual pay roll than any other functional group. Station technicians are second, both in number and pay roll. Employment figures indicate that a relatively large part of the revenue of stations is paid out for personnel service, the greatest single portion going to those who appear before the microphone.

With the exception of artists, or those furnishing entertainment, most employment is on a full-time basis. It is difficult to define part-time employment but taking the figures as reported, about 53 per cent of all artists employed by stations worked on a part-time basis. They accounted for more than 75 per cent of all part-time employment.

The figures I have given are based upon the data already released. Included in these releases are 90 per cent of all stations selling time in 1935. Reports for Illinois and Louisiana and for the United States as a whole are to be released soon. This latter report will include data for networks. These will be followed later by a final report. We hope to present in the final report a classification and breakdown of data in such a way that valuable analyses and comparisons can be made. The character and extent of these fundamental classifications have not yet been entirely determined. We are sure that it will be possible to make basic comparisons that will be of outstanding value to the broadcasting industry in furthering their present studies and initiating new ones. Your suggestions concerning the character of this final report are requested.

I wish to emphasize that in any reports that are issued, no breakdown of figures will be made which will disclose exactly or approximately the business of any individual station or network. The Bureau of the Census is a factual body only. It is not concerned with the enforcement of laws or the regulation of business. Its primary interest is the collection of basic facts that will be of value to industry and society. Data submitted to the Bureau by individual respondents are held strictly confidential. Such individual data are guarded from all except sworn employees of the Census Bureau and cannot be replevined or examined by other governmental agencies.

Practical Uses of the Census

Of course, your primary interest in this census is in terms of what practical uses you can make of our published reports. A number of apparent values can be listed now. Others will undoubtedly develop after you have had an opportunity to study our final reports.

Of outstanding importance and value is the fact that this census does establish for the first time a complete base against which sample studies of a detailed and analytical nature can be measured. Government research is necessarily of a broad and fairly general character. Detailed studies pertaining to specific problems of an industry must be sponsored by those engaged in the industry and carried out either as individual or group projects. Unfortunately, such studies must be confined to a sample basis, for no agency other than the Government is generally able to obtain anything that approaches complete coverage.

For the last few years a number of sample studies have been made by your Association and your consulting economist. These studies have been well conceived and admirably carried out. They have been of real worth to your industry. The 1935 census material will not only supplement such studies but will help to improve and expand the fine work your Association has done so far. And your surveys will add value to the census material by providing interim reports on a sample basis which will make possible a current running picture of the progress of your industry. Today, when the importance of research is just beginning to be recognized and appreciated, I feel that the radio broadcasting industry is to be congratulated for having done so much along this line at a time when radio is still in its infancy. Likewise I feel

that it is fortunate to have a full census of the broadcasting business completed at this early stage of its history.

Another value of this census is the fact that these are *official* figures of the business aspects of the radio broadcasting industry. This first census begins to build a fund of accurate information which will help you in hearings before the Commission, in dealings with other groups such as music publishers, in making comparisons with other advertising media, and in clearing up misconceptions which some may have concerning this business.

The data collected in the present census can be presented in such breakdowns as to provide definite aids in a study of the relationships existing between station power, network affiliation, station location and revenue. It cannot be claimed that the census figures will provide an answer to those problems but they will serve as an important point of departure for individual studies. It is my opinion that figures showing the degree of correlation between station power and revenue, for example, will be quite revealing and perhaps surprising.

Another element to be considered is the trend of this important industry. This first census cannot, in itself, show the trend of the radio broadcasting business. It takes more than one to establish the direction and degree of growth. There must, however, be a beginning. This has been made. If in future censuses of business you insist on the continuance of a census of broadcasting as a distinct part of such studies, you will soon be able to chart accurately and conclusively the trends of your industry. Such periodic Government studies will also serve as a basis for keeping your own statistical surveys revised in terms of the actual changes that have occurred. The character and scope of any future census will undoubtedly be changed in so far as possible to meet the desires and needs of a majority engaged in this business.

In addition to the many uses which the radio broadcasting industry as a whole might make of the census data, there is much to be gained by individual stations from use of this material. For example, you can compare the operations of your station with the average of other stations of the same general type operating in similar areas. Comparisons of revenue, number of employees, pay roll, and so forth, can be made with stations in given power groups, with or without a network affiliation. You can determine whether you are obtaining as much revenue from local advertising and from your national business as the average of similar stations. Such information will help to focus attention on the possibilities of developing new business.

Up to this time I have talked about the radio broadcasting census. The broadcasting industry, however, has fully as great an interest in the use of data developed in certain other fields by the Census of Business. Advertising agencies and advertising media have found the census retail trade figures of outstanding value in measuring the actual and relative fertility of different trade areas. Such figures have been of great worth in the establishment of sales potentials for advertising clients.

The vast majority of radio advertising is for consumption goods. Retail trade statistics thus provide an admirable index of the advertising possibilities in any given trading area. You operators of individual radio stations can use these data not only in establishing a factual basis for soliciting advertising business but also as a partial yardstick for measuring the results of advertising efforts. Thus the retail census will show you the amount of total potential business in your trading area; the broadcasting census will show you the proportion of the total local and national radio advertising you are getting. By using both you will be able to concentrate your selling efforts most effectively. Until 1935 retail reports are available, good use can be made of the retail census for 1933.

I hope the complete results of the broadcasting census will be ready for distribution in the near future. We shall exert every effort to provide you with these data as soon as possible. The start in census taking has been made; future studies can be molded to an appreciable degree by you. You should not hesitate to express your opinions in writing concerning the results of the present census as well as your desires concerning the continuance of such a project. It is certainly not the aim of the Bureau of the Census to burden the radio or any other industry with questionnaires for the sake of collecting a mass of figures. The sole aim is to serve the various agencies in our business and social society. If individual surveys or specific aspects of such surveys are useless, they should be discontinued. Your individual and group expressions will be of distinct value in molding the future course of a census of the broadcasting business. And again, I wish to express the appreciation of the Census Bureau for your splendid cooperation in the first census of the broadcasting industry.

CHAIRMAN MYERS: I am sure you all join in the very hearty appreciation of Mr. Sandage's talk.

WILLIAM E. VOGELBACK (WIRE, Chicago, Illinois): I should like to ask whether pending the publication of that, there will be any interim reports.

MR. SANDAGE: I might say already seven releases have been made by the Bureau showing the character of broadcast station revenue, employment and pay roll for stations in those particular regions. Those releases have been mailed to newspapers in the particular region affected. The results have also been carried in radio magazines.

Within the next two and a half weeks I believe we can guarantee that a United States summary report showing both network and station revenue for the entire United States will be available. If you wish copies of that United States summary report or if you wish copies of any particular regional report, if you will address the Bureau of the Census, Philadelphia, a copy will be mailed to you without cost. I am sure also that results of this United States summary report will be carried in the trade magazines.

CHAIRMAN MYERS: Are there any other questions? If not, we will pass on to the next item on the program which is a panel discussion to be led by Mr. H. K. Carpenter.

(H. K. Carpenter (WHK, Cleveland) took the chair.)

CHAIRMAN CARPENTER: Members of the convention, ladies and gentlemen, if this develops into any one man's meeting, it will not be with the help of your chairman. This is to be a meeting where each man present may speak his piece, should he so desire.

Our general subject is "Organizing a Station for the Sale of Broadcast Advertising." Quite evidently the subject is sufficiently broad that little could be accomplished in the time allotted to us if we were to approach the matter without some semblance of organization.

Accordingly, we have roughly divided the main subject into seven topics, each of which is to be handled by a member of the panel. But, to facilitate matters, rather than ask each of these men to give a formal discussion, the chairman will ask each member of the panel a series of questions. It is requested that there be no interruption during the preliminary answering of questions but after each man has given a brief answer to each of the questions pertaining to his topic, the entire topic will be open to discussion both by other members of the panel and from the floor.

This general discussion may take the form of questions addressed to the particular speaker or general statements or suggestions which anyone present may care to make. We shall try to limit remarks so that everyone may have an opportunity to speak. We hope that the exchange of ideas will bring to light many points of practical value to you. It is not our intention, however, to arrive at any general conclusions or establish any fixed general policies.

It is requested that as you rise to speak, you give your name and business. Furthermore, The Chair reserves the right to limit the length of any remarks, to pass on the relevancy of any remarks, to proceed to the next question at any time and to adjourn the meeting at his discretion.

And now, may I present the members of the panel. It should be understood that we of this panel appear before you not as experts, not with any feeling that we are particularly qualified to discuss any of these matters. These men were selected, rather, because we felt they had sufficient knowledge and interest to be able to make some comments and *would* talk whether they were up here or down on the floor. We have just saved time by asking them up here, in the first place.

The first—and I should have a gavel, at least a hell, because some of the men insist on being called stooges. The first man to stand and take a bow is Edgar Bill of WMBD. (Applause.)

(Mr. Bill arose and acknowledged the applause.)

CHAIRMAN CARPENTER: Martin Campbell of WFAA. (Applause.)

(Mr. Campbell arose and acknowledged the applause.)

CHAIRMAN CARPENTER: I don't believe Wright Gedge is here. If anybody sees him, send him up right away.

John Gillin is on the Resolutions Committee but will he here in a few minutes.

Herman Hettinger, University of Pennsylvania. (Applause.)

(Mr. Hettinger arose and acknowledged the applause.)

CHAIRMAN CARPENTER: I. R. Lounsherry of WGR and WKBW. (Applause.)

(Mr. Lounsherry arose and acknowledged the applause.)

CHAIRMAN CARPENTER: Fred Palmer, WMMN. (Applause.)

(Mr. Palmer arose and acknowledged the applause.)

CHAIRMAN CARPENTER: John Van Volkenberg, KMOX. (Applause.)

(Mr. Van Volkenberg arose and acknowledged the applause.)

CHAIRMAN CARPENTER: Now, the seven general topics for discussion are as follows and they will be considered in the order in which we name them:

1. Sales Personnel.
2. The Market for a Station's Services.
3. Sales Promotion.
4. Outside Sales Personnel.
5. Selling the Local Market.
6. Preparing Programs for Sale.
7. Sales Policies—dealing especially with rate cards and statements on rate cards.

And now, the first stooge. By the way, may I say, "Take advantage of this all you can while you have the chance." Martin Campbell. All right, Martin, stand up here so they can hear you.

Here is the first question: What should be the sales manager's place in a station organization?

MARTIN CAMPBELL (WFAA, Dallas, Texas): The sales manager's place in a sales organization is or should be one of the most if not the most important. Because of the fact that he is the fellow that is on the firing line bringing in the business to the station, he should be consulted on programs and other policies.

CHAIRMAN CARPENTER: I have a few questions I want to ask Martin and then you ask him any you want to or make any statement you want to make.

The second question is: What are the principal qualifications of a good sales manager?

MR. CAMPBELL: He should be almost the equivalent of a one-man agency. He should know advertising. He should be able to go to a potential advertiser and not only sell him radio time but a planned program or at least consult with him on the planned program.

CHAIRMAN CARPENTER: May I inject: Is it advertiser or advertiser? (Laughter.) He's from Texas.

The third question: What provisions should be made for training salesmen?

MR. CAMPBELL: That is a rather difficult question to answer. I think every station should anticipate the changes in sales staff and have men on the staff who could be moved in to the sales department.

CHAIRMAN CARPENTER: Now, here is a nice one. I know you all want this answered. How can you secure good salesmen?

MR. CAMPBELL: Really, I don't know. We prefer when we make changes to have some one such as a junior member of an advertising agency. I personally am very keen for having men with advertising experience on our staff.

CHAIRMAN CARPENTER: Should salesmen be permitted to work in any other department, such as continuity, announcing or performing?

MR. CAMPBELL: I think that depends on the station set-up. To attempt to generalize would be far from the point. I prefer to refer to my own case where we do not. I will qualify that by saying our sales manager was an orchestra leader and still conducts occasionally but his principal duties are sales.

CHAIRMAN CARPENTER: Here is the last: What methods of compensation do you recommend for salesmen?

MR. CAMPBELL: You better not ask me to recommend methods of compensation for salesmen because the boys on commission would not like it at all. Again, that depends on the station. I know stations where commission works out satisfactorily. In our own case it did not and our men are on salary.

CHAIRMAN CARPENTER: All right. Now we are ready for questions or statements from the floor or any other member of the panel.

There is one question another man has a different slant on—should salesmen be permitted to work in any other department—and I'd like to ask Ed Bill if he has anything to say on that?

EDGAR BILL (WMBD, Peoria, Illinois): I think very likely it makes a better salesman of him if he knows more than just straight sales. If the salesman knows a lot about programs, he is in a much better position to sell. It is true in our own little station that several of the salesmen do work even on the microphone, not regularly but once or twice a week. I think it makes better salesmen, in certain cases. That might not be true in a large station but I believe it might be true in a small station.

CHAIRMAN CARPENTER: Somebody told me yesterday that they regularly combined the job of salesman and announcer. May we do that or have you seen an instance where you think it didn't work?

Now, listen, you are not going to spoil this meeting by keeping still. There are about forty or fifty seats up front here. I am sorry we haven't a little shuttle train to bring you up.

Now, I am sorry but we will have to eliminate one particular group who can not take part in the discussion and that is the National Order of Shrinking Violets sitting in the rear of the room. (Laughter.) You just can't take part in the discussion; you are too far away.

Any comments by any members of the panel on this question of sales personnel?

A. C. PRITCHARD (WWL, New Orleans, Louisiana): I'd like to ask in what respect the salesman on commission does not work out satisfactorily.

CHAIRMAN CARPENTER: Captain Pritchard wants to know in what respect salesmen on commission do not work out satisfactorily. Martin, will you comment on that?

MR. CAMPBELL: Some four years ago at WFAA we had several salesmen on drawing account and commission, and we found, with all due respect to the fellows, that they were more interested in their own finances than anything else and we found they were taking advantage of the station. Now, I do not say that with any malice or anything of the sort. It is a perfectly natural thing for them to do. We had one case where one of the men tried to prevent the advertiser from placing his advertising.

CHAIRMAN CARPENTER: Earl, what do you do in Charlotte?

E. J. GLUCK (WSOC, Charlotte, North Carolina): We have one salesman who has a program of his own and he has been very successful in selling advertisers on that program. He believes in it because he puts it on himself.

CHAIRMAN CARPENTER: Do you find any difficulty in attempting to sell some advertisers that are inclined to go on other programs that one of the regular salesmen would sell?

MR. GLUCK: No, it doesn't work out that way. He keeps his own program pretty well filled up, and as long as he does that we don't kick.

CHAIRMAN CARPENTER: Anyone else? Well, then, we will go to question number two, or rather, series number two or stooge number two. Come up here, Herman. Now, incidentally, I told Herman to get this down out of the clouds and not too dryly statistical. (Laughter.)

HERMAN S. HETTINGER (Wharton School of Finance, University of Pennsylvania, Philadelphia): You mean up. (Laughter.)

CHAIRMAN CARPENTER: How much money do the stations of the country get from the sale of their facilities through various portions of the medium?

DR. HETTINGER: Dr. Sandage has really answered that in pointing out that one-quarter of the station revenues come from payments by networks for the broadcasting of network programs, or rather slightly less than one-quarter, and slightly more than one-quarter from national and regional advertisers, and slightly more than one-half from local program sponsors.

CHAIRMAN CARPENTER: What has been the trend as to relative growth of national and local broadcast advertising over stations?

DR. HETTINGER: I am going to use 1934 as a basis of comparison, the first five months of 1934, because I want to show the trend since the depression. Your national business has gone up about 45 per cent, and your local business has gone up about 22 per cent—that is for the first five months of 1935 above the first five months of 1934. The interest is in the lagging local business during the last year. The local business only went up about 2 per cent. (1.8 per cent to be exact) in 1936 against the same five months in 1935 while the national went up 34 per cent.

Your local business is definitely lagging and constitutes a problem right now.

CHAIRMAN CARPENTER: Incidentally, we are going to have some questions on local business in a few minutes.

What kinds of products are the most important advertisers in the national non-network or national spot field?

DR. HETTINGER: There are three groups of business that have been the most important during the first quarter of 1936. They are drugs first with about one-quarter, food second with about one-fifth and automotive third with about 12 per cent (11.9 per cent) or one-eighth. Incidentally, that automotive is extremely interesting because in 1934 it constituted just 5 per cent. It has gone up almost twice.

CHAIRMAN CARPENTER: What have been the trends regarding radio advertising sponsorship in the national network field?

DR. HETTINGER: Here is where if you start in dealing with

statistics, they would just look at you and call you a consummate liar because most of them run into the hundreds in per cent.

Your automotive business has gone up 167 per cent in the national field. Household equipment has gone up 79.6. Soaps and kitchen supplies have gone up 121 per cent. Tobacco has gone up from \$19,937 in the month of May, 1934 to \$262,320 for May, 1935. Your foodstuffs have gone up 27.1 per cent and your accessories have gone up 27.8 per cent.

CHAIRMAN CARPENTER: You'd know he is a college professor. It would be a pleasure to be called a "consummate liar."

What kinds of products are important in the local field?

DR. HETTINGER: Your local field presents a different picture from the national spot field. You find "miscellaneous" is first, and anything and everything is classified in that, and that leads. About two years ago I tried to break it down and had 200 groups. Miscellaneous accounts for one-fourth of the total. Your clothing is 13.6 per cent. Your food is 13.7 per cent. Household is 9.5 and department stores—and I say "shame" on the radio industry as well as the department stores—is only 7.6 per cent. There is something wrong there.

CHAIRMAN CARPENTER: We will come to that department store business later, too.

What have been the trends as to the sponsorship of local advertising?

DR. HETTINGER: They very definitely follow the retail trend. Your automotive has led with 195 per cent. Clothing is next with 63.2. Household equipment is third with 53. All the other gains were rather slight and spotty just as the retail trade has been in those fields for the most part.

CHAIRMAN CARPENTER: What have been the trends in the use of live talent, transcriptions and announcements in recent months?

DR. HETTINGER: Now, here is something that interested me more than anything in the whole set-up because you find that there has been a definite trend toward the use of programs and away from announcements.

For instance, in the national field, your live talent programs, during the first five months of 1934, constituted just about 40 per cent (38.9 per cent) of your total business but constitute 45 per cent (45.5 per cent) in 1936.

Your announcements, on the other hand, were about 20 per cent (19.0 per cent) in 1934 and dropped to less than 15 per cent (14.5 per cent) in 1936.

If you want it in percentages, your live talent went up 60 per cent and your announcements went down 10 per cent.

CHAIRMAN CARPENTER: Here is the last question: What general conclusions do you draw from these trends as to the market for a station's advertising facilities?

DR. HETTINGER: There was one other thing I should have said about types of rendition and that is as far as local advertising, you had a marked increase in transcription from 8 to 11 per cent and live talent from 50 to 52 per cent while announcements went from 38 down to 33 per cent.

Now, my general conclusions are: First, that the national and local business which your station gets is the economic and financial backbone of this industry. Second, that in spite of the very pressing problems that you know as well as I do and much better in your national spot and regional fields, your local advertising and the problem of developing that market constitutes one of the most pressing problems to the future of radio advertising. And third (and this I think we can congratulate ourselves on) is the development of your programs in the way of transcriptions and also in the way of live talent, show that programs can be sold, that you needn't take what you can get and that the time of merely taking an announcement and thanking the Lord you got it, is definitely past.

MR. CAMPBELL: Herman, I would like to ask one question. You mention the increase in national spot and decrease in local. To what extent is the fact that that national business is increasing causing the local to go down?

DR. HETTINGER: Martin, I really wish I knew but I suspect it is due to certain industries getting sold on national spot that has caused it to go up.

On the other hand, the spotty showing in the local field has been due to two things. One is the retail situation has been more confused, as far as upward trends, than the national situation. The second thing is, and the department stores are splendid examples, we haven't learned how to sell the retail market and the retail market doesn't know too much about broadcast advertising. And, at the expense of saying too much, we'll stop there.

CHAIRMAN CARPENTER: I am glad these men are being brief to start out with—but just say what you have to say.

Ed, what has been your experience in local and national spot?
ED CRANEY (KGIR, Butte, Montana): Our national spot has increased quite a bit more than local spot.

CHAIRMAN CARPENTER: Your national has increased considerably more than your local.

Do any have the situation where the local has increased more than national? I am not asking you to brag, now. (Laughter.) Don't say how much but say relatively. There is a rump party going on over there. Will one of you men let us in on it?

FRANK SMITH (KXYZ, Houston, Texas): I think they are trying to get me to brag a little. (Laughter.)

CHAIRMAN CARPENTER: Well, these Texas men!

MR. SMITH: We do about 98 per cent local business. I think I can sum it up pretty briefly. We employ three salesmen on straight salary for several reasons. One is that we haven't been able to attract the type of men for commissions. We started drawing accounts but they would get such a pile up against them that it didn't work out.

I might say in quoting local business, we don't quote so many times. We quote all our bids for business at so much a month. We try to make our local accounts average \$150 a month and our ambition is some day to get 100 of them.

HARRY TRENNER (WNBF, Binghamton, New York): I am from a hundred watt up in the country and, consequently, our market being small, we are in the graveyard of agency appropriations when it comes to national spot business. When they get down to the end of the list, if they have any left, it goes to the hundred watt but very often it is a mad scramble and we get very little. Consequently, our local spot is considerably more than our national spot.

We are in the very fortunate position of having four department stores with all on the air and now they have the bear by the tail and none can let go. (Laughter.)

CHAIRMAN CARPENTER: I want you to comment more when we get to department stores.

RALPH E. SMITH (KGER, San Marino, California): I don't know whether this question is appropriate but has there been any method worked out whereby the station can determine for the advertiser that the advertising is actually bringing them results? I think that is along department stores.

CHAIRMAN CARPENTER: The question is, when you go to sell a man and he says, "I don't believe that will produce anything for me," what have you got to show him it will? As I said, I don't want you to brag but won't some of you come forward and make some suggestions as to what other people can do on that? How can you tell them what you have got?

MR. TRENNER: Mr. Carpenter, what has any medium got to prove to the potential advertiser who has never used that medium? The only thing any medium can present is the success story of a like business and if a man has used your medium and has been successful, he knows what it will do. If he has never used a newspaper or billboard, he doesn't know. And, if there is a method in his town of getting business and he is a business man, he ought to know it. And, if it is a reasonable rate and cheap enough to try, it is good business to try a method that might get him some business.

CHAIRMAN CARPENTER: Are there any agency men here?

FRANK S. LANE (WDOD, Chattanooga, Tennessee): We find this in our town that the man there that makes use of advertising is generally the fellow that is ringing his cash register, checks his sales pretty closely, knows where the business comes from and what can bring it in. If we can get him in there and he sees the sales coming in the front door as a direct result of radio, we have proved our case to him.

In our particular case with department stores, I don't believe there is any recognized department store or specialty store in our town, which includes a lot of chain stores, that does not use our station, particularly during the heavy seasons.

CHAIRMAN CARPENTER: Anybody else? All right, we'll go to the next topic. I don't believe we should stay later than 1:00 o'clock. It is five minutes after twelve and we'll try to finish by 1:00 o'clock, at least skim over.

John Gillin is next. Come over here, John.

JOHN GILLIN, JR. (WOW, Omaha, Nebraska): They have just called me for the Resolutions Committee.

CHAIRMAN CARPENTER: It will just take a minute here, John. What is your definition of "sales promotion"?

MR. GILLIN: Well, I'll tell you very frankly, H. K. I have been asking a good many of our members what they thought

was a good definition of sales promotion, and the best one I have received, believe it or not, came from the pen of our good friend Arthur Church. He says, "Sales promotion, as applied to a radio station, comprehends the dissemination of information to buyers of advertising, which sells them on the use of the radio medium."

Now, I am very frank to any that I believe the questions Mr. Carpenter is going to ask me here this morning are really questions that fit everybody's problem (that is, all radio stations) a little differently, and I want you to know that what I am saying is in relation to the market we serve which we commonly call the "Bread Basket of America," which includes the western portion of Iowa, the greater portion of the State of Nebraska, southern South Dakota, northern Missouri, northern Kansas and southern Minnesota.

CHAIRMAN CARPENTER (interrupting): Five dollars for a spot announcement. (Laughter.)

MR. GILLIN: What I desire to say is this, that a newspaper-owned station's problems are entirely different from those of an independently owned station. A station with power of 1,000 watts has an entirely different problem in sales promotion than a station with power of 100 watts. Also a 1,000 watt station's problem, independently owned, with no network affiliation, is different from a 1,000 watt station, independently owned that has a network affiliation.

CHAIRMAN CARPENTER: Here is the next question: What information does the national advertiser want from the radio station?

MR. GILLIN: Well, that is a broad question. The national advertiser wants, in my estimation, factual information. By factual information I mean a good field station survey by a well recognized firm of engineers or company. The national advertiser wants a good audience appreciation survey of your station. He wants to know whether you are the first, second, third or fourth station in the trade area that you survey. He wants to know the audience appreciation of your station during the morning, the afternoon and the evening. The two surveys which I have just mentioned should be taken by disinterested parties. A good mail breakdown should be given the national advertiser. He should have information as to what network you are affiliated with, what newspaper, if any, you are affiliated with. Who owns the station is very important because it gives the national advertiser the background of your station. What frequency you operate on and the power that the Federal Communications Commission has given you the right to use on that frequency. The advertiser should have the actual wealth per county in the states that lay within your certified good commercial broadcast coverage. The advertiser should also have the local coverage picture—I mean in the city in which you are located, the local showmanship angles of your station.

CHAIRMAN CARPENTER: What should the station furnish him as to coverage and listener data?

MR. GILLIN: As I have said before, a good field intensity survey, taken by a good organized group of engineers or somebody recognized in the industry so that when your survey goes to the desk of the radio time buyer, it will be accepted. Secondly, a good audience appreciation survey. Thirdly, you should have a very live-wire presentation in picture form of your own local showmanship and the programs you carry which meet with the audience's appreciation in your territory—in other words, programs of local showmanship which compete favorably with the network programs.

CHAIRMAN CARPENTER: I think you are getting into the next question: What types of sales promotion have been the most successful with national advertisers?

MR. GILLIN: Well, it all goes back to what has been used and tried and known to be best fitted to the radio time buyers' needs in the interest of his client, the advertiser. I have mentioned the field intensity survey and the audience appreciation survey. You should have, as I stated, a good promotion department which is equipped to take pictures of every program you may have on the air that is outstanding, programs that please your local audience and that compete favorably with network programs—that is, your local picture from the showmanship angle. This picture should be correlated and set up in brochure style every six months and sent to your national advertiser along with definite market information which is pertinent to the national advertiser when he is considering an advertising campaign in any market.

One way of handling the market information every three or six months is to have the radio station, the newspaper, outdoor ad-

vertising and direct mail advertising cooperate in putting out a definite file which can be kept by the national advertiser for future mailings on the market. This cooperation file, so to speak, would contain all the definite, vital information of your market for the advertiser and condensed into such form that it is easy to read and very easily understood. In other words, it is just four pages that contain vital information to him when he wants to buy a market.

Now, here is a new wrinkle that is bound to be a success. One of the national sales representative organizations, John Blair and Company, has just started taking pictures of the markets their stations represent. They are making a presentation in movie form that has a running sales story with the picture. It is bound to be a success. I'll tell you why. It not only gives the agency and the advertiser a chance actually to get some glimpses of what that individual market is—such as first in butter production in the United States of America, or in lumber production, in oil production, and so forth—but it also gives him the actual picture of the dollars rolling into that market. Also pictures that show the stableness of the market, civic pride of the cities included in the market, such as civic auditoriums, parks, pictures of the residential sections, memorials—pictures that make the individual market stand out as a market that should be considered for every national campaign. It also brings home to the national advertiser and the national agency the fact that radio stations are more of a local magazine, if I may express it that way. In other words, the moving picture presentation definitely shows that the radio station in Omaha is considered a local station in Lincoln, Sioux City, Iowa, and in other towns—all cities of considerable size—whereas if the advertiser has definitely O.K.'d a newspaper campaign in that same market, in order to cover the market satisfactorily, he will have to use the Omaha newspapers, the Lincoln newspapers and the Sioux City, Iowa, newspapers; whereas he can cover the entire market, including these three cities, with one radio station.

I, for one, believe that the radio stations should give this side of the picture much more importance in their national sales promotion activity. Also, another sales promotion activity which I believe will be used with more success in the future is one where the stations buy recording equipment in order to record their local programs to send to the national sales representative so that their national sales representative may have the national advertiser or the agency hear the program which the agency is considering for the client in a certain trade area.

In other words, my national representative sends me a query as to what program we have which may meet with the approval of a certain advertiser. I answer his letter by mailing him the information on the program, the talent on the program, cost, and so forth. This is information which the agency desires but the agency says to itself after receiving the information, "It looks fine on paper but the talent on the program may be far below the level which we desire to present with our client's product." The way to show him actually what the program is and what the talent is on the program is to record the program, send it to the national sales representative so that the agency can hear it and be sure of what it is buying. We have found this to be very helpful. I think that is all I have to say.

CHAIRMAN CARPENTER: All right. Has anybody any questions?

MR. TRENNER: With regard to audience appreciation, just how do you indicate that? I mean, for example, Yodeling Joe and his guitar may make a bad looking picture but he may have a big audience.

MR. GILLIN: I think there are two big things in presenting audience appreciation. First of all, you have to take mail breakdown over a period of several months, say 50,000 or 100,000 letters. The question is, how much mail was received from this county and how many people live in the county, how many counties are in the state? How would your state set up with the counties on your radio station in comparison with cities located 100 miles distant.

Your listener survey should be taken into consideration by an independent party. If the gentleman could be available, a man who has a national reputation like Dr. Smelser, who is known as the finest national statistician on radio surveys, who has been the leading man in turning out Crosley surveys for years. In other words, your station audience appreciation survey, in my estimation, should not only give the picture to the national advertiser of your station but of the other stations that are competing with your station in that market, and if you are first in some counties, say you are first, and if you are second, say

you are second; if you are third or fourth, state third or fourth.

MR. TRENNER: The other question is in regard to what you said indicating your station is a local station within a radius of 200 miles. That strictly presents the picture of the regional station that every small station has been fighting since in business. There isn't a regional station in the country that won't sell you the neighboring four states with a string around it! (Laughter.)

And, as far as we are concerned, as I told you before, we are a little one-lunger up in the sticks and despite the fact that some of these regional stations will show you everyone in the town with his ear to the radio, we still think we are the local station. That last picture represents a story for one phase of what is a great big industry.

MR. GILLIN: That is right, but as I said when I started, your particular problem as a 100 watt independent station, with no national affiliation, is different than mine, a 5,000 watt station with a fine network affiliation. I have to sell the advertiser on audience and coverage. You have to sell the advertiser on audience in your particular small area that you serve, from the standpoint of local programs and how well your station is received in that local area over the potency of whatever network stations of 50,000 watts there may be that have the opportunity of coming into your local area. I think it would be well for you to find out whether you are first, second or third in the locality that your local station serves. Then your problem is what programs to carry that your audience likes and what programs not to place on the air to compete favorably with the program that the station that competes with you places on the air that have the audience's appreciation.

JAMES L. REINSCH (WHIO, Dayton, Ohio): As far as the visual presentation is concerned, I think it can be equally adaptable to Gillin's 5,000 watt and our Eastern friends 100 watt in this respect: we have been working with it for some time and we found there were a good many industries in the city of Dayton to make a good presentation to the agency. The 100 watt can take a visual presentation which can be of great benefit to the agency and advertiser and show the industries in that particular town, the people working there and give statistical information in an interesting manner while the 5,000 watt will spread out to four or five states with a string around it.

CHAIRMAN CARPENTER: May I say, in conclusion, that we must get on.

In that connection, I have always remembered what Bill Hedges said—when you go to present data about your station, present result data; that's what counts.

"Outside Sales Personnel"—I. R. Lounsberry. All right. Your name is I. R. Lounsberry. Where are you from? (Laughter.)

Here is the first one: Specifically and to what extent has the station representative solved the problem of selling station facilities to the national advertiser?

I. R. LOUNSBERRY (WGR-WKBW, Buffalo, New York) Carp, I feel as though you were putting me in the place where I am sticking out my chin as that is a question that has concerned a lot of people for a long time.

My answer is, and I will try to sum it up in direct statement, as follows: Station representatives are doing a fairly good job of constantly presenting station and market facts to national advertisers. Their main accomplishment is getting their station or stations on the advertiser's list when the advertiser's agency has developed a campaign. They are also fairly successful in selling individual local live talent programs for test campaigns.

They fall down seriously, however, when selling in competition to networks in that they do not create and record program ideas and offer services such as the networks render—publicity campaigns and so on. They also fall down in promotional activities as far as spot versus network is concerned. Fortunately, there has been a healthy development in the past couple of years in that representatives are getting closer to their stations so that they are becoming an intimate part of the station organization.

CHAIRMAN CARPENTER: Here is the next question: Do you believe the station should pay a national representative, or should the compensation come from other sources?

MR. LOUNSBERRY: The national representative should be considered by the station operator as a part of the station staff just as the local salesmen are, and such selling commissions to be paid are an expense of the station and to be paid for by the station from the receipts of the sale of time.

CHAIRMAN CARPENTER: I might say that the object in that question was to bring this out, which Ike has, that with the agency commission, it is something which is generally considered beyond the departmental expense of the station but according to Ike's way of thinking, the commission to the national representative should be considered exactly the same as the sales-

man's commission—it is a departmental operating expense of the station.

Do you think the idea of branch offices is feasible?

MR. LOUNSBERRY: As desirable as branch offices may be from a theoretical standpoint, it is my opinion that the question of economics is the regulating factor against this policy. I believe that not more than a few stations can afford their own branch offices.

CHAIRMAN CARPENTER: Here is the last: Is there ever a reason for a third commission?

MR. LOUNSBERRY: No. We should pay not more than two commissions out of the income we receive from the sale of time, namely, agency, where it is justified, and a selling commission or salary as the case may be. There are some special instances when the established selling commission may rightfully be split between national and local salesmen or between a program-producing organization and salesmen. Where a transcription or syndicating company is a strong factor in the accomplishment of business through a tailor-made or special unique service, then such companies should be paid through a talent charge to be made by the station to its client but not out of receipts for time in the form of a third commission.

CHAIRMAN CARPENTER: Thank you, Ike. Now, I hope you believe me. I am not trying to put anybody on the spot. Are there any people connected with national representatives who have ideas on that as to the relation of station and national representative—things the station should supply which they don't supply in some instances, and so on. Come right ahead and speak out.

WILLIAM H. CARTWRIGHT (William G. Rambeau Company, Chicago, Illinois): I think with our stations we have had a very fine example of cooperation and are learning to work better with the stations.

In the case of WOR in New York, they supply us with the finest of information which enables us to go out and make an honest-to-goodness presentation. They have intensity maps, response and also success history. Never a week goes by but we have complete information so in any classification we can really give a story.

Other stations have come along and through working with them, we have developed that same type of technique.

In conclusion, I would like to ask one question of Mr. Lounsberry. Does he feel the representative should call direct on accounts or is that a part of the function of a representative?

CHAIRMAN CARPENTER: Ike, the question, as I got it, is, should the representative call directly on accounts or should that be left up to possibly some one from the station?

MR. LOUNSBERRY: The representative is a part of the sales organization of a station. He should be so thoroughly versed in what his station has to sell that he is qualified alone to call on his territory for that station. He can do that on occasion with a representative from the home office, if you may call it that, but in cooperation with him at all times.

MR. CARTWRIGHT: I mean more particularly, do agencies object to the representatives calling directly on the accounts—in other words, is the agency willing to cooperate with the representatives of the industry? We have found them so. But, do they want to cooperate or want the representatives to go to the accounts?

CHAIRMAN CARPENTER: May I pass that back to some agency man here. The question is, does the agency object to the national representative calling direct on the client with a sales presentation of a particular station?

OSBORN BOND (Joseph Katz Company, Baltimore, Maryland): I have a very bad throat and I am using this means to talk to you all in answering that question.

We never at any time object to representatives of the radio station home office—newspapers, magazines or any kind of media—calling direct on our accounts. We find generally that in almost too large a number of cases, the representatives from the home office or from the national selling organizations when they call on our accounts very rarely have anything to present to the account which is of a very definite and concrete manner that could not have been presented by us.

We don't mean by that that the station should allow the agency to be the last court as to whether or not a certain station's or certain stations' program ought to be sold. Stating again our particular feeling in the matter, we have no objections at all to station managers calling on our accounts direct or corresponding with them.

Now, if I may just go back to one of John Gillin's questions, about what agencies need and clients need. I think in my files and probably in a lot of other agency files there is much station

material, really elaborate, with a lot of nice pictures, a lot of nice pages between the two covers, the cover itself is stamped with some kind of gold or bronze, but between those two covers there are two or three paragraphs that really mean anything to us in the way of actual information. Ownership is terribly important; what your wave length is and success stories of some of the things you have on the air. We are not particularly interested in knowing you have 40 or 50 employees, that you have a very good looking station with lovely studios. Those things could be concentrated on one page rather than making 90 per cent of the book what you have in the studio building or broadcasting station. Your audience doesn't care anything about that unless you invite them in groups of two or three thousand to sit around, and I think there are very few stations that have those accommodations.

The thing we want to know is what type of homes you have in your city as an indication of the wealth of the people who live in that area and that they can afford to buy the manufacturer's product. There isn't a town in the United States on which some newspaper hasn't prepared some kind of promotional material.

I don't mean you should do what the newspapers do but the newspapers have been presenting promotional material and a lot of factual information, and it won't hurt you to get hold of that and present your market in the same way they have.

MR. GILLIN: I would like to ask Mr. Bond a question. Do you think it is only courtesy on the part of a national representative at least to notify the agency and tell them what their plans are in contacting the account so that you will be able to advise them what you think is best for this particular client?

MR. BOND: That is perfectly true, Mr. Gillin. I can't remember very many instances where anyone has gone direct to our clients without keeping us familiar with the fact that they were going to them, and it does help very materially to know just what a radio station representative or manager is going to say to your client because invariably the matter comes back to us; we hear about it and it sometimes proves embarrassing to a representative when he does go direct. There are just, oh, maybe, two or three or four per cent of the stations where the stations are a little prone to ignore the agency entirely when they think they have something of particular merit that the agency couldn't help them with anyway, and when the thing is dumped back in the agency's lap, they are left in a most embarrassing position.

MR. TRENNER: Along the line of station promotion. I have a question I want to ask about sending information to the agency because it is very seldom we get an agency man on the chopping block. (Laughter.)

The big basic network stations send in to agencies that they have this account and that account and all these people are using their facilities so that they can't duck it and that business comes in over the transom of that station.

Now, as far as the small station is concerned, they send in a local success story to the agency. They say to the agency that they have this department store and this bank and this utility on the air. Does the local picture mean anything at all to an advertising agency man?

MR. BOND: Yes, it really does. But, you know, every advertising budget is limited to the extent he can't use everything there is for him to use. I mean the decision must be made as to where we are first going to spend our money—not that the small stations don't get in on any of the money that is being spent but certainly if an advertiser has very little money, he has to spread his budget in a manner that is most economical.

MR. TRENNER: What I want to know is, does that information have any effect?

MR. BOND: We have a peculiar system whereby the smallest station has an opportunity to present its story just the same as the large 5,000 watt station.

CHAIRMAN CARPENTER: I have one question I want to ask a particular man who, I believe, is in the audience and I hope I won't embarrass him. I want to ask this question and you may comment within reason on this question.

We have been working together and you have seen this broadcast picture developing for ten years or so. Do you notice any definite trends? Are there any movements you would like to see taking place more rapidly? Mr. Gamble?

FREDERIC R. GAMBLE (Executive Secretary, American Association of Advertising Agencies, New York, New York): That is a broad enough question, Mr. Chairman. I think undoubtedly there have been trends in the right direction, a great many of them. We might get impatient and hope they grow faster and yet when you see a large group such as this, many minds to be informed on as involved and difficult questions as the policies discussed this morning, it is very easy to see why these trends don't proceed more rapidly. Only a few years ago we

had trouble with some questions that are not so controversial now.

I think you have had very good light on most of the questions, so far as my own knowledge is concerned, this morning. There is one I hope is still to come and that is on sales policy. And, since I am on my feet at the moment, I will say what I hoped somebody would say or would say myself before the closing of the session if I got an opportunity. That is on selling spot radio and there is one thing which can be expressed in not more than three words, which is more important than the other important things which have been mentioned and I don't minimize those—they are important and needed—but there is one thing I would like to have you carry back to your stations as an expression of the agencies, just three words—*maintain published rates*. (Applause).

CHAIRMAN CARPENTER: Mr. Midgley?

C. E. MIDGLEY, JR. (Batten, Barton, Durstine & Osborn, New York, New York): I have a lot to say but I'm afraid I won't have time to say it all. One thing struck me forcibly. Mr. Bond answered it by saying for Joseph Katz that the smallest station receives the same consideration of their data as the 5,000 watt station. I'd like to go along on the same bandwagon with him on that. After all, the strength of the industry is in the large group of small stations rather than in a small group of large stations.

There is just one thought on sales promotion, hinted at, which I'd like to emphasize. A lot of stations in the country don't do sales promotion. They say, "We can't afford expensive bindings and four-color jobs." But, you can send a mimeographed sheet in a cent and a half envelope once or twice a month and it is good business to do it because agencies are not so much interested in spiral bindings and beautiful cloth bound presentations as they are in the fundamental data. And, I think with the smaller station, especially one that doesn't have a representative in New York, Chicago or San Francisco, a semi-annual visit to the agency is a very valuable thing. In lieu of that and in between in the six months, I think a weekly bulletin or semi-monthly bulletin, keeping your station always before the agency, is a good piece of sales promotion, even if it is in long hand on a piece of yellow paper!

CHAIRMAN CARPENTER: Is Wright Gedge here? Or Gene Dyer?

Well, the next is Fred Palmer—"Selling the Local Market." I have been impressed with the statements of two of our previous speakers, first Mr. Sandage and then Dr. Hettinger, talking about the local market, stating that we are falling down on local market sales. All right, here is your chance.

Here is the first question: How should you organize your sales force to sell the local market?

FRED PALMER (WMMN, Fairmont, West Virginia): Well, Mr. Carpenter, I think every local sales organization bears the personality and the drive of the personality who organizes that group of salesmen. Every station would probably be different. I think the first thing is to train them properly. If you don't train them, if they don't know the rate card, if they don't know the territory, if they don't know how to write a contract, then they are merely solicitors, not salesmen selling business ideas.

I do not believe much in territories. I do believe somewhat in having modest classification of accounts. Every salesman should have his list of accounts and have them protected to him. I do think certain salesmen can give an emphasis to food accounts, department store accounts or automotive accounts. In that way, they know the factual information to give to the advertising manager of a business. After they get their cards, they may receive protection on that for the amount of time that the sales manager feels is good for that territory. They should not be allowed just to have a long list, sit on them, mug them and wait till they come in over the transom. They should work for them or else each quarter re-arrange that list.

CHAIRMAN CARPENTER: May I say we want to get hold of Gene Dyer or Wright Gedge so we can get at this from the angle of a large city. Fred is speaking from the angle of a city the size of Fairmont and Zanesville.

All right, here is the next question: What are the problems which you meet most frequently in selling broadcast advertising in the local market?

MR. PALMER: Broadly, the first is the newspaper problem. I don't believe that is particularly a major problem any more. I believe if you have a good factual survey (and I am particularly fond of the coincidental telephone survey), from that you can figure a trend in audience and on that you can base the relative cost of doing business.

I think one of the greatest problems hindering the sale of time is their lack of knowledge. That may depend on our lack of knowledge. I have a pamphlet written by Mr. Davis of General Mills based on his experience in that direction. I wrote him for quite a number of copies and passed them on to our clients. They are interested in that. The information we get from the networks, from the magazines, oftentimes I run off on the mimeograph and send out to the department stores or automobile people or the agency. They want to know about it. They ask about it. I wonder if we are educating them. I believe their shyness depends on their lack of information and, after all, that is our job. Then I think they must be sold right. Oftentimes they are just exposed, not educated, and it shows up later in cancellations.

CHAIRMAN CARPENTER: Does the strictly retail store present any different problems from the other local radio advertising?

MR. PALMER: Yes, they do. There are the retail stores that sell one, two or three items. The retail department store will sell hundreds or even thousands of items. We used that as an advantage in one case. A department store in a town of 30,000 carried a lot of items but had comparatively small space in its show windows. We found the department heads were all pretty peeved because they couldn't get their particular department in the show window often enough. We convinced them a one-hour morning program would furnish a show window for every department and it was the department heads who enthusiastically pushed that deal across.

CHAIRMAN CARPENTER: Have you been successful in selling transcriptions to local advertisers?

MR. PALMER: Modestly so, whenever the station itself first understood those transcriptions to where they could talk about them vividly and enthusiastically; secondly, where that can be passed on to the salesmen and I don't believe that very many salesmen in general really understand the transcription story to where they can tell it vividly, enthusiastically and get the client up to the station for an audition. I am not particularly sold on the idea of the portable machine to take to the office. The man is usually not sold unless you get him into the studio, into the radio atmosphere.

I believe the move currently on foot to send out a man who knows the story of those transcriptions, what they have done in other places, knows their success, if that man will come in and help a bit, I believe the impetus to sales will be greatly accelerated.

CHAIRMAN CARPENTER: I think Dr. Hettinger has something he is constrained to say.

DR. HETTINGER: I am not straining to say it but I made a promise last week and have to keep it.

I was talking one to of the large department store groups of the country and proceeded to tell them as politely as I knew how and as sympathetically as I knew how, how little they knew about radio, and I made the remark that I wasn't sure who knew less about radio advertising, the department store man or the advertiser.

I mentioned it because the retail store problem of advertising is such a complicated one. You are selling two things, merchandise and a store. You are selling regular store patronage and women's bags at \$1.98 reduced from \$2.10. You are selling regular customers who wouldn't think of dealing anywhere else, as well as merchandise at standard price. You are selling the chronic bargain hunter to whom price means everything. You are selling some departments where the whole family comes in two or three months before they finally make the purchase. You are selling other goods where they go by an aisle display, see the price and say, "I like the gadget. I'll buy it now."

I think one of the biggest reasons for the present retail advertising picture in radio, especially for the larger stores, has been our lack of willingness or time or whatever it may be to study the retail sales promotion problem both for stores as a whole and the particular stores we are trying to sell, and if we can do that and then get the retail people to do the same thing from our end in studying radio, there is going to be at least one figure in NAB trade statistics that is going to go up and that is retail advertising.

CHAIRMAN CARPENTER: Thank you, Dr. Hettinger. Now, unless there is someone who insists on speaking, we must get on to the next.

REGGIE MARTIN (KFAB-KFOR, Lincoln, Nebraska): Mr. Chairman, a while ago you mentioned result data. It seems to me that what we need in radio is a good hot success story. I appreciate this is not the time nor the place to go into detail but I would like to call your attention to one of our sister stations, KMBC of Kansas City, that has one of the best success stories there is. The program is called "Joanne Taylor." I'd like to

recommend it to everybody. It is a program by the department store and I believe it is the best success story I have ever heard. If anybody is interested, they can get the information from Mr. Fox.

I would like to say by way of proof of that success story that we have been able to sell a year's contract by way of that.

CHAIRMAN CARPENTER: Thank you, and the commission you get from Arthur Church and Leslie Fox, I'll split with you. (Laughter.)

That was discussed and presented in transcription form at the Radio Section of the A.F.A. last year.

MR. TRENNER: I just want to mention a couple of things. I am in the fortunate position of having been in the advertising department of a department store, having been with a newspaper and am now with a radio station.

The average comeback that a radio station gets from the department store is, "We believe you can do a good institutional job but you can't sell merchandise." The result of that is after he beats you around a bit, you take a long or short series of institutional advertising selling this store to the city of Cleveland or Buffalo or wherever it is, it goes through and is a nice program for thirteen weeks. During those thirteen weeks the newspaper is ringing the cash register and all you are getting is the gong.

I worked in a department store where we prepared an elaborate piece of advertising, where William Penn came to Philadelphia and after William Penn came Lit Brothers, and we were doing as much for Philadelphia as William Penn. It was a long series with expensive art work. The bosses looked at it and thought it was great. That was for the first week and the second week, but the third week the cash register had to be rung and the institutional series went out of the window.

When a store puts an ad in a paper, they go around to everybody in the store and say, "We have an ad in the Daily Bugle and are going to advertise this. There is going to be a sign on the counter 'as advertised in the Daily Bugle' and a sign in the window." That newspaper gets the benefit of all that sales promotion and traffic.

When you go to sell radio, what do they do? Stick the merchandise under the counter! We, a hundred watter, had guts enough to turn down two stores four years ago but today when they advertise anything on the radio, it goes on a prominent square on the ground floor called "Radio Square" with a Neon sign and anything they sell on the air gets as much assistance as anything they advertise in the newspaper.

There is one last thing I'd like to tell you about department stores. There is no more political organization than a department store. Everybody is afraid of one another. Every department manager and buyer is afraid of his job. Now, if you are having a tough time with the boys upstairs, work through the store. That is what we did. We went to Minnie in the hat department and said, "Did you hear what the Bon Ton advertised over the radio?" and Minnie went up to tell the boss before I got up there. Then we went to Joe in the haberdashery and before we knew it, the boss was getting so much hammering from within his own organization that he called us up. (Applause.)

CHAIRMAN CARPENTER: Thank you, very much. I wanted to get something about retail advertising and the approach from the department store angle and you have heard from two very good sources within the last few minutes.

The next subject is "Preparing Programs for Sales" and the commentator is Jack Van Volkenberg. When he was put on the program he was with KMOX but he is now assistant to Mr. Atlass here in Chicago. The first question is: Should the preparation of programs for sale be a sales or a program department responsibility?

JACK VAN VOLKENBERG (WIND, Chicago, Illinois): Actual preparation of program, it would seem, is a program department job. However, to secure a successful sale of time, the sales department can function to excellent advantage. For example, in nearly every case, a good radio salesman has at least an instinct as to what constitutes a radio program embodying all the essentials of good showmanship as well as being a show designed to sell a specific type of product for a specific type of advertiser.

The salesman is, quite naturally, the closest man to the account in question; he is the one who should have the most intimate knowledge of his particular advertising and sales problems. What is more natural, then, than to arrange a consultation between your salesmen, sales manager and program director—with such additional people as writers, producers, and so forth, as he may deem necessary to turn out a workmanlike presentation and audition.

Because of the program director's extremely confined work in

his own department, it may be further advisable to hold a private preview, or preliminary audition of the program in question so that before it is presented to the potential advertiser, everyone concerned with a successful run for the show, which means, of course, satisfactory sales results for the advertiser, has an opportunity to catch errors in the presentation and to offer constructive criticism.

CHAIRMAN CARPENTER: Here is the second question: What are the essential elements in a program presentation to a client?

MR. VAN VOLKENBERG: I would line up the essential elements in a program presentation in the following way:

A—demonstrate as thorough a knowledge as possible of the potential client's business as to (1) market condition; (2) type of buyer—man, woman, child; (3) income group that offers the greatest market for the advertiser. In other words, show an intelligent understanding of what it is necessary for the program to do in order to make a long-time, successful radio user of the particular account being sold.

B—assure yourself of a business-like attitude on the part of all studio employees while the presentation is being made. Too frequently our business is referred to as a "game" or a "racket," and if an attitude exists in connection with this, it is more than likely brought on by the fact that ours is a young business, operated by young men and women, and because we have some fun at our work, it may be that the advertiser will think twice before investing his hard-earned money in what he may consider to be a game.

C—have all available market data, including available coverage figures, at hand so that all questions may be answered. In this connection, approximate cost per thousand listener figures are frequently surprising to salesman and client alike. It has seemed for a long time, too, that we as station operators might develop our market and institutional stories in somewhat more elaborate form; in a form which is already familiar to advertisers and agencies through its use in the publication field. Specifically, to develop a printed story on large cards, which can be augmented by a running conversation from the presenter, the combination of which will give briefly to a small assembled group a concise picture of the station.

CHAIRMAN CARPENTER: Third and last: Do you believe the theory of the saleability of successful sustaining programs is sound?

MR. VAN VOLKENBERG: This is a subject in which the answer varies all over the country. We have found in our experience that it is decidedly unsound for a number of reasons.

In the first place, local advertisers in the particular market with which I have had most experience don't like anything old. They regard as old our sustaining programs. They want something brand new.

Second, lack of time for sustaining programs in the past year has made it uneconomical to start a sustainer and find it necessary to cut it out before a fair opportunity has been given for a build-up.

Third, we have found it more satisfactory in the long run to design a show for a particular type of advertiser rather than attempt to sell the same show to a number of different types of advertisers.

Answering the question, what good sustaining programs are available for sponsorship, more frequently than not, find it necessary to answer in the negative. Some stations have made a definite practice of putting on sustaining programs and successfully selling them. However, with the increasingly crowded programs, I think it is unsound economically. It all goes back to the point I made about designing programs for specific advertisers.

CHAIRMAN CARPENTER: Thank you. Any questions of Mr. Van Volkenberg?

The last group of questions on "Sales Policies"—Edgar Bill. Now we are getting to what Gamble talked about. Here is the first: What is a rate card?

MR. BILL: That sounds like a brain teaser. A rate card is a standard of rates, and to follow it and stick to it is more important than the standard that is set. And, if I may lecture a minute I would say this: that broadcasters are rate-cutters. We break down very easily. One national representative to whom I talked said some of his stations actually quoted rates to accounts lower than the rate card he quotes himself. I am very sure agencies don't want to break rates but I know one agency is traveling the western states asking for a cut in rates for their particular program. We must learn how to keep our rates up.

Now, if you please, you hurt yourself when you take the lower rate. How can a buyer have any confidence in you when you cut

your rates? You can't hope to have any preference. So, we really need a lecture about that. We say that in extreme cases we will let down a little bit; we try to do something to get the account. I find it pays to hold the rates.

CHAIRMAN CARPENTER: Just to vary from these questions, I would like to ask this question: Do you think the matter of cutting rates is limited to large, medium or small stations?

MR. BILL: Being a small station, I'd say "no."

CHAIRMAN CARPENTER: I have been told—just between you and me—that it is not alone the small station.

The next question: To what extent does the existence of the dual rate system help or hinder the sale of station advertising?

MR. BILL: If you have two rates, there must be a reason for two rates. Some stations have a reason and some stations do not have a reason. If there is a real reason for two rates, I see no harm in having two rates. But, if you do have two rates, you are sure to get into trouble and hot water because if you have a national advertiser, he is going to try to crawl under the local rate. However, there is a real excuse for two rates in some cases, but not all.

CHAIRMAN CARPENTER: Should agency and selling commissions be paid on talent?

MR. BILL: I think there are very definitely two sides. Some stations spend a lot of money to build programs to sell. Some agencies have a big department to build programs for their clients. I think the real answer is: Pay a commission if that commission is earned. If the agency really does something to earn the commission, they should be paid. Of course, there are some further reasons—the question of policy, for instance. In many cases, half or third of the cost of radio is talent, and will the agencies sell our talent without commission when they can sell other mediums with commission?

CHAIRMAN CARPENTER: The last question: Do you believe stations should allow cash discounts?

MR. BILL: I'm sorry I can't answer that question. I would rather somebody else would discuss that. I think so. I don't know. If we compete with other media, it would seem we should do it.

CHAIRMAN CARPENTER: I know certain individuals I could call on who feel quite strongly on that question. I don't want to embarrass you but suppose you speak up.

MR. PRITCHARD: What is a cash discount when they don't pay for it until thirty days after they have had the service?

CHAIRMAN CARPENTER: With some it is two per cent. if paid by the tenth of the month. With others, it is two per cent. if paid by the first or second. And, with others, it is two per cent. if paid by the twentieth or twenty-fifth.

MR. PRITCHARD: That isn't cash, in my opinion. Cash is C.O.D.

CHAIRMAN CARPENTER: The usual way in which the term has been used in broadcasting is the way I give it. I agree with you in your definition of the term, however.

But, for the purpose of discussion, the question is aimed at the policy of allowing what we generally call a cash discount, a discount of so much if the bill is paid by a certain time.

W. F. CRAIG (WLBC, Muncie, Indiana): We are rather confused on this cash discount proposition. Locally it has helped to have them pay their bills much more rapidly. I think that is due to the fact that the saving of five per cent. is quite an item to the local account.

CHAIRMAN CARPENTER: Yours is two per cent?

MR. CRAIG: Five per cent. We have had instance after instance where it is twenty or thirty days late. Sometimes they date the check the tenth of the month. Then you write back and there is a series of letters that this department head slipped up or they didn't understand. Yet they did understand in the first place that they were entitled to have five per cent. when they signed the contract. I'd like to have some of the agency men answer that on this five per cent. basis.

CHAIRMAN CARPENTER: Anybody else?

MR. LOTTRIDGE: We have never had a cash discount and we conservatively estimate that it would cost us \$150 a month in the clerical work entailed, as this gentleman explained, in writing back and forth and arguing with people that don't get their checks in on time. We have discussed it and if the industry as a whole decide it is a good move, we will do it, though.

CHAIRMAN CARPENTER: The question is, should stations allow cash discounts? Wright Gedge, have you anything you would care to say in public?

WRIGHT GEDGE (WMBC, Detroit, Michigan): We do not allow it because instead of ten days, it would be thirty or ninety days and there was always a squabble.

HOWARD E. PILL (WSFA, Montgomery, Alabama): I don't believe that the two per cent. has any place in the broadcasting business. I think that practice came about from firms that had a turnover in their goods. In other words, if they get their money in, they can get a discount. But, we have nothing at our station that we can get two per cent. on by paying by the tenth. If we did, it would be to our advantage to get our money in and, consequently, get our own discount.

CRAIG LAWRENCE (KSO-KRNT, Des Moines, Iowa): We follow our newspaper's plan on local business and I think some of you might be interested in it. They add to the cost of the advertising in the bill and then deduct that if the bill is paid by the tenth. And, we do the same by adding ten per cent. of the net cost to our bills on local accounts and then deducting that ten per cent. if they pay it on time, and it has worked out very successfully. (Laughter.)

In the case of national business, the newspapers don't give any cash discount, that is, our newspaper doesn't, and we don't, either. But, that additional ten per cent. certainly keeps the local boys paid up.

CHAIRMAN CARPENTER: I think it is almost time we adjourned but please don't get up. There are a few things.

MR. GILLIN: Mr. Carpenter, I have been delegated by your stooges to place the shoe on the other foot, so to speak, and ask you three questions. (Laughter.)

What do you think of this meeting compared with the commercial discussion four or five years ago?

CHAIRMAN CARPENTER: Now, believe it or not, I haven't seen these questions. I gave them a break—they saw theirs.

I would say there are several distinct differences. First, there are a great many more people attending. The second is that we are sticking to the particular subject under discussion. The third thing is I hope we all know a lot more about it than we did several years ago—not meaning to say we haven't a lot more to learn; we are just beginning.

MR. GILLIN: Second: Are you pleased with the crowd you had at the discussion?

CHAIRMAN CARPENTER: Well, I wouldn't dare say anything but "yes." It has been very gratifying. To tell the truth, I was hoping there would be more argument but possibly you got in late last night, or something; you are not in a very argumentative mood this morning. I hope everyone has been able to talk all they cared to talk.

MR. GILLIN: The third question: Are you satisfied with the manner in which your stooges performed?

CHAIRMAN CARPENTER: Well, the stooges were pretty good to come up in the first place because it is sort of asking them to be the goat, and this will lead into my final remarks. I want to thank each and every one of you, not only on my own behalf but those who attended the meeting, for doing what you have done. It has been informal and impromptu and was intended to be. We appreciate your attendance and your attention. We hope you got something to think about but, as we said in the beginning, we did not intend to establish definite ideas or conclusions.

Thank you very much and I will turn the meeting back to our Vice President, Chuck Myers. (Applause.)

(Mr. Myers took the chair.)

CHAIRMAN MYERS: If there is any better man in the room to conduct a panel discussion than Mr. Carpenter, let him stand up. (Applause.) I think that is about the best panel discussion I ever heard.

(Announcements.)

CHAIRMAN MYERS: A resolution by the Texas broadcasters has been handed in as follows:

"Resolution of Texas Broadcasters Association.

"WHEREAS, James W. Baldwin has faithfully and capably served as Managing Director of the National Association of Broadcasters for the past year, and

"WHEREAS, his services were performed with honor and distinction to the Association and to himself, and

"WHEREAS, his duties have been most arduous and trying, and

"WHEREAS, he has suffered both officially and privately for his efforts in behalf of the Association; now therefore be it

"Resolved, by the Texas Broadcasters Association, at its special meeting in Chicago, that we express our appreciation of the efforts which James W. Baldwin has put forth in behalf of the National Association of Broadcasters and express our confidence in him for the manner in which he has performed all of the duties imposed upon him by the Association and hope that he will continue to serve the Association in the future. Be it further

"Resolved, That a copy of these Resolutions be read at the Fourteenth Annual Convention of the National Association of Broadcasters and a copy be furnished to the press."

This resolution is signed by T. Frank Smith, President, and James R. Curtis, Secretary.

I also have a note here from Fred J. Hart:

"Will you please have the chairman present this invitation on behalf of the people of Hawaii?"

And here is the invitation:

"Hawaii calls!"

Is there a steel guitar in the audience? (Laughter.)

"Greetings:

"More than ten years of experience in actual operation and management of broadcasting stations and attendance at the last two national conventions has convinced me beyond a shadow of a doubt that those holding a responsible position in the broadcasting industry are under a continuous nervous strain throughout the year.

"It is a regrettable matter that after being subjected to such a continual nervous strain, broadcasters, realizing the seriousness of their business, must meet in annual convention such as this and devote all their day and night time to serious consideration of their problems when they should be enjoying a period of relaxation. Realizing what a serious thing it would be to the country to have our broadcasting executives suffer nervous breakdowns (and become more erratic than they are), I feel it my duty as well as pleasure to invite the National Association of Broadcasters to cast dull cares to the winds and hold their 1937 national convention in Honolulu, Hawaii, on the beach of Waikiki. I believe in doing this we of the Hawaiian Islands will be rendering a great service to radio listeners of the mainland. . . .

"Come one, come all and we will *DO YOU GOOD!*

"The People of Hawaii
and
KGMB—Honolulu
KHCB—Hilo."

(Applause.)

CHAIRMAN MYERS: We are late, as usual. I hope that we will all get here as promptly as possible for the afternoon session. The hour is set for 2:00 o'clock.

If there is no further business, the meeting stands adjourned.

(The meeting adjourned at 1:20 o'clock.)

JULY 7, 1936

Tuesday Afternoon

The meeting convened at 3:20 o'clock, Vice President Myers presiding.

CHAIRMAN MYERS: The meeting will come to order. I want to say this before Mr. Church produces his report, that I had the pleasure of introducing Mr. Church for the reading of this report last year and when we asked for comments and questions, there were none. Now, I am sure that every person in this room is interested in the work of the Commercial Committee. I am not sure that all of you know how much that work has meant to the committee, how much time they have put on it. But you are interested in it and I cannot believe that any report such as Mr. Church is about to read could be absorbed by all of you without one question. And I just want to say while Mr. Church is preparing to read this report that I hope when he sits down a lot of you will be bursting with questions and keep Arthur on his feet explaining that report and answering your questions until that report has been thrashed out.

Ladies and gentlemen, it now gives me very great pleasure to turn the meeting over to Arthur B. Church, chairman of the Commercial Committee.

MR. CHURCH: Mr. Chairman and gentleman, at the 1935 convention the report of the Commercial Committee comprised, in large measure, the report of the Committee of Five on Radio Research. This morning you heard a special report from the Committee on Radio Research. The work of that committee has required so much time that the other commercial problems have failed to receive the amount of attention due them. It seemed physically impossible for me to devote more time than I gave to the Committee on Joint Research, and I take the full responsibility for what must necessarily appear to members of the Association as notable lack of progress in our commercial problems, of which there are so many.

For several years it has been the custom of the Commercial Committee to hold its principal annual meeting in conjunction with the annual convention of the Advertising Federation of America. This year, unfortunately, the dates of the Advertising Federation of America and the National Association of Broadcasters conventions were so close together, and the distance between Boston and Chicago so great, it was practically impossible to expect a quorum of the Commercial Committee to make the Boston trip and then immediately to attend the National Association of Broadcasters convention.

Your commercial chairman explained to the AFA officials these difficulties, expressed regrets that the NAB could not take a considerable part in the 1936 meeting as in previous years, and offered to arrange for a representative for your Association to address one of the general meetings of the AFA convention. This was not accepted.

It is the opinion of your chairman that the present procedure of the AFA of emphasizing a multiplicity of meetings devoted to specialized groups, seriously impairs, if not invalidates the opportunity for a more general approach to advertising problems which an organization such as the AFA potentially affords. It is the recommendation of your commercial chairman that if the NAB continue as a contributing member of the Advertising Federation of America, hereafter the NAB shall have a place on the AFA general program. Only in this manner can the members of this Association fully benefit from affiliation with the AFA, and I am confident that the AFA officials, if properly approached, will agree on this point and that the cordial relations which have existed between the two organizations can be maintained to the interests of both.

At times your commercial chairman has been quite discouraged because of what seemed to be lack of interest in the important commercial problems which have been brought before the convention. A year ago the matters contained in the Commercial Committee report were of sufficient importance to justify considerable discussion. The report was perfunctorily received and while the recommendations were approved by this body, the lack of interest manifest was a matter of keen disappointment to the members of your committee who have spent many, many hours, days and, in the case of some individuals, weeks, on the commercial programs of this Association. Yesterday afternoon only three members of the Commercial Committee convened at the place appointed in the convention program.

I feel that your Commercial Committee needs new blood. This is the last report I expect to make to this body as chairman of the Commercial Committee. I earnestly plead that you make suggestions to your new President not only on the personnel of the committee for the ensuing year, which should be representative of all parts of the country and of all types of stations, as we have tried to make it in the past, but also on the problems and projects you think should receive the committee's primary attention.

I ask you to support the proposed new Sales Managers Division which should work closely with the Commercial Committee and which, in my opinion, should attend not to matters of policy or to problems and projects of the Commercial Committee but rather to the definite educational aspects of selling radio advertising. The enthusiasm of the group of sales managers that met yesterday afternoon and which, I understand, will meet again today, is most encouraging. These men can be of great assistance to each other, to the stations they represent and to the industry. They are straining at the leash to do something. This is a splendid sign. It should receive the hearty endorsement of each of us as station owners and operators.

This convention has heard a lot about promoting peace and harmony, and about doing the things on which all of us can put our shoulders to the wheel. In this connection, the possibilities of your Commercial Committee projects offer you a real challenge. We have already embarked on one major project. The Cooperative Bureau on Radio Research, even in its exploratory work, has given you, for the first time in the history of broadcasting, factual material on radio set ownership, broken down by counties for the whole country, which bears the stamp not only of your Association as sellers of radio advertising but also of your potential buyers and their advertising agents. Can you not conceive the many new selling advantages with this authenticated information? I actually feel a thrill every time I think of this initial accomplishment in placing in your hands as sellers of broadcast advertising and in the hands of the buyers, reliable figures on the number of radio sets in every county in the United States. Think what it will mean to you and to the advertisers you wish to sell, when you can also have fundamental data on coverage

and on listener habits, data which you do not have to try to sell your prospective customer, because his trade organization has been responsible with us in carefully preparing this dependable factual information.

There are lots of recommendations I would like to make to this Association as I step down from the responsibilities of commercial chairman. I would like to see some of our dreams of standardization come true. We have made pitiful progress the past two years. Indeed, I am not sure we have not retrogressed. I would like to see the convention recommend to its membership a one-rate policy. Unless my observations are incorrect, there has been, since the abolition of the broadcasting code under the NRA, a return on the part of many stations to a confusing multiplicity of rate set-ups which is hurting all of us as broadcasters to an extent that cannot be measured. Some of you are again falling for "per-inquiry" and contingent schemes which cannot but destroy the confidence of substantial advertisers whose business should comprise the backbone of your income.

There is need of another campaign to shorten the commercial announcement portion of your programs. I am afraid that nearly all of us have, through transcription programs, let some of the advertisers "get by" not only with an excessive amount of advertising copy but also in some cases with copy of an objectionable nature that you would not under any circumstances permit to be included in your studio-built programs. If you aren't hard-boiled with your advertisers or with the agents who place such programs with us, you certainly can't expect our governmental regulating bodies to be other than hard-boiled with us. Certainly there is no question as to which is the better way.

I would like to see the period of our summer slump shortened by the abolition of daylight savings for radio program schedules.

I feel that we should not let the defeat we experienced in attempting to form a bureau on agency recognition and credits completely discourage us but that we should again explore the problem involved and find some way to help member stations obtain necessary information on agency recognition and credits.

Too many of us are trying to see how much net profit we can make out of our stations instead of trying to see how good a job we can do for our listeners, and I am afraid there are still some in this business who have so little confidence in the future of broadcasting that they have adopted the philosophy of "getting while the getting's good."

I am through with my sermonizing and am going to make one more specific recommendation which, if adopted and carried through, will, in my opinion, be at least as great a potential accomplishment as the Cooperative Bureau on Radio Research. I recommend that the convention instruct the President to appoint a committee of not less than five, nor more than seven, members whose specific responsibility it shall be to explore during the ensuing year the possibilities to the broadcasting industry of a bureau for radio promotion and to report its findings and recommendations at the 1937 convention. Today we are the owners of the only major advertising medium which does not have an organization for the dissemination of education on the advantages of the medium; certainly we should no longer delay our first explorations on such a project. Yes, the formation and maintenance of such a bureau will cost the broadcasting industry a considerable amount of money. I doubt that even with our present large membership our treasury could support such a bureau. As a broadcaster who, like many of you, depends solely on his broadcasting station for his income, I would consider it splendid investment to pay my share of the expense of maintaining such a bureau through higher dues than I am now paying into the treasury of the NAB. I hope to have the opportunity of making good on this statement within the very near future.

I commend the excellent work your Association has done in the compiling and publishing of comprehensive statistics on broadcast advertising volume. These figures were established exactly three years ago by Dr. Hettinger. Since then they have come to be recognized as the only authoritative source of information as to radio advertising for all portions of the industry—network, national spot, local; clear channel, regional and local stations. They have been accepted by advertisers and agencies, and their conservativeness and scientific quality was amply confirmed this morning in the address of Dr. C. H. Sandage of the United States Bureau of the Census.

Your trade statistics give much valuable information as to trends in the use of radio advertising by different kinds of industries and business. They are of tremendous promotional importance in addition to giving you valuable information for the running of your station. The 150 stations which have cooperated in this work

are to be congratulated. When we reorganize and extend our service this fall, we hope to have the cooperation of the other members of the Association. I feel this is particularly important.

I would not wish to close my remarks without gratefully acknowledging the unselfish assistance given to me by members of the committee; the smiling, indefatigable help of Dr. Hettinger; the splendid advice of NAB officials; and the cheerful willingness and help of the NAB office staff. I can promise my successor lots of happy experiences as well as many moments of disappointment. I do not want the members of this Association to think that I shall not be available for such help on the commercial projects of the NAB as I may be asked to give and that I can find time for. I especially hope to have the opportunity to spend much time and effort on the Radio Research Bureau, and the joint Committee of Fifteen.

I believe 100 per cent. in the future of the NAB. I am not afraid that the Association will be unable to find plenty of good men to do the many important jobs. I do not think there will be any material split in our ranks. Rather, I think the NAB will continue to show healthy growth as it has done in the past few years. I do wish, however, that every member of this Association would examine himself as to his loyalty to the NAB and ask himself the question, "Am I doing my share?" (Applause.)

CHAIRMAN MYERS: Now, how about asking Arthur some questions?

MR. CHURCH: I am tired enough so I don't care whether you do or not.

MR. PRITCHARD: I have a question and that is whether the question of merchandising comes under this committee.

MR. CHURCH: I'm sorry but I didn't get the question.

MR. PRITCHARD: Whether the question of merchandising comes under this committee.

MR. CHURCH: The question of merchandising should be considered by this committee.

MR. PRITCHARD: I would like to see an open discussion on this because as far as I am concerned, it is getting to be a pretty serious question.

Before I left New Orleans I had a telegraphic request to put through a telephone survey. There was no suggestion that they would pay for it. We found, on inquiry of the telephone company, that we would have had to install a battery of twenty or twenty-five girls.

It seems these requests are becoming more frequent and more exacting, and there is no end to the things they want us to do, particularly with the drug and food accounts. They request us to get a lot of information which it seems, logically, should come from their own staff. Why should the radio stations call the wholesalers and maybe fifty or sixty drug stores to find whether their particular product is selling better than last year and how it compares with other products!

Is there going to be any end to what they expect radio stations to do for one fee? Are we going to keep giving more and more service for the same money. I'd like to find out what the attitude is of the other stations.

MR. CHURCH: I am not going to attempt to answer that question at this time. It is a big one. The question has received considerable attention on the part of the Commercial Committee in the past year.

A resolution on merchandising practices was adopted by the convention, I believe, two years ago and should be part of your files. I suggest that you study the NAB report of that convention on that subject and it may be helpful. In other words, the NAB is on record in the matter.

But, unquestionably there are so many developments as to merchandising practices that there should be a sub-committee on this particular part of the subject. I do not know whether the chairman feels there is time for discussion on the floor of this subject or not. That is not within my powers.

CHAIRMAN MYERS: It would seem that that question would come under Mr. Church's statement to the effect that standards of practice should be adopted which would, no doubt, cover merchandising practices as well as other practices in the industry.

I think that question is very well put and it is a question for the Commercial Committee to answer this coming year and measures put on that service, if possible. In that, the Commercial Committee will encounter the differences in fields and size of stations, in newspaper stations and non-newspaper stations, in network stations and non-network stations, who do wish to run their own business and do what they think should be done in their particular locality and sometimes those standards are more or less regulated by competitive conditions in those respective localities.

Now, are there any other questions?

MR. PRITCHARD: On that subject, it seems to me it shouldn't be passed over quite so lightly and briefly as that.

For example, I got a letter from an agency which, to my mind, was sort of a cluh held over our heads because they said, "Our future placements will depend on what the radio stations have done for us in the matter of merchandising." I mean if it is going to be on that basis, it is time we took some action and adopted some uniform way of handling the subject. I don't care what was done two years ago. It evidently hasn't been acted on.

CHAIRMAN MYERS: I would say "no."

MR. PRITCHARD: But you don't want to be the only one to say "no" and lose the account.

CHAIRMAN MYERS: It is a hard question and I don't think Mr. Church or anyone else can give you the universal wave of magic that will answer the question.

I think Mr. Holliday is just hursting with something to say on merchandising.

HARRISON HOLLIWAY (KFI-KECA, Los Angeles, California): I think you rather have me on the spot because I was listening interestedly rather than bursting with a question.

I don't know whether this meeting is open for such questions as this and that is the matter of dual rates, which you spoke of a moment ago, but for all stations that have dual rates, there is one evil that continually rears its ugly head, which was passed over lightly this morning.

I was interested in noticing the reports of the ANPA convention. One of the major questions discussed was the matter of determining which was local and which was national. I thought, if the newspapers after all these years are still discussing which is local and which is national, how could radio, which is so young, figure it out. But, so far I haven't heard anybody offer a yardstick. And, if that comes within the realm of the committee's discussion, I would like to hear a discussion of the subject.

Thank you, Mr. Myers.

MR. PRITCHARD: Mr. Chairman, I am a persistent sort of a cuss. I am satisfied I haven't got any satisfaction out of the question I asked. I'd like you to ask the people here if somebody else hasn't had a similar experience. We aren't scared to ask these questions because it is a general meeting.

CHAIRMAN MYERS: I should be very happy to ask that question. Does anybody else want to discuss merchandising practices right now? We would be very pleased to hear from you. I assure the gentleman I am not trying to shelve this.

MR. PRITCHARD: Ask them if anybody else has been asked to do merchandising which they shouldn't have been asked to do.

CHAIRMAN MYERS: Frankly, we have been asked to do many things and the answer is "no" and if it goes to competition, we just say, "Good luck to you. We hope you get what you are asking."

I don't know whether that is a suitable thing to discuss before this meeting or not.

E. P. H. JAMES (National Broadcasting Company, New York, New York): Did any of you hear Mr. Harlow speak at the AFA convention at Boston on this subject? He gave a talk on merchandising and I recommend it to anybody who is interested. He represents not only one of the most powerful stations in Boston but having network affiliation.

CHAIRMAN MYERS: They cannot hear you.

MR. JAMES: Mr. Harlow of the Yankee network said very flatly that in his viewpoint any station that found it necessary to offer free merchandising service was either charging too much for its time or else had something seriously wrong with the station.

Now, that is going a pretty long way and those of us here won't agree with him fully. I believe this gentleman asking this question would do well to read Harlow's talk. There are a number of newspaper-owned stations who do find it practical and economical to render merchandising service.

And, in answer to the gentleman raising the question, in NBC we have not fully solved this problem of rendering merchandising service but our method has been to state clearly in writing that we will not render any merchandising service to any local or network advertiser which we are not able to render to all our clients without cost but if any special services are asked for, we will make a quotation of expenses. We even go so far as to charge clients for letterheads and envelopes and postage to send letters to the trade.

We believe so long as radio station rates are supposed to represent a fair rate for time, any service of a free nature should not be given but we try not to be dogmatic so we don't force the matter down anybody's throat.

CHAIRMAN MYERS: I think Mr. Church has something he wishes to say:

MR. CHURCH: I am speaking as an individual. As Mr. Myers stated a little while ago, the problem of merchandising is one which varies in every community. The problems in Kansas City may be entirely different from the problems in New York or Cincinnati or Boston.

I happen to have a newspaper situation to meet where one of our big competitors have a combination rate which is, in effect, a merchandise discount or anything you want to call it and sometimes that situation has to be met.

Each of us has a problem of our own. However, we publish our merchandising aids—part of the things we do without extra charge to the users of our facilities and part of the things we charge for—but it is all in black and white. We try to treat every advertiser exactly the same.

I am glad this problem of merchandising has been brought up because it is one of the big problems we have brought before us every day.

Specifically answering the question raised on the floor a minute ago, my answer as a station owner is "no."

CHAIRMAN MYERS: I'd like to augment that just to this extent: we do have standard forms of merchandising which are a part of the regular cooperation given every advertiser on our station and this is given whether they ask for it or not. Sometimes we even forget to tell them about it. But, beyond those standard forms of merchandising, we do not do anything we do not charge for.

I want to say again I think the problem could be solved in the community if the stations could get together and agree on general operation policies. That does not mean a rate agreement but an agreement to print the rates and stick to them and to confine merchandising service to certain forms.

Now, we have not been bothered with threats from agencies. As a usual thing, they have been very reasonable in requests of us. I do not believe a request in the form of a cluh would come from a recognized agency because, as a usual thing, I don't believe those things are done that way by recognized agencies.

MR. PRITCHARD: While I am not going to mention the name of the agency, I would say it is a very big one and a recognized agency.

CHAIRMAN MYERS: It would seem a departure from the usual practice.

In our station we haven't seen so very much of it. I certainly think if it can be done by adoption of standards of practice, the next committee should work on such forms.

HAROLD MEYER (WSUN, St. Petersburg, Florida): Mr. Chairman, it is only natural when you make a dollar, to try to earn another dollar along the same line, and my thought on this is it is up to us to draw the line where we are going to stop. In other words, if you give them a map and say, "We have 100 radio sets," the next time they will say, "How many sets and how many cows have you," and that will go on and on and on. It is the same with the merchandising problem and it is up to each station to draw a line on service. I think there is a limit to everything but I think the station is best qualified to find out how far they can go.

CHAIRMAN MYERS: Thank you, Mr. Meyer. If there is no further discussion on the subject of merchandising, I would like to re-open Harrison Holliday's question in regard to rates, which was, I believe, in regard to what constitutes national and local rates, retail and wholesale rates, or whatever you want to term them.

In other words, do you believe that national advertisers may send programs to local representatives to place at local rates or do you believe that practice should be eliminated, or do you believe the local rate should be applied to retail stores only and all wholesalers should pay the general or national rates, or what ideas have you? Can some one given us his ideas in that respect?

J. LESLIE FOX (KMBC, Kansas City, Missouri): Mr. Chairman, may I say something along that line?

I was very much interested this morning when Edgar Bill was making his talk in a statement that he made which was, as I remember it, that undoubtedly a two-rate structure was justified, that is, national and local rate.

I am very sorry at that time I didn't ask Edgar Bill for the answer because after having been in radio eleven years, I never have been able to find it myself. I can't conceive of any justification for two rates at any time.

I think the only reason anybody has two rates is because it is a newspaper practice of long standing and I think today in the

newspaper field the newspapers themselves are just starting to adopt one rate.

I think in radio we have more of justification for one rate than other media. We have at the most, I would say, eighteen hours a day on the air. Those eighteen hours are all salable and you can't add more hours. And, I can't help but feel that fifteen minutes on any good radio station is worth as much to a retail advertiser as it is to the national advertiser. I think we are jeopardizing the national advertiser when we offer a lower rate to a retail account. I think every one of us has a trading area which we are covering and in which we are influencing buying and that area is just as valuable to the average retail account from the standpoint of sale of merchandise in that particular area as it is to a national advertiser, and for that reason I can't and don't believe I ever could be sold on a two-rate structure.

I very definitely am for one rate for all accounts under all circumstances.

CHAIRMAN MYERS: Somebody else want to discuss rate structure?

GEORGE E. HALLEY (KMBC, Chicago, Illinois): I have spent nearly nine years on a station with only one rate. It is my understanding that newspapers adopted the local rate because with the retailer there was so much waste circulation which they couldn't use because they sold only in the city. I think you will find recent market surveys in Pittsburgh and other cities have proven that the flow of trade to the big department stores in the market centers have come, in some instances, from as far as ninety miles.

Now, radio's story has always been that it covers more than just the city in which the transmitter is located. Obviously, you are doing just as much for the retailer as the national advertiser, you are covering the same area and bringing trade from these distant points into the city to buy in that retail store.

There is a survey in existence of the largest department store in Pittsburgh, Kaufman, I believe it is, in which the managing director of that store shows that in order to cover the cities that are outside of Pittsburgh, whose people trade in Pittsburgh, he buys full page newspaper advertising in twenty-one cities outside of Pittsburgh to bring the people from the smaller cities into Pittsburgh. He could buy KDKA or WCAE or WJAS and cover all with one advertisement.

His story is absolute proof, in my mind, as to why there shouldn't be two rates. Why do you need two rates?

CHAIRMAN MYERS: Thank you. Of course, all of us know of the argument for two rates that is offered—that the retail store sells over one counter while the nationally distributed merchandise is sold wherever the advertisement is heard.

Mr. Midgely of Batten, Barton, Durstine and Osborn, can you come up and give us the agency angle on rate structure? (Applause.)

MR. MIDGELY: I don't know just how far B. B. D. & O. would stand back of me so please consider this as a personal viewpoint.

A great many of you fellows have two rates. That is O.K. with me. We have accounts that come under the national rate and others that we have I frankly believe are justified in asking the local rate, and I don't believe I have argued strenuously on that.

Frankly, I believe there should be one rate. As has been pointed out, a station covers just as much for a retail store on Main Street as it does for merchandise made in Detroit and shipped a thousand miles.

Who am I or any agency to say what the solution to your problem is. I have been fully aware of one fact, that this whole business of broadcasting is so absolutely custom made and absolutely defies standardization so that if you fellows tell the truth and have two rates, I am for you.

CHAIRMAN MYERS: Thanks a lot. That was fine. Any other agency representative who would like to speak on rate structure?

I think Mr. Holliway has brought up a question that has caused a great many sleepless nights and bad dreams, as to what to do between a national and local account. Of course, if we had a one-rate structure, that couldn't happen.

I don't believe it is the duty of The Chair to tell the convention what to do. I think it is up to the convention. Personally, I do not believe any advertiser of generally distributed merchandise should receive a lower rate than his agency could receive if they asked a quotation on a similar line of merchandise. For instance, a coffee roasted in Kansas City and distributed over that area should not receive a lower rate than coffee roasted in New Orleans and distributed over the same area. That is one theory.

JOSEPH HENKIN (KSOO, Sioux Falls, South Dakota): What should be the difference between a local and national rate?

CHAIRMAN MYERS: The gentleman from Sioux Falls wants to know what should be the difference between the local and the national rate.

MR. HENKIN: How much difference?

MR. CHURCH: None.

CHAIRMAN MYERS: That is one answer. Are there any others?

MR. TRENNER: As I see this discussion up to the present time, whether we should have two rates or not, we don't ourselves try to justify whether we should or shouldn't; we only say we can't because we don't know how to differentiate. Now, that, in my estimation, doesn't justify one position or another. You just heard Mr. Midgely; he represents a very fine agency.

It is the knowledge that is behind it that has to be paid for by somebody and if you feel frankly that your station and station personnel can render to a local account what B. B. D. & O. can render to a national account, then I think you are justified in charging both the same rate. But, just as long as one fellow gets the benefit of a lot of additional service—well, go back for example, to the department store situation. They maintain an advertising department. It costs them money to run that advertising department. On top of that, you are going to charge them the 15 per cent. which you ordinarily do in the case of national rates; that 15 per cent. goes to the advertising department of the national advertiser. I suppose that it isn't difficult for you to see by this time that I favor the dual rate structure.

CHAIRMAN MYERS: That seems to favor a differential of 15 per cent. between the national and local, or wholesale and retail.

DR. HALLEY: And, what about the big national advertisers?

WILTON E. COBB (WMAZ, Macon, Georgia): Most of the stations, right from the beginning, have had different rates on day and night time. While we are discussing rates, I wonder whether that has been found advisable.

We are more or less of a local station doing mostly local business and our attitude has been, as far as the local situation, first come, first served, and we have only one rate for day and night time. The national rate specifies a differential, and I would like to know whether through the years that has been found advisable. Wouldn't it be better to have one rate, local and national? Is it advisable to have one rate for day and night?

CHAIRMAN MYERS: Mr. Church, should you not conduct this discussion as chairman of the Commercial Committee?

MR. CHURCH: To begin the discussion, I might give you my own reaction to the question.

The law of supply and demand has a great effect on our rate structure, as should also the circulation of our medium, in day time and at night. The studies we have obtained over a period of years have given us knowledge of the percentages of radio sets turned on through the various hours of the day and night. We find that there is relatively little ground for the few hours during which we have less audience as shown by our surveys. I imagine some of you have the same problems and reach the same conclusions.

From the standpoint of simplicity, it would be very much better for all of us to have a single rate structure, the same for day and the same for night, but, after all, to be fair to the user of our facilities, he should pay on the basis of potential circulation.

Now, are there any other remarks?

MR. LOTTRIDGE: Mr. Church, I thought the gentleman might be interested in our experience, which is not given as a criterion but merely the knowledge we have gained in our market.

I believe we have done more coincidental telephone survey work than the average station. This has covered a period of eighteen months. Our general manager originated it as a survey to outline our own production policies and, physically, it comprises from five to ten experienced telephone operators calling numbers at random from the telephone book at prescribed hours both day and night.

We have completed well over 100,000 of those calls at all seasons and at all hours. The first question the girl asks is, "Is your radio turned on?" and from that one question we have discovered, if you take the number of radios available for any station during what we call class A time, or 6:00 to 10:00 p. m. as a basis on which to base your percentages and call it 100 per cent., that the radios available during other hours of day and night run something like this: 12:00 to 1:00 noon, and 5:00 to 6:00 p. m. are about 75 per cent. of the top figure for your night time; that the bulk of day time is about 50 per cent. and that the time in the morning before 8:30 is approximately 35 per cent.

As I say, we do this primarily for our own satisfaction. We don't brag about it a whole lot but do it to try to effect our own

production schedules. But, after studying 100,000 of those calls over 18 months, we have tried as closely as possible to base our rates on approximately the same percentages so we can now take a C.P.A. report from telephone calls and show the actual basis on which we have computed our class A, B and C time.

I say this coming strictly from our market. The same situation may not be true from any other market in the country.

CHAIRMAN MYERS: Before Arthur proceeds with this part of the meeting, I would like to ask if Mr. DeWitt is here.

... Mr. DeWitt was in the audience. ...

CHAIRMAN MYERS: Will you please come to the platform; your report is next.

MR. CHURCH: I think we could go on indefinitely talking about these commercial problems that are mighty interesting to us and I am not shutting off discussion. But, I think we should make the rest of our discussion brief on this subject. Does anybody else wish to speak from the floor?

I am glad to see the increased amount of interest over last year, particularly this morning in connection with the panel discussion which sort of naturally gets us on our feet. It is a very fine thing. I hope to see that panel type of discussion continued in the Association work.

CHAIRMAN MYERS: Thank you, Arthur. It is certainly encouraging to see so many of the boys get up and speak their minds on the subjects. You will get something out of these meetings if you fellows will talk.

At this time it gives me very great pleasure to introduce the chairman of the Engineering Committee who will give the report of his committee. I am sure the Engineering Committee report is of very great interest and I am sure there will be some very interesting questions when Mr. DeWitt is finished. Mr. DeWitt.

J. H. DEWITT (WSM, Nashville, Tennessee; Chairman, Engineering Committee): Your Engineering Committee has prepared the usual report this year and in it are some rather interesting facts, that is, facts interesting to engineers. Instead of delving into these almost purely technical matters, we shall set this report aside to be published and will now present some observations interesting to a group of station owners and managers.

For years you have heard talks at the conventions dealing with selling of station time and you have heard many theories expounded on the subject of increasing the station income.

Now we know that you usually think of a station engineer as a necessary evil and one who is so wrapped up in theories that he can never appreciate the commercial angle. Well, we are going to show you that instead of dealing in theories, we deal in facts and that these facts pertaining to engineering will actually ring the cash register.

We shall try to take modern engineering out of the mental red ink class to which many have in the past relegated it and show it to be the application of sound business principles to an exact science. In the past (and, we hope, in the future), the broadcast engineer has concerned himself not so much with the cost of a new venture but what will be the net return in dollars.

Your committee has for years pointed out defects in technical operation and has attempted through its reports to help you in correcting these matters because we knew this meant better coverage but these were drab scientific facts and as such are not very appealing.

Judge Sykes mentioned yesterday that fifty per cent. of the stations in the country could improve their coverage without increasing their power. To some of you this may have sounded like an impossible proposition, provided you think coverage depends entirely on the power of your station.

Well, we know of a station that, according to its rate card, is a 1,000 watt station but because of certain engineering deficiencies, it radiates a signal equivalent to less than 200 watts. Now, some commercial men believe that the power listed on the rate card is what counts in selling but more thoughtful station owners know that clients are held by coverage results. It can be proved beyond any doubt that this station just mentioned could hold customers much easier and could do an easier selling job if it actually delivered a good healthy 1,000 watt signal.

Another angle to this thing is that the Federal Communications Commission, through its engineers, has indicated many times that stations will not be considered for power increases until it is demonstrated that the facilities available are being used to their maximum extent. Is the Commission simply being arbitrary in these matters? Well, some of you may think so but if you do, we cannot agree. The Commission is only requiring what leading engineers have advocated for years.

In attempting to show you how to make more money from your

station through good engineering practice, we will assume that some of you know nothing about such things as radiation efficiency, frequency characteristic, distortion, percentage modulation and so on. Possibly we can give some new definitions of these terms which will convey a new meaning.

First, radiation efficiency. This tells you how many of the watts sent out of your transmitter bring in mail response and how many are used in heating the ground and growing grass around the antenna. The number of aeriels having an efficiency over 50 per cent. is very small.

Next is distortion, which is the harsh, disagreeable effect that usually causes a comment, "Worn out tubes." It sometimes results from poor design of the equipment but is more often the result of the way it is operated.

The frequency characteristic determines the degree with which different pitch sounds are sent out, determines whether your station sounds drummy, tinny or beautifully balanced in tone quality.

Noise level tells you about hums, throbs and other disagreeable sounds that have nothing to do with the program. Such noises come from bad generators, from poor telephone lines and from many other sources.

Now, these are just a few of the technical ills which may adversely affect your station's saleability by creating listener preference for your competitors' well-engineered station. Another extremely important point is the modulation capability of your transmitter. This simply means how much program volume can be put on the transmitter without serious distortion. We will show you that this is a very important matter in the coverage of your station. A 50,000 watt station with a modulation percentage of 10 would deliver no stronger signal to the listener than a 500 watt station with full modulation. Similarly, a 1,000 watt station is the equivalent of a 10 watt station. This is no juggling of figures; it means exactly that the effective power of your station is determined by how well you make use of your facilities.

The Federal Communications Commission required you to install a frequency monitor. Some progressive stations had held their frequency very close to the assigned value before such checking apparatus was made compulsory. Many followed this rule grudgingly but today no one can deny that this improvement in engineering practice has increased the coverage of many local and regional stations simply because of the elimination of the whistles resulting from wide frequency differences.

During the past year the Commission has made it necessary to purchase a modulation monitor which must be in operation by November 12. Again some stations will comply with this requirement grudgingly. That which you should have done as a matter of good business is forced upon you by Commission regimentation. What station would not be willing to spend \$5,000 to double its power? Yet many will object to spending less than \$500 to accomplish the same result.

We of your Engineering Committee sincerely hope that it will not be necessary for the Commission to set forth any new requirements in these matters. We wish to point out, however, that the only way to realize this is for the stations to make improvements now and to demonstrate by doing so that they wish to provide the best possible service to the listener. (Applause.)

CHAIRMAN MYERS: Let's not let Mr. DeWitt get away without asking him some questions. I wish you would stick with us a few minutes. If anybody wants to know anything about this matter of governing power by antenna improvement and so on, I am sure Mr. DeWitt will be glad to answer those questions. Now is your chance to get some engineering advice free. It is certainly complimentary to the industry if none of us need it.

MR. CHURCH: I'd like to ask the Engineering Committee a question. What, in the case of a minimum frequency station of 1,000 watts is the highest actual tower that can be employed to advantage? I understand that when you go up, you obtain advantages. Do these advantages offset the economic consideration?

MR. DEWITT: That is a hard question to answer right off but it may be looked at this way. First of all, we will assume that you speak of a vertical radiator, or single antenna, and you are speaking of a regional station, an average station. If you are worried about fading, it may be economical to go to an antenna of about fifty-five hundredths of a wave length in height.

However, there is one thing to remember. Studies so far have shown that simple vertical antennas that lie in height between a quarter and a half wave are probably not very economical from the standpoint of a local or regional. Probably a quarter wave antenna is all that can be justified in most cases. You can get

30 or 40 per cent increase in field strength by going to the maximum height and that is equivalent to doubling your power.

MR. CHURCH: That means how much perceptible increase near the edge of primary area?

MR. DEWITT: It might just make the difference between a listenable signal and one too noisy to use. I think that is something that requires a lot of study before a final answer can be made.

F. W. BORTON (WQAM, Miami, Florida): I'd like to ask whether we are to receive for our technical data book the interpretations of what is considered good engineering practice, the allowable hum level and so forth, referred to in Rule 131.

MR. DEWITT: Your Engineering Committee published in last year's report and in the report of 1934 its idea of permissible hum level and distortion level. I don't believe that that has been incorporated in the NAB handbook.

However, in regard to good engineering practice, your committee this year has considered the matter of aiding members in every way possible to meet these requirements and to interpret good engineering practice. Your chairman has conferred with the engineers of the Federal Communications Commission and has obtained permission to publish in NAB REPORTS recommendations regarding Rule No. 131, which has been questioned in many cases, and we hope that it will help the stations.

CHAIRMAN MYERS: Are there some other questions for Mr. DeWitt to answer while he is with us?

I assume that the technical report of the Engineering Committee will be included in the convention proceedings. I am sure we all appreciated Mr. DeWitt's report and would like to see him get the hand he deserves. (Applause.)

Before we proceed with the meeting, there are several announcements.

(Announcements.)

MR. FOX: Mr. Chairman, before you adjourn, would it be out of line if you called on Buryl Lottridge to make a short announcement concerning the purpose and idea in the organization of the sales managers meeting?

CHAIRMAN MYERS: We would be very pleased to have that announcement now. Would Mr. Lottridge like to make that announcement?

MR. LOTTRIDGE: I can merely repeat a part of the work that was done, the outline prepared yesterday when there were some forty sales managers in this room following the afternoon session. I can merely state that those people who were present were extremely enthusiastic about the proposal. And, concisely, the organization means simply this: we would like to perfect a group of NAB, comprised exclusively of individuals from each station who are primarily responsible for the sale of time. We feel that we have innumerable objectives and problems that can very easily be discussed to everyone's advantage if we can provide an organization, first, composed of people who have those problems every day and, second, an organization that can meet with enough privacy and seclusion actually to take their hair down and talk about them.

For that reason we have tried to perfect a sales managers division of NAB and the purpose of this meeting this afternoon at the close of this session will be, first, to perfect the organization individually and collectively and to make a few simple plans for the objectives for future meetings and, if possible, outline a method of communication which we can use in lieu of another meeting. It will be practically impossible to meet again during the convention; hence the urge that every sales manager remain if at all possible and we will go into it more thoroughly.

Thank you.

CHAIRMAN MYERS: Paul Loyet of WHO is present and will make a further statement on one of the questions.

PAUL A. LOYET (WHO, Des Moines, Iowa): Mr. Church asked a minute ago whether it was justifiable to put up a half wave radiator on a regional station. I asked Jack when he returned why he shouldn't ask Arthur if he felt justified in going into day time only from 2,500 watts to 5,000. The comparison is exactly the same.

MR. CHURCH: I asked the question, knowing there were a lot of members that have asked that question.

MR. LOYET: There is almost the exact expenditure involved in changing from 2,500 watts, say, to 5,000—compared to putting up a vertical radiator.

CHAIRMAN MYERS: May I ask before you leave the platform whether that is the difference between a quarter wave and half wave?

MR. LOYET: Approximately.

CHAIRMAN MYERS: Double the field strength throughout the area or vary on its borders?

MR. LOYET: Of course, the field strength is practically doubled at all points. The area increased would be practically the same as if you changed to 5,000 watts.

CHAIRMAN MYERS: In other words, you answered the question in the beginning with the statement that change from quarter to half wave antenna is equal to doubling your power.

MR. LOYET: What I wanted to bring out was, most everybody in the room with a regional would not hesitate to spend money to double his power even for day time service whereas very few would figure the half wave radiator a justified expenditure.

HOWARD A. SHUMAN (KFDM, Beaumont, Texas): What would you say in case of a local station, a 50 or 100 or 200 watt?

MR. LOYET: Now I am in about the same boat Jack was. (Laughter.) Personally, I don't believe a local station can justify anything above a quarter wave length. I think the first cost is so high that it wouldn't be worth while over possibly a very long period of time.

VICTOR J. ANDREW (Doolittle and Falkner, Inc., Chicago, Illinois): May I have a word on the matter of economics of antennas?

The engineer is entirely capable of telling what the improvement will be with a given change in antenna or other equipment. We have developed for our own use a method of determining what is and what is not worth while in antennas and other equipment. The questions are economic and not engineering, that is, the economics is the difficult part.

The procedure we find useful is to draw a curve of a station's value versus the power of the station. Now, if you take a station of a certain power worth \$100,000 and a station of another power worth \$200,000—the additional power is worth \$100,000. We then assume that each watt of power is worth a figure which we derive from this curve. We then evaluate the change in the equipment in terms of change in power. The change may be a change in power or a change in antenna efficiency. Then we try to answer the question whether the change is or is not worth the difference in cost.

MR. CHURCH: I'd like to ask the engineers another question. I did not pay as close attention perhaps to the engineering report as I should but I do not recall having heard anything about the engineering characteristics of studio design and I am wondering whether our Engineering Committee has given recent consideration to studio characteristics. And, if so, what standards are recommended to the membership?

MR. LOYET: I can't very well tell you. Jack has left the room. I don't feel that I am quite qualified to say whether the Engineering Committee has set up any recent standards on studio design.

If I am not mistaken, I believe that the major networks thus far have done more experimentation with studio acoustics and design than probably anybody else in the country. And, if there is any acoustical representative of one of the major networks here, he could probably give you some information.

The study of acoustics in itself is pretty complicated and I believe in each new studio installation, the engineer in charge will try to gain the advice of a good acoustical man rather than do his own figuring.

CHAIRMAN MYERS: Does anybody care to make any comments on studio engineering?

MR. ANDREW: We are not doing studio engineering.

CHAIRMAN MYERS: Are there any other engineering questions?

MR. BORTON: He spoke a little while ago about a half wave radiator. I'd like to ask if the attenuation down around 1,500 kilocycles makes such a radiator uneconomical.

MR. LOYET: Instead of following the representative from Doolittle and Falkner, I made the original comment that if the station owner felt justified in doubling his power by means of increasing the power of his transmitter, he should feel justified in putting up the radiator, so I think that leaves out the subject of attenuation or at least it puts it in the lap of the station owner.

MR. SHUMAN: I'd like to ask the engineers whether an increase from a quarter to a half wave would be justified on 560 kilocycles.

CHAIRMAN MYERS: The question is, would the expenditure be justified on 560 kilocycles, from a quarter to a half wave.

MR. LOYET: I can see eventually I am going to get tied up into some kind of a knot here. (Laughter.)

Personally, if we had our present facilities on 560 kilocycles, I would make every effort to put up a half wave vertical radiator. That is a personal opinion arrived at in only a very few minutes.

CHAIRMAN MYERS: Are there any other questions? I have been advised that the Resolutions Committee have postponed their report until tomorrow morning. The order of business to-

morrow morning, as you know, is also the report of the Nominating Committee and the election of officers. All slates must be announced and posted in advance. My memory of the proceedings is that last minute nominations cannot be made from the floor, that all nominations must be made and posted in advance in accordance with the By-Laws.

If there is no further business, a motion to adjourn is in order. STANLEY E. HUBBARD (KTSP, St. Paul, Minnesota): I move we adjourn.

JAMES R. CURTIS (KFRO, Longview, Texas): Seconded.

(The motion was put to vote and was carried.)

(The meeting adjourned at 5:00 o'clock.)

JULY 8, 1936

Wednesday Morning

The meeting convened at 10:50 o'clock, Vice President Myers presiding.

CHAIRMAN MYERS: The convention will please come to order.

Ladies and gentlemen, I take pleasure at this time in turning the gavel over to Mr. William Hedges who will conduct the meeting. Thank you very much for your attention.

(William S. Hedges (WEAF, New York, New York): Past President, NAB, took the chair.)

CHAIRMAN HEDGES: I am going to appoint Mr. Carpenter and Mr. McDermott and Ed Bill as a committee of three to go out and usher everybody in, and please come forward. There are plenty of seats up here and you will find that discussion will be facilitated if you come forward.

There are a good many delegates in the room who have train reservations early this afternoon and there is a good deal of business to be transacted, so let's get going as rapidly as possible.

The first order of business this morning will be the report of the Nominating Committee. Mr. Chamberlin, come forward.

Before Mr. Chamberlin reads his report, I wish to read you Article VII of the Constitution, on elections:

"Article VII

"Elections

"The President of the Association shall appoint a Committee on Nominations consisting of five active members who, in his judgment, are representative of the active membership, which Committee shall meet and report to the annual meeting the names of individuals whom they nominate for election as Officers and members of the Board of Directors. Any ten active members of the Association may, in writing, present at the annual meeting the name of a member of the Association to be included on the ballot. Election shall be by majority vote and if no candidate secures a majority on the first ballot then the two highest candidates shall be voted for on the next ballot."

Mr. Chamberlin, will you make your report?

MALLORY CHAMBERLIN (WNBR, Memphis, Tennessee): Mr. Chairman and members of the convention, your President very courteously appointed me—and I count it an honor to have been appointed—chairman of the Nominating Committee. Likewise on that committee were Glenn Snyder, Tom Lyons, Burt Squire and Donald Withycomb.

We present to you the slate as proposed by the Committee on Nominations of the NAB:

For President—Edwin W. Craig, WSM, Nashville, Tennessee.

For First Vice President—John Elmer, WCBM, Baltimore, Maryland.

For Second Vice President—Gardner Cowles, Jr., KSO, Des Moines Iowa.

For Treasurer—Harold Hough, WBAP, Ft. Worth, Texas.

For positions on the directorate for the three-year term (five men to be elected):

Edward A. Allen, WLVA, Lynchburg, Virginia

Arthur B. Church, KMBC, Kansas City, Missouri

Eugene P. O'Fallon, KFEL, Denver, Colorado

John F. Patt, WGAR, Cleveland, Ohio

L. B. Wilson, WCKY, Covington, Kentucky

For positions on the directorate for the two-year term—made necessary because of the fact that last year Gardner Cowles was appointed by the Board to fill a vacancy and such appointment being able to endure only to this current convention, it becomes necessary to vote for one man for the two-year term—Frank M.

Russell of WRC, Washington, D. C. In view of the nomination of Edwin W. Craig for the presidency and in case of his election, it would leave a vacancy in the directorate because of the fact at the present time Mr. Craig is a Director and, therefore, in case of his election as President, it will be necessary to vote for another man for the two-year term on the Board and we propose to you Paul Morency of WTIC, Hartford, Connecticut, for that position.

Thank you very much.

CHAIRMAN HEDGES: You have heard the report of the Nominating Committee. Are there any other nominations to come from the floor?

It is my understanding that there is another ticket to be submitted, that that ticket is now being mimeographed and will be ready for presentation in a short time.

In that event, we will pass from the report of the Nominating Committee and will hear from the Resolutions Committee. Mr. Gillin.

MR. GILLIN: Mr. Hedges, Ladies and Gentlemen of the Fourteenth Annual Convention of the National Association of Broadcasters:

The Resolutions Committee as appointed by the Executive Committee is pleased to present this report. This committee had as its members the following gentlemen:

E. B. Craney, KGIR, Butte, Montana
Ralph R. Brunton, KJBS, San Francisco, California
Harrison Holliway, KFI-KECA, Los Angeles
Gardner Cowles, Jr., KSO, Des Moines, Iowa
John J. Gillin, Jr., WOW, Omaha, Nebraska

The first resolution to be presented to this convention in session this morning is a resolution turned in by Tom Symons of KFPY, Spokane, Washington.

"WHEREAS, it is the understanding of this organization that certain applications are now pending before the Federal Communications Commission and others are contemplated, wherein licenses or permits are being sought authorizing the establishment of radio broadcasting stations with transmission power of 500 kilowatts; and

"WHEREAS, such stations on account of their excessive power cover the entire United States; and

"WHEREAS, on account of the excessive cost to establish such stations they can only be established by large accumulations of capital and in small numbers compared with the present number of stations of lesser power now being successfully operated; and

"WHEREAS, such powerful stations tend to monopolize the radio broadcasting industry to the detriment and injury of the approximate 630 independent broadcasting stations now established and representing to the owners and operators thereof valuable investments; and

"WHEREAS, there is no necessity for stations of such excessive power, as the country could be properly and efficiently furnished with broadcasting service without the issuance of any further license for such super-power stations;

"Therefore, Be It Resolved, by the NAB, in general meeting assembled at Chicago, that in view of the facts related above and the certainty of the economic injury and ultimate economic destruction of the numerous presently established independent broadcasting stations which will result in the establishment of over a limited number of stations of such tremendous power, that NAB earnestly objects to and protests the granting by the Federal Communications Commission of any other or further licenses or permits for stations of power in excess of fifty kilowatts; and

"Be It Further Resolved, That the Managing Director of this organization be instructed to furnish a certified copy of this resolution to each of the members of the Federal Communications Commission with request that they and each of them refuse to grant any other or further such permits or licenses."

The majority opinion of the Resolutions Committee voted to make no recommendation on this resolution.

CHAIRMAN HEDGES: The Chair will receive a motion for the adoption of this resolution.

T. W. SYMONS, JR. (KFPY, Spokane, Washington): Mr. Chairman, I move the adoption of this resolution.

E. B. CRANEY (KGIR, Butte, Montana): Seconded.

MR. HUBBARD: I think I know how most of the members feel about fifty kilowatts. We have had many issues in this convention that threatened to split us in past years, and I think the question of extreme high power is one that should not be brought before this convention. We are represented by clear channel, regional and local stations. As a matter of fairness to all, I move that this resolution be tabled.

CHAIRMAN HEDGES: Is there a second to Mr. Hubbard's motion?

MR. MYERS: I second that motion.

CHAIRMAN HEDGES: A motion has been made to table the resolution. Is there any further discussion?

This reminds me somewhat of the 1924 conference held in Washington by the then Secretary of Commerce, Mr. Hoover, when broadcasters spent a lot of time condemning high power—and the high power they were discussing at that time was 5,000 watts. They decided at that time that broadcasters would be very injurious to the art if 5,000 watts was established as super power.

I merely recite that as a historical reference, not in any way attempting to persuade you one way or the other. It is improper for The Chair to participate in the discussion.

MR. MYERS: I want to explain why I seconded that motion.

The NAB has never taken any part in allocation or any way of telling the Federal Communications Commission how to conduct their business at Washington. I am a regional channel and never expect to be anything more than a regional channel but I do not believe this convention should go on record in favor of regional channel or 100 watt or 500 watt or any other class of broadcaster, and that is why I seconded the motion to table Mr. Symon's resolution.

I don't want to be misunderstood. I don't want anybody to believe I seconded that motion because I am not in favor of fifty kilowatt broadcasting stations—I am just not in favor of this convention going on record in accordance with Mr. Symon's resolution.

Thank you.

CHAIRMAN HEDGES: I might also take the liberty of pointing out to you that the hearing held by the Commission in October will give every broadcaster an opportunity to express his views there.

Are you ready for the motion to table the resolution?

THE CONVENTION: Question!

(The motion was put to vote, and was carried.)

CHAIRMAN HEDGES: The motion is carried and the resolution is tabled.

MR. GILLIN: "Resolved, That the National Association of Broadcasters sincerely thanks the Hon. Judge Eugene Octave Sykes, Chairman of the Broadcast Division, Federal Communications Commission, for the information, practicability and usefulness of his message delivered at its Fourteenth Annual Convention, and that the membership believes that his message will serve as a potent aid in assisting the licensees of American broadcasting stations to cooperate with the Federal Communications Commission."

Your committee moves the adoption of this resolution.

MR. CHURCH: Seconded.

CHAIRMAN HEDGES: Is there any discussion?

(The motion was put to vote, and was carried.)

MR. GILLIN: "Resolved, That the National Association of Broadcasters hereby expresses its sincere thanks to Dr. C. H. Sandage for his contribution to the interest and value of the Fourteenth Annual Convention of this Association."

Your Resolutions Committee moves its adoption.

CHAIRMAN HEDGES: Is there a second?

MR. SYMONS: Seconded.

CHAIRMAN HEDGES: I don't believe this calls for discussion.

(The motion was put to vote, and was carried.)

MR. GILLIN: "Resolved, That the National Association of Broadcasters hereby extends its hearty thanks to Mr. Glenn Snyder, Mr. Ralph L. Atlass, Mr. H. Leslie Atlass, Mr. H. C. Crowell, Mr. Gene T. Dyer, Mr. W. E. Hutchinson, Mr. Quin A. Ryan, Mr. F. A. Sanford, Mr. Niles Trammel and Mr. Clinton R. White of the Local Convention Committee for their admirable services in making the Fourteenth Annual Convention of the National Association of Broadcasters an outstanding success."

The committee moves its adoption.

EARL J. GLADE (KSL, St. Lake City, Utah): Seconded.

(The motion was put to vote, and was carried.)

MR. GILLIN: "Resolved, That the National Association of Broadcasters hereby extends its hearty thanks to the management of the Stevens Hotel and to Mr. William P. Hennessy, Director of Conventions, Chicago Association of Commerce, for their splendid service in making the Fourteenth Annual Convention of this Association an outstanding success; also to the management of the Stevens Hotel and other hotels for their courtesies in accommodating so many of our guests."

Your committee recommends its adoption.

MR. GEDGE: Seconded.

(The motion was put to vote, and was carried.)

MR. GILLIN: "Resolved, That the official acts of the Managing Director since the Thirteenth Annual Convention be and the same are hereby approved."

Your committee moves the adoption of this resolution.

E. P. SHUTZ (WIL, St. Louis, Missouri): Seconded.

CHAIRMAN HEDGES: Is there any discussion?

THE CONVENTION: Question!

(The motion was put to vote, and was carried.)

MR. GILLIN: "Resolved, That the Managing Director be and he hereby is authorized to take such steps as may be necessary adequately to represent the best interests of the broadcasting industry in the forthcoming conferences preparatory to the fourth meeting of the CCIR, scheduled for the spring of 1937, and in the meeting of the CCIR."

The committee moves the adoption of this resolution.

CHAIRMAN HEDGES: Is there a second?

MR. SYMONS: I'll second it.

CHAIRMAN HEDGES: Any discussion?

(The motion was put to vote, and was carried.)

MR. GILLIN: "Resolved, That the President be and he hereby is authorized and directed to appoint a committee of three, one of whom shall be the Managing Director, to determine the procedure for most effective presentation of the United States position and proposals to the next administrative international conference scheduled to be held in Cairo early in 1938."

Your committee moves the adoption.

MR. CURTIS: Seconded.

CHAIRMAN HEDGES: Is there any discussion?

(The motion was put to vote, and was carried.)

MR. GILLIN: "Resolved, That the Managing Director be instructed to proceed immediately with the creation of a bureau of agency recognition in accordance with the plan approved and recommended by the Commercial Committee, with the understanding that the said bureau will be finally established only if the cost of its first year of operation is underwritten by the stations proposing to avail themselves of its service."

Your committee moves the adoption of this resolution.

CHAIRMAN HEDGES: Is there a second?

MR. SHUTZ: Seconded.

CHAIRMAN HEDGES: Is there any discussion?

MR. CHURCH: I did not know this resolution was to be brought before the body at this time. I would like to have the mover, the first mover of this resolution, support it to the convention before we vote on it, if possible.

CHAIRMAN HEDGES: Do you mean by that that you wish to have the arguments in behalf of this resolution presented at this time?

MR. CHURCH: Yes.

CHAIRMAN HEDGES: Who proposed this?

MR. GILLIN: This is proposed by your Resolutions Committee.

The reason for your committee placing this resolution before you this morning is simply because of the fact that an agency recognition bureau is something this industry needs; especially for the smaller stations that are being milked each year by certain people who are not recognized agencies. That is the main reason for this resolution.

MR. CHURCH: Mr. Chairman, I, too, am for this resolution. However, I didn't know that it was to be brought before the body this morning and I am not sure that it is in proper form for us to act upon at this time.

You will recall that a year ago this body passed a similar resolution. I voted for the resolution but I was not in favor of the wording of the resolution which represented the approval of the majority of the members of the Commercial Committee at that time. The strings tied to the resolution caused the failure of the formation of a recognition bureau during the past year. It was my feeling that I expressed to the Commercial Committee that this bureau should be financed not by individual subscriptions but by the Association and that the benefits of the bureau should accrue to all the members of this Association.

I might just as well make the little speech now that I hadn't intended to make until later. This Association has undertaken various projects which have failed largely because we didn't have finances to carry them through. Your Managing Director lives within his budget. The dues from this Association are for the benefit of every member. The dues of this Association today are not large enough to give the benefits to you and to me that we would like to have from the Association.

Later a resolution will be offered you whereby you will vote on an amendment which would increase your dues fifty per cent.

That increase sounds like a lot of money. Actually, in dollars and cents for each of us, it is a small amount of money compared to the amount we lose by not having an agency recognition bureau and some of the other things that we should be supporting at the present time. We are foolish if we don't pass the amendment.

Your Bureau of Radio Research almost automatically requires the increasing of your dues. An agency recognition bureau requires the increasing of your dues. We can't do these things without the money. All of my income is in the broadcasting business and I happen to have been close enough to the various projects we have worked on to believe in them 100 per cent and I am glad to pay my part of the increase in dues.

Now, getting back to this resolution, I propose to amend this resolution. Pardon me, may I see the resolution? I move to amend this resolution by striking out the words "with the understanding that the said bureau will be finally established only if the cost of its first year of operation is underwritten by the stations proposing to avail themselves of its service" and substituting "with the understanding that the said bureau will be established when, in the opinion of the Board of Directors, the financial condition of the Association will permit."

Now, if that motion has a second and it passes, it means you will have a recognition bureau if you increase your dues and won't have one if you don't increase your dues.

CHAIRMAN HEDGES: Is there a second to Mr. Church's amendment?

MR. CARPENTER: I'll second it.

CHAIRMAN HEDGES: Is there any discussion?

MR. BORTON: I object to the amendment on the ground that it imposes the cost of that service on the entire membership while the benefits will result only for a few.

CHAIRMAN HEDGES: Are there any further remarks? Are you ready to vote on the amendment?

(The amendment was put to vote, and was lost.)

CHAIRMAN HEDGES: The amendment is lost. Now we will vote on the resolution as originally presented. Is there any discussion on that?

THE CONVENTION: Question!

(The motion was put to vote, and was carried.)

MR. GILLIN: "Resolved, That the Board of Directors of the NAB consider the continuance of the establishment of one or more annual NAB awards for conspicuous examples of public service rendered by American broadcasting stations."

Your committee recommends the adoption of this resolution.

CHAIRMAN HEDGES: Is there a second?

MR. SYMONS: Seconded.

CHAIRMAN HEDGES: Is there any discussion?

MR. PRITCHARD: Where is the money coming from?

MR. CHAMBERLIN: I would like to ask a couple of questions on that. What will the awards be? What will they cost? And, how will the awards be made?

And, why wouldn't the awards probably go to those that happen to have the best station promotion departments or that happen to be closer to the seat of activities than those out in the far reaches of the country!

MR. GILLIN: Mallory, I'd like to call your attention to the resolution, which states specifically that "the Board consider the continuance of the establishment." It doesn't say it specifically acts, according to what the recommendation was last year of this Association. It just says "consider the continuance of the establishment of one or more annual NAB awards."

MR. PRITCHARD: Is it necessary to have a resolution to go on considering something they are already considering?

MR. GILLIN: Captain, the only reason for the resolution is because we want to continue the spirit which started this particular resolution in the first place, and I would like to have Lambdin Kay, who is chairman of that committee for the NAB, tell just why we are anxious that this be continued and a more healthy attitude be taken by NAB, RMA and other parties who are really helpful in considering this matter. Is Lambdin Kay here?

LAMBDIN KAY (WSB, Atlanta, Georgia): Yes.

MR. GILLIN: Lambdin, will you come down here to the speakers' table?

MR. KAY: I consider that the matter of a national award is extremely important. We investigated it to some extent last year and there is a possibility it can be put into effect but this past year was a bad year to concentrate the attention of NAB on matters of that type. I believe it can be followed through. The RMA are interested and want a report from the NAB as to their interest, and I suggest that the matter be left standing or at the discretion of the Board, to consult with RMA to see if anything can be worked out.

CHAIRMAN HEDGES: Is there any further discussion on that resolution?

THE CONVENTION: Question!

(The motion was put to vote, and was carried.)

MR. GILLIN: "Resolved, That the NAB continue to cooperate with the Federal Communications Commission and educational groups in all practical efforts to study the application of education to radio."

Your committee moves the adoption of this resolution.

MR. SHUTZ: Seconded.

CHAIRMAN HEDGES: It has been moved and seconded that this resolution be adopted. Is there any discussion?

(The motion was put to vote, and was carried.)

MR. GILLIN: "Resolved, That the NAB go on record as favoring the issuance of radio station licenses for a term of at least three years."

The committee moves the adoption.

MR. GLADE: Seconded.

(The motion was put to vote, and was carried unanimously.)

CHAIRMAN HEDGES: It's unanimous! (Laughter.)

MR. GILLIN: Thank you for your cooperation. (Laughter.)

This next resolution was presented to the Committee on Resolutions by Meff Runyon, Treasurer of the Columbia Broadcasting System.

"WHEREAS, experience has demonstrated that trade associations function most effectively in the interest of members where the primary purpose is to promote the economic stability of the industry among those who contribute to its welfare and where other association activities are confined to fields where there exists substantial unanimity of opinion, and

"WHEREAS, the National Association of Broadcasters has during the years of its existence performed many services of great benefit to its members in fields where broadcasters as a whole have common problems and common viewpoints, and

"WHEREAS, the National Association of Broadcasters is not so constituted as to be able to bind any of its members to any prescribed course of action either in contracting for the materials used or in fixing fees for which services will be sold,

"Be It Resolved, That it is the consensus of this convention that this Association shall confine its activities in the development of the industry and the protection of members to fields as to which substantial unanimity of opinion exists and that the officers and directors are hereby so advised and instructed."

The majority of the Resolutions Committee disapproves the adoption of this resolution.

CHAIRMAN HEDGES: A motion is in order.

MR. GILLIN: The majority of the committee disapproves the adoption of this resolution.

CHAIRMAN HEDGES: Just a minute, Mr. Gillin offers the disapproval of the Resolutions Committee as a motion.

FRED J. HART (KGMB, Honolulu, Hawaii): Seconded.

CHAIRMAN HEDGES: It has been moved and seconded that this resolution be disapproved. Is there any discussion?

HARRY C. BUTCHER (WJSV, Washington, D. C.): I'd like to say a few words about that.

I would like to explain the motives behind the resolution offered and read, and whether or not the NAB convention approves the resolution, I think that we in Columbia will be just as content, even if voted down, if each and every one of you will carry away from here a recognition of the extent to which a trade association should or should not engage in controversial issues which affect favorably or unfavorably certain elements of the industry.

A trade association, I think, attempts to commit suicide when it engages in activities favorable to the majority, unfavorable to the minority, no matter how small that minority might be. There are so many things that this industry needs to do and that the NAB can do and in the past has done very successfully where there has been almost unanimous support behind the NAB and its efforts were for the entire industry.

Now, coming particularly to what is in your minds, under this resolution, what would happen on copyright? As I see it, under copyright, legislation which has been supported unanimously by the industry, at least our attempts to get that legislation as expressed in the Duffy Copyright Bill, our efforts on copyright legislation are general industry matters in which we have had substantial backing in the industry and so the NAB can work successfully on that type of thing. I would say copyright legislation should be a NAB function as a trade association activity.

Now, as to the Bureau of Copyright's function, I think that is in general agreement and support by the industry and, therefore, should be handled by the NAB.

As to copyright negotiation wherein the NAB attempts to negotiate contracts for groups, for stations aligned with groups within the industry, it is in that field where I think we have made our great mistake in the NAB. I think I am a party to making that mistake. I think it first happened back in 1930 or '31 when we had the Plenary Committee and Negotiating Committee.

I think negotiation has to be handled with ASCAP by some one or some group outside of the NAB because whoever does it has to have your power of attorney with proxy so that he can go down to ASCAP and deal as Jim Baldwin dealt in his late negotiations but I don't believe it should be NAB itself handling those negotiations.

You have several groups on copyright—network affiliates, non-network stations, hundred watters, newspaper-owned stations that have a special type of contract—all those group interests are difficult to harmonize within the NAB.

So, I say, keep the NAB functioning on things on which there is virtually unanimous agreement. I mean by that copyright legislation. The Bureau of Copyright—I want to say so far as Columbia is concerned, we are going along on that. There are a few things we think are futile but the principle is right and we will assist as far as we are wanted and will put our shoulder to the wheel to assist because the principle is sound. But, negotiation—if you will consult with trade association history—has to be removed from association activity.

I can point out a case in my own experience. In fact, I got my fundamental training in radio working for the fertilizer association. (Laughter.)

In the fertilizer association, we had a problem somewhat parallel to the one you have here. Nitrate of soda, which is used in all fertilizers, comes from a Chilean government monopoly; potash from a German government monopoly. All the members were interested in acquiring the materials as cheaply as possible but there were group interests because of location of factories—some inland, some on rivers, some on the coasts—so it was not feasible for the association to engage in negotiation for those materials. The negotiation was handled by an individual company proposition or where several companies could get together and pool their orders. And, that association is one of the most successful service institutions in the United States. They recognize very clearly where you have a conflict of economic interest that trade associations cannot become involved in that, and leave that to the members themselves.

Why should we in the broadcasting industry with the tremendous future ahead—just stop and think; you have facsimile coming; you have television coming; you have a variety of news services that are going to tax the ability of every person here and we will need unitedly the strongest trade association we can have and there are many, many industry things in which the NAB can be of tremendous service—why should we tear ourselves apart and be utterly silly in working on matters which cause great conflict in the industry!

That is the way we feel about it. We want you to know our position and policy and we hope that some of you at least will agree with us on it.

As far as contracts, there will be no more contracts in the sense of new contracts for another four years. Most of us have five years. If this principle is recognized and the Managing Director of the Board will follow the principle, I think whether you act favorably or not, if you recognize this principle as fundamental to the future welfare of the industry and NAB, a great accomplishment will be achieved in this convention. (Applause.)

MR. CRANEY: I am very sorry I didn't belong to the fertilizer organization along with Harry—I might have known something about this.

In an industry such as ours where copyright is so fundamental with all of us and affects all of us as it does today, I don't see how we are going to sidetrack it. We could very easily sidetrack it if the networks wanted to hold all the stations on the networks free of liability in all the numbers that the networks originate. I think that would probably do it because it would put the liability of each copyrighted number at the source playing the number. We all recognize the fact that we should pay for copyrighted music and we would be paying for it then as we use it.

I can't see that we should take copyright out of this Association's business when you can have, as you have today and have had two times in the past, deals made by the networks which affected all of us.

You can't get along without the music that is popular on your station and I think that you will find that Warner music is not popular today as it was when we were all playing it. I know in

my town the music stores report to me that they are shipping it back to them every month because the people won't buy it.

But, inasmuch as one group in this industry can practically dictate what the rest of us must do, I, for one, think that we have to keep copyright before NAB until we get some plan worked out that is equitable to all of us and that plan certainly hasn't been worked out yet and I am very much in favor of turning this resolution down.

Thank you. (Applause.)

CHAIRMAN HEDGES: Is there any further discussion?

MR. BUTCHER: I just want to clarify the word "copyright" a little bit. Ed says, "Keep copyright in NAB." I divided it up. I say copyright legislation, the Bureau of Copyright, is of general interest. I only separated the matter of negotiation of contract, which I think has been the one thing that has split this business.

MR. CRANEY: I don't believe that we should take this business of negotiation out for the simple reason which I just got through stating—that if one group which makes a deal, makes one very much in its favor, it acts very much against the rest of us, as it already has—and I, for one, want to see this resolution killed. I think it would be a very big mistake to adopt it.

MR. HART: As the one who seconded the motion, I don't agree with my friend Butcher, even though he started in the fertilizer business.

The reason I am opposed to the resolution is because it doesn't accomplish anything. Who is going to explain what "unanimity" is. I am not going to agree with you a lot of times and a lot of times you won't agree with me and we'll just come back with the same old issue every time it comes before us.

I think we are more and more of the opinion we should deal more and more with things of the industry we are agreed on. But, here is the copyright question. Certainly it is the function of this organization to organize a separate department, if necessary, to carry on these negotiations. Maybe that is the mistake we made in not organizing such a department.

But, I don't believe the motion will do a thing except confuse us every time we do something. I do think the presentation of the motion will accomplish one thing in getting us to be serious and consider the action of the convention on things we are agreed on but I don't believe we should bind ourselves so that somebody can say, "You can't act because we don't have unanimity of opinion."

CHAIRMAN HEDGES: I wish to call attention that it says "substantial unanimity of opinion." We don't expect this Association to ever become a group of yes-men. We expect you to express your views openly and liberally.

As I interpret this, the effect of the resolution would be to have the hundred watters, who have a common problem, get together and carry on negotiations. The regionals who do have a common problem, the network affiliates who have a common problem, the newspaper-owned stations who do have a common problem would probably get together on negotiations.

I also want to point out the fact that regardless of whether we talk negotiation and keep negotiation as an Association function, this Association cannot make anybody in the organization accept anything that any negotiating committee does unless you give that committee a power of attorney. Some of you have done that in the past. There is no reason why you can't do that in the future.

I merely want to bring those points up for the purpose of clarifying the resolution and discussion. Is there any further discussion? I believe you are ready for the question.

THE CONVENTION: Read it!

CHAIRMAN HEDGES: The motion, I am reminded, is disapproval and if you vote "aye," that means that this resolution will fail of passage. I will read the resolution.

(Chairman Hedges re-read the resolution.)

CHAIRMAN HEDGES: The Resolutions Committee by a vote of three to two urges the disapproval of this resolution.

(The motion was put to vote, and was carried.)

CHAIRMAN HEDGES: The motion is carried and the resolution is lost.

MR. GILLIN: "Resolved, That the Committee on Radio Research for the year 1936-37 consist of seven members appointed by the President so as to represent the following groups in addition to the Managing Director: (1) each major network contributing to the project (2) local stations; (3) regional stations and (4) clear channel or high powered stations.

"Be It Further Resolved, That the committee be empowered to select five of its membership to represent the broadcasting industry on the Joint Committee on Radio Research.

"Resolved, That this convention approve the activities of the NAB Radio Research Committee during the past year and that it

commend the excellent progress made by the Joint Committee on Radio Research sponsored by the National Association of Broadcasters, Association of National Advertisers and American Association of Advertising Agencies.

"Resolved, That the Board of Directors of the National Association of Broadcasters be empowered to devote for exploratory purposes upon recommendation of the NAB Radio Research Committee the sum of \$10,000.00, and that additional funds be devoted to the project if necessary, and if, in the opinion of the Board, this can be done without impairing the financial position of the Association."

Your Resolutions Committee moves the adoption of the resolution as read.

MR. CRANEY: Seconded.

CHAIRMAN HEDGES: Is there any discussion?

(The motion was put to vote, and was carried.)

MR. GILLIN: "Resolved, That the President of the NAB shall appoint a committee of not less than five nor more than seven members whose specific responsibility it shall be to explore, during the convention year 1936-37, the possibilities to the broadcasting industry of a bureau for radio promotion, and to report its findings and recommendations at the 1937 convention."

Your Resolutions Committee thought that this resolution has for its object a laudable objective but the committee doubted that funds would be available to carry out this resolution and, therefore, recommends its disapproval.

CHAIRMAN HEDGES: Is there a second to the motion to disapprove?

MR. SHUTZ: I second it.

CHAIRMAN HEDGES: Is there any discussion?

MR. CHURCH: I am extremely sorry that all of this group could not have attended the meeting yesterday afternoon so that the majority of you who will vote on the resolution could be fully informed concerning the resolution. We have a lot of things to do. Rather than make a speech against the findings of the Resolutions Committee and its motion, I move a substitute that this matter be referred to the Board of Directors with power to act.

MR. HUBBARD: Seconded.

CHAIRMAN HEDGES: Does the Resolutions Committee accept the substitute?

MR. GILLIN: Yes.

CHAIRMAN HEDGES: The maker of the motion will accept the substitute.

Is there any discussion?

(The motion was put to vote, and was carried.)

MR. GILLIN: "Resolved, That the Board of Directors of the NAB be directed and are instructed to carry on negotiations with copyright owners to the end that a per piece or measured service plan may be obtained."

Your committee moves the adoption of this resolution.

MR. CRANEY: Seconded.

CHAIRMAN HEDGES: You have heard the resolution. It has been seconded. Is there any discussion? In view of the discussion on the previous resolution which presented the opposite side, perhaps it is unnecessary to call for discussion. Or, if anyone wants to speak, let's hear from you now.

(The motion was put to viva voce vote. The Chair was in doubt as to the result of the vote and called for the vote by show of hands. The motion was carried.)

CHAIRMAN HEDGES: The resolution is carried.

MR. GILLIN: "Resolved, That the Board of Directors of the NAB be directed to solicit the cooperative assistance of the Radio Manufacturers Association and all others interested in the advancement of the radio art to foster a national educational campaign furthering a public appreciation of radio. We recommend that if the necessary cooperation and funds can be obtained that the Directors consider the employment of a competent person to direct this program."

Your Resolutions Committee moves the adoption of this resolution.

HERBERT E. STUDEBAKER (KUJ-KRLC, Walla Walla, Washington): Seconded.

CHAIRMAN HEDGES: You have heard the resolution and the second. Is there any discussion?

(The motion was put to vote, and was carried.)

MR. GILLIN: "Resolved, That the NAB approves of the action taken by the Board of Directors in respect to the Bureau of Copyright and urges the wholehearted support by all members of the program which has been described in the reports made to the membership."

Your committee moves its adoption.

MR. SHUTZ: Seconded.

CHAIRMAN HEDGES: Is there any discussion?

GERALD KING (KFWB, Hollywood, California): I would like to have the Managing Director explain what it is proposed to do with the Bureau of Copyright for the next year. I think that the scope of the work, which is broad, should be narrowed.

THE CONVENTION: Out of order!

MR. CHURCH: I call for a re-reading of the resolution, please. (Chairman Hedges re-read the resolution.)

CHAIRMAN HEDGES: The committee moved its adoption and it was seconded.

MR. HUBBARD: Can we hear from Mr. Baldwin? I move the unanimous consent of the convention to hear Mr. Baldwin.

CHAIRMAN HEDGES: It is not necessary for a motion to have Mr. Baldwin speak.

MANAGING DIRECTOR BALDWIN: I endeavored in my report to cover the activities of the Bureau of Copyright. Moreover, all activities of the Bureau of Copyright were specifically set forth in a report which was approved by the Board of Directors at a meeting held here April 27. I do not believe you would have me go through that entire report here. It is entirely too lengthy but I believe I can very briefly describe it to you so that you may be refreshed in your memory as to what we propose to do, subject to constant study and consideration by your Board of Directors.

You will recall that the activities were divided into three parts. The first part has to do with the compilation of an index of those musical selections that are actively used—an index that will show to you as broadcasters the title of the composition, the name of the publisher, the name of the owner of the copyright, and so forth.

The second part of the program has to do with the compilation of music that is in the public domain, arrangements of such music and the proposition of making that music available to all stations that want it in order that they might have on their shelves a sufficient amount of raw material of their own to tide them over in periods of emergency and to give them some power to bargain with the owners of copyrighted music.

The third phase has to do with continuing the efforts of the Association to obtain a per piece plan of compensating the owners of copyright.

The Bureau of Copyright, as it is functioning today, has restricted its efforts to the first two phases, namely, the preparation of an index of music that is copyrighted, and, second, the compilation of public domain music to the end that you may have the raw material that I have referred to. Part three necessarily being deferred until progress can be made on projects one and two.

I believe that will describe the thing sufficiently.

MR. KING: Mr. Chairman, I am heartily in favor of the work outlined by Mr. Baldwin.

My understanding, however, has been that the NAB is going to continue or wish to continue the work of the old Radio Program Foundation.

CHAIRMAN HEDGES: No, the Radio Program Foundation is no longer in existence.

MR. KING: But another set-up. I wish to go on record and state that I know about the futility of that arrangement from my experience not only as a radio station operator but from being a part of Warner Brothers I have been drawn into some copyright discussion and also from the fact I am in the transcription business and know more about copyright than 99 per cent of the men here.

However, I want to say I am heartily in favor of research work under items one and two. I think it is the most valuable work the NAB can do.

THE CONVENTION: Question!

(The motion was put to vote, and was carried.)

MR. GILLIN:

"WHEREAS, it is the sense of the convention that the interests of those attending are becoming more and more varied; and
"WHEREAS, there has been an ever increasing tendency toward the formation of smaller groups within the Association; and
"WHEREAS, experience has proven this to be a healthy development, tending to interest a greater number of individuals in the work of the Association; and
"WHEREAS, the sales promotion problems of the industry and individual stations both are becoming increasingly important; now therefore be it

"Resolved, That

1. This Association favors that formation of a Sales Managers Section of the NAB to be affiliated with the Commercial Committee.
2. This Association recommends to the Board of Directors their approval of this project and recommends that the Board authorize the Managing Director to pay such incidental expenses as are necessary for postage, printing and similar items out of funds of the Association."

The Resolutions Committee has no comment to offer.

CHAIRMAN HEDGES: The Chair will entertain a motion for adoption.

MR. BORTON: Mr. Chairman, I would like to ask whether there is any limitation on funds to be expended for that purpose.

CHAIRMAN HEDGES: The limitations would be within the judgment of the Board of Directors. It refers to "incidental" expenses.

MR. CHURCH: I move its adoption.

MR. MYERS: Seconded.

CHAIRMAN HEDGES: Is there any discussion?

(The motion was put to vote, and was carried.)

MR. GILLIN: "*Be It Resolved*, by the National Association of Broadcasters that an effort be made to entertain all ladies who attend the conventions of the National Association of Broadcasters and that during their attendance thereof an effort be made to entertain these ladies who cannot be with us in the meetings held in the interests of our problems."

The Resolutions Committee has no comment to offer.

CHAIRMAN HEDGES: The Chair will entertain a motion to adopt—and keep the ladies happy. Is there a motion?

EARL H. GAMMONS (WCCO, Minneapolis, Minnesota): I so move. (Laughter.)

MR. CHAMBERLIN: Seconded.

Chairman Hedges: Any discussion?

(The motion was put to vote, and was carried.)

CHAIRMAN HEDGES: There was one man who had the nerve to say "no" but it is carried. (Laughter.)

MR. GILLIN: "*Be It Resolved* herewith that the National Association of Broadcasters appreciates the interest in their problems; and

"Whereas, one who is known to us as 'Jim' Hughes of Rock Island, Illinois, and who has attended many of our meetings in the past and who would be in Chicago today were it not for the fact that health has presented a problem for him, and that as he is now in a Rock Island Sanitarium endeavoring to regain his health, we trust that before another NAB convention is held, Jim will be able to be with us.

Your committee moves the adoption of this resolution.

EDWARD A. ALLEN (WLVA, Lynchburg, Virginia): I second that motion.

(The motion was put to vote, and was carried.)

MR. CHURCH: I know there is no motion before us but in connection with the resolution just passed, I find that the Resolutions Committee does not have a similar resolution for Ed Spence. All of us know him and love him but I don't believe very many of us know he is in the hospital in Baltimore. Some of us have already wired him but I am sure he would greatly appreciate it if a similar resolution were sent to him.

MR. CRANEY: I second that.

CHAIRMAN HEDGES: I'll ask the unanimous consent of the membership to depart from the rules of order so that Mr. Church's resolution may be presented. Are there any dissenters? Hearing none, are you ready for the motion?

(The motion was put to vote, and was carried.)

(The Resolutions Committee drew up the following resolution for Mr. Spence:

"WHEREAS, it has come to the attention of this convention that Edwin Spence of Baltimore, who has served the NAB for a number of years in a very splendid manner as Chairman of the Convention Committee, is ill

"Therefore *Be It Resolved*, That this convention in session sends greetings and wishes for a very speedy recovery."

MR. GILLIN: The next resolution deals with regional and state units of NAB.

"WHEREAS, as the radio broadcasting industry continues to grow in size it becomes more and more apparent that if broadcasters are to handle their state, regional and national programs intelligently, they must be organized in state, regional and

national units. Such organizations will also serve to keep the rank and file better informed and give the numerous broadcasters more of a voice in the affairs of the industry.

"Now Therefore *Be It Resolved*, the Board of Directors of the NAB be and are hereby instructed to bend every effort during the year 1936-37 to foster such organizations as chapters of the NAB."

The Resolutions Committee recommends the adoption of this resolution.

MR. CRANEY: Seconded.

CHAIRMAN HEDGES: Is there any discussion?

THE CONVENTION: Question!

(The motion was put to vote, and was carried.)

MR. GILLIN: If you will bear with me, I have two very long resolutions and then we are all through.

"WHEREAS, as the radio industry is now recognized as a billion dollar industry; and

"WHEREAS, radio broadcasting as it is generally known is the heart and soul of the radio industry; and

"WHEREAS, political regulation of the radio industry has grown even more rapidly than the industry itself with practically no attention being given to such growth from the standpoint of its effect on the radio industry as a whole; and

"WHEREAS, many regulatory practices have grown up that are not only injurious to the industry but deprive the public of proper consideration in the granting of and use of radio facilities; and

"WHEREAS, many times regulations of merit have been carried out in an ill-advised manner, consequently resulting in retarding radio broadcasting and causing great unnecessary expense to legitimate broadcasters; and

"WHEREAS, present regulations and procedures of the Federal Communications Commission subject the radio industry to a growing legal danger, the extent of which at the present means that in many cases the expense of securing a new license, changing the old license, in any manner installing modern equipment, or transferring or issuing stock, costs more than the new equipment or the expense of making the changes desired.

"Now Therefore *Be It Resolved*, That the Board of Directors of the NAB be and are hereby instructed to set up within the organization a legal and legislative department, the duties of which shall be to cooperate with the Federal Communications Commission to the end that regulations and practices by and before that body shall be simplified and clear and to the further end that matters before the Commission may be given speedy consideration without unnecessary delay or the incurring of unnecessary legal expense.

"Be It Further Resolved, That the legal and legislative department shall be composed of one member of the Board from each zone and shall be appointed by the Board of Directors of the NAB, the term of office to be three years and the members to be so appointed that the term of office of no more than two shall expire in any given year. Failure of a member to be reelected shall automatically remove such member from the administrative board of the legal and legislative department unless the convention in annual meeting shall otherwise rule.

"Be It Further Resolved, That the legal and legislative department shall study the needs of the industry and introduce changes of legislation or amendments to existing legislation as shall be for the good of the radio industry and shall oppose harmful legislation.

"Be It Further Resolved, That the legal and legislative department shall endeavor to secure such legislation as will remove the Federal Communications Commission as far as possible from political pressure to the end that the future granting of radio facilities shall be based on the rule of public service, convenience and necessity, rather than political expediency.

"Be It Further Resolved, That the legal and legislative department shall endeavor to have the commission act so amended as to define the duties to the Federal Communications Commission as it relates to radio broadcasting in such a manner as to establish the Commission not only as a court of equity but as a body whose duty is to ascertain by its own investigations the facts regarding the needs of a given community for new or better radio service.

"Be It Further Resolved, That the legal and legislative department work for new regulations or legislation that will protect existing stations from the unnecessary expenses caused by unqualified and unjustified application for present or new frequencies.

"Be It Further Resolved, That the Federal Communications Commission and the former Radio Commission be, and are, hereby commended for the excellent work they have done in assisting the radio industry to date and that this resolution is not to be

interpreted as an attack on the Commission, its actions, or upon Congress, but merely as a matter of business of the NAB, through which this convention expresses its wishes to its Board of Directors."

Your Resolutions Committee has no comments to make.

CHAIRMAN HEDGES: The Chair will entertain a motion from the floor.

MR. HART: As the introducer of the resolution, now that it has been read before the house, I move that it be referred to the Board of Directors for their consideration the coming year.

MR. BORTON: Seconded.

CHAIRMAN HEDGES: Is there any further discussion?

(The motion was put to vote, and was carried.)

CHAIRMAN HEDGES: It will be referred to the Board.

MR. GILLIN: "WHEREAS, those organizations controlling copyright music have come to realize that while their music is a vital part and necessary to a first class radio program and that the radio advertisers should pay for the use thereof, but that if the charge therefor be too excessive the net returns to the copyright owners will diminish rather than increase; and

"WHEREAS, these organizations now realize that only by full and frank cooperation with the broadcasting industry can a solution to this problem be attained; and

"WHEREAS, these organizations realize that their music is used by the advertiser for his gain and, therefore, any charge for such use should be a charge against the advertiser rather than the station; and

"WHEREAS, radio stations are the only ones in a position to collect such charges; and

"WHEREAS, radio broadcasters now realize that owners of copyright music are entitled to a fair return for the use of their music; and

"WHEREAS, for various reasons no satisfactory solution to the copyright problem has yet been agreed upon; and

"WHEREAS, present contracts and conditions are unfair and unworkable and involve a large expense on the part of the broadcaster to comply with them, in addition to the copyright fee; and

"WHEREAS, broadcasters recognize copyright charges as a charge that should be borne by the advertiser in the same manner as if he purchased a subscribed program of talent through the broadcaster; and

"WHEREAS, the copyright contract should carry a provision that the copyright charge must be collected by the radio station from the advertiser in addition to all other charges in the same manner as a sales tax;

"Now Therefore Be It Resolved, That the radio industry called upon ASCAP, SESAC, AMP and Warner Brothers to appoint a committee of five to represent them in copyright negotiations; and

"Be It Further Resolved, That the Board of Directors of NAB be, and are, hereby instructed immediately to create a copyright department, this department to be directed by a board made up as follows: one representative from the chain systems, two representatives from the stations affiliated with the chains but not controlled by the chains, three representatives from independent stations, two of which shall be regional and one local 100 watt, it being understood that no members of this copyright department shall be a member of the Board of Directors of NAB.

"Be It Further Resolved, That this copyright department shall be guided by the following:

First—Make as simple as possible whatever procedure is adopted, making a flat percentage charge on all revenue received by every station for the sale of station time.

Second—Abolish such clauses in copyright contracts that require the keeping of expensive records; as an example, Clause Six Warner Brothers contract.

Third—Abolish unfair discriminations as between newspaper- and non-newspaper-owned stations.

Fourth—Insert a clause in every copyright contract that charges must be collected by the advertiser in addition to all other charges, in the same manner as sales taxes are now being collected. That failure on the part of a broadcaster to so collect copyright charges from advertisers shall be a breach of contract.

Fifth—That nothing expressed or implied shall be included in the contract which shall in any manner restrain the individual broadcasters or the NAB from endeavoring to secure by legislation or in any other manner, the elimination of any of the present unfair provisions in existing copyright legislation.

Sixth—It is understood that this department shall be able to speak with authority on the terms and conditions of

the copyright contract to be submitted to the stations but that the entering into and carrying out of the provisions of such contracts shall, and do rest, solely with the individual stations.

"Be It Further Resolved, That this copyright department shall be maintained as a separate department and financed by a special copyright fee, such fee shall be set by the Board of Directors of the NAB and based on a percentage of NAB dues. A member of NAB may or may not subscribe to this department and the failure of a member of NAB to pay his dues to this department shall in no manner affect his NAB standing.

"Be It Further Resolved, That this department shall be responsible only to those stations subscribing to its copyright fund."

Your Resolutions Committee has no comments to offer on this resolution.

CHAIRMAN HEDGES: The Chair will entertain a motion for the adoption of this resolution, or other motions that may be presented.

MR. MYERS: I move that the resolution be tabled.

MR. SHUTZ: Seconded.

CHAIRMAN HEDGES: Is there any discussion?

(One of the delegates, without rising to be recognized by the Chair, called out, "Whose resolution is it?")

MR. HART: I presented the resolution and you have already acted on the contents because you have already approved the action of the Board. It is proper to table the resolution. I presented it because I wanted to present my sentiments to this convention on this matter.

(The motion was put to vote, and was carried.)

CHAIRMAN HEDGES: The motion is carried and the resolution is tabled.

MR. GILLIN: That is the end of the Resolutions Committee report, and I want to thank you.

CHAIRMAN HEDGES: We have here a ticket called the Independent Ticket which departs in a few particulars from the Nominating Committee's report on nominations.

This ticket is presented in proper form, being signed by more than ten members of the Association.

I will read the ticket.

For President—C. W. Myers, KOIN, Portland, Oregon.

For First Vice President—John Elmer, which is the same.

For Second Vice President—Gardner Cowles, Jr., which is the same.

For Treasurer—Harold Hough, which is the same as the Nominating Committee's report.

For Directors for the three-year term—Edward A. Allen, Arthur B. Church, Eugene P. O'Fallon and L. B. Wilson, which are the same as those in the Nominating Committee's report, and H. K. Carpenter of Cleveland.

For Director for the two-year term, one name—Frank M. Russell, WRC, Washington, D. C.

I might state that the mimeographed copies which will be distributed list "Herbert Hollister, KANS, Wichita, Kansas (Vice Craig)." The gentlemen who presented this independent ticket ask that that be stricken out in view of the fact they have substituted the name of Myers for Craig and, therefore, Craig's term of office as a member of the Board of Directors, in event of the election of Myers, would continue for the two-year term.

Therefore; we have no division of opinion in respect to First Vice President, Second Vice President, Treasurer and the Director for the two-year term. In order to facilitate matters, I would like to propose the following method: first, that where we have no differences of opinion between the report of the Nominating Committee and the Independent Ticket, namely for the office of First Vice President, Second Vice President, Treasurer and Director for the two-year term, that those people be declared elected by acclamation.

Now, I want to explain this: it will be impossible for us at this time to have the four men nominated on both tickets for the three-year term elected by acclamation in view of the fact it is conceivable that any one of those four men on either one of the tickets might lose and Carpenter and Patt could both be elected.

Now, with that explanation, I will entertain a motion that John Elmer for First Vice President, Gardner Cowles for Second Vice President, Harold Hough for Treasurer, and Frank M. Russell for Director for the two-year term be declared elected by acclamation.

MR. CHAMBERLIN: I so move.

MR. SHUTZ: Seconded.

MR. SYMONS: Mr. Chairman, I rise to a point of order. There are two constitutional amendments. According to our order of business, they come before the election of officers.

CHAIRMAN HEDGES: It is my understanding that Mr. Craney, who proposed those amendments, has consented to postpone them until after the election with the idea that in the event they are adopted, they will become in full force and effect at next year's convention. In the interest of speeding up the termination of this convention and enabling people to make their trains, Mr. Craney has consented to the postponement of the amendments.

MR. CRANEY: That's the first time I heard that one! (Laughter)

CHAIRMAN HEDGES: Well, speak for yourself.

MR. CRANEY: That wasn't my understanding. I think the one amendment to be voted on about zones should be voted on while the members are here from the various places. I think also your dues proposition should be settled.

Of course, if we can do it all at this meeting, it is all right with me. If we are going to eat and finish the meeting afterwards, that is a different thing. It is all right to postpone it until after the election provided we are not going to come back for another session this afternoon.

CHAIRMAN HEDGES: We are going to run right through the business this morning.

MR. CRANEY: All right, then.

CHAIRMAN HEDGES: Do you withdraw your point of order?

MR. SYMONS: Yes, I only arose for information.

MR. CHURCH: One of those amendments was moved by me and I am quite in favor of the order of business suggested.

CHAIRMAN HEDGES: All right, thank you.

MR. MYERS: I am terribly sorry to have to do over again what I had tried hard so sincerely and seriously to do last year. I hardly know how to say this because I certainly appreciate the support of such good friends as have insisted on placing me on the ticket for the presidency of the organization. It is an honor which I shall never forget.

Last year I made a speech and I hope this is the speech to end all speeches by me requesting that my name be withdrawn from the nomination for the presidency. I thank you for the honor but I am way out there in the Northwest, about the farthest away from the seat of activities that anyone can get. There are men who are nearer the scene of action and who are much more capable, I am sure. With my utmost sincere appreciation of the honor you have done me, I request that my name be withdrawn from the presidential ballot, and I thank you. (Applause)

MR. CHURCH: Mr. Chairman . . .

CHAIRMAN HEDGES: Mr. Church.

MR. CHURCH: Mr. Chairman, I believe that both Mr. Myers and I are out of order.

CHAIRMAN HEDGES: I was just going to point out that you were not addressing your remarks to the motion presented.

I believe we can proceed with the motion relative to the election of John Elmer for First Vice President, Gardner Cowles for Second Vice President, Harold Hough for Treasurer, and Frank Russell for Director for the two-year term by acclamation. Is there any discussion on that?

(The motion was put to vote, and was carried unanimously.)

CHAIRMAN HEDGES: Now we come to the question of election of President. It will be necessary, unless Mr. Myers is permitted to be sustained in his position, to have a ballot on the President before you can ballot on the Directors for the three-year term, and for that reason, I am going to permit Mr. Church to speak although there is no motion to which he is addressing himself at this time but is now addressing himself to the remarks of Mr. Myers who has expressed the desire of withdrawing as a candidate for President.

MR. CHURCH: I understand, however, Mr. Chairman, that the next regular order of business is the election of the President and I am entirely agreeable to waiting until the question is put provided it is understood we have two names before us.

CHAIRMAN HEDGES: It will be necessary that we have a motion from the floor prescribing the method by which the candidates for President will be voted on.

There are two ways in which it can be done. It can be done by secret ballot and in that event, you will vote by roll call. Let me warn you, gentlemen, that that will take considerable time with all these stations represented. There is one other way that it can be done and that is by a viva voce vote. Am I correct in that?

JOSEPH O. MALAND (WHO, Des Moines, Iowa): I move that the election be held by ballot.

MR. ALLEN: Seconded.

CHAIRMAN HEDGES: Before we proceed to take the vote on the question of conducting the election by ballot, Mr. Church will endeavor to state his position and to keep his candidate before the convention. I recognize Mr. Church.

MR. CHURCH: I know how difficult is the work of a Nominating Committee. I am sure that the Nominating Committee did the best job they knew how with all the problems that confronted them. In general, I think the slate is excellent. I think the slate, in general, shows that they have considered practically all the problems involved in an attempt to give us good representation.

I feel, however, that possibly the Nominating Committee has overlooked one or two important points, which I bring to your attention in connection with this election.

First, you have four officers on the Nominating Committee's slate, two of which would represent high power stations, one would represent a regional and one would represent a local station. But, the Executive Committee of this Association consists of the President, the Treasurer and the Managing Director. If this slate goes through, you will have excellent men on your Executive Committee but I do not believe it is as representative of the membership of this Association as to classification of stations as it should be. I really feel that the Nominating Committee has overlooked this one important point. Certainly, if the NAB is to go forward with the greatest possible degree of unanimity, the various classes of stations must feel that they are properly represented not only on the Board but also on the Executive Committee. That is one of the reasons I subscribe to the independent slate.

The other reason is that I have been campaigning for a man as President of your Association for the next year who, in my opinion, is the logical man for this post. I consider it an honor to have sponsored Charles Myers to his first appointment on the Board of Directors. Since that time, I have seen him go up the ladder and in addition to that, he has become a very dear friend. The latter point is not important to this convention but it is important that you recall the fact that his work to date represents a soundness of mind, a consistency that makes him a logical candidate for the office of President.

He is in line for the office. He has gone up the ladder, as I say. During the last year he has been First Vice President, and as such he has been closely associated with the work of the Board and with the officers. He is thoroughly familiar with the duties he would assume when he is elected as President; he is competent from every standpoint.

Charles Myers to me represents the average broadcaster of this country. He is not a high-power station man; he is not a low-power station man; he is an average station man. He represents ownership of his station. He has no other interest than broadcasting. He has made a success of it. He has made that success due to sound policies resulting from his long experience in the advertising field.

To me, Charles Myers epitomizes the type of man we want as President of this Association. I feel that if necessary, we should draft him. I am for Charles Myers. I hope every one of you will support him. (Applause)

MR. CAMPBELL: I simply want to correct a statement made by Arthur with reference to the membership of the Executive Committee.

He says there will be two high-powered men. They will be high-powered, it is true (Laughter) but Harold Hough owns a 100 watt station—he simply runs a couple of others.

MR. GEDGE: I am mindful of the time when I come to this microphone. I know we are all getting impatient and I am going to make my remarks as quickly as I can.

Arthur has appealed to your logic and appealed to you for Charles Myers. I am going to speak to you about your own self interest and own selfishness. It has been my great privilege to have been associated with Mr. Myers for several years in the conduct of this Association and there is no man with whom I have ever come in contact who is more mindful of and more interested in the welfare of this Association as a whole than Charles Myers. There is no man who has made any greater personal sacrifices to attend to your business. He has flown from the Coast in the face of blinding blizzards to attend a meeting. All through those hectic days in New York, those grueling sessions, Charles Myers looked out for your interests. He did not receive long distance telephone calls that made it necessary for him to go back and attend to his personal affairs or, at least, if he did receive those long distance telephone calls, he sacrificed and subordinated

his personal affairs to yours! And, I want to add my voice and urge you to support—and as Arthur Church said, if necessary draft—Charles Myers for this office that he so justly has earned. (Applause)

CHAIRMAN HEDGES: Is there any further discussion on the motion to ballot?

MR. MALAND: Mr. Chairman, I withdraw my motion.

CHAIRMAN HEDGES: We have no motion before the house.

MR. HUBBARD: I move we proceed with the election.

CHAIRMAN HEDGES: By what method? By the strict interpretation of Roberts' Rules of Order, any nominee has the right to decline. The speeches you have heard relative to Mr. Myers should have been delivered to him in his room yesterday to make him consent. I believe if we are going to cast the vote here by ballot, it will be necessary for Mr. Myers to withdraw his previous withdrawal.

In other words, I am going to put Mr. Myers on the spot. I hate to do this but the interpretation has been given that Mr. Myers has not said that he would refuse to serve if elected.

MR. MYERS: Under these circumstances, I could not refuse to serve. I thank you. (Applause)

CHAIRMAN HEDGES: Mr. Myers is still on the ticket. We will proceed with the election for President. You have two candidates—Edwin W. Craig and Charles W. Myers.

MR. HUBBARD: I take it that Mr. Myers has been drafted. Is that correct?

CHAIRMAN HEDGES: That will be determined by the ballot. I will ask the Elections Committee to come forward: Warren Williamson, Herb Hollister, Jack Storey, Lee Coulson, and Hugh Half.

Will the Credentials Committee please come forward: Dean Fitzner, Lambdin Kay, Martin Campbell, Walter Damm and Dale Robertson.

Walter Damm has been required to go to his home and in his place I will appoint John Fetzer on the Credentials Committee.

I am informed that two members of the Elections Committee are absent so I am going to ask Truman Ward to serve in the place of Hugh Half and Stanley Hubbard in the place of Jack Storey.

The convention will come to order and as the names are read by Mr. Baldwin, will you please come forward and cast your ballot in this box and then proceed out of this door, through the hall and back in again. We will want you immediately on the vote for Directors.

(Roll call casting of ballots.)

CHAIRMAN HEDGES: Your attention, please. There may be some station delegates or alternates whose call letters have not been announced here by Mr. Baldwin. In that event, will you come forward now and identify yourselves to the Credentials Committee.

The ballot on the election for President is now declared closed. The Elections Committee will proceed to count the ballot and will return to the floor as soon as they have completed their tabulations.

(Announcements.)

CHAIRMAN HEDGES: Now, on the election of Directors, there are six candidates for the three-year term. Are there any other nominations for the three-year term?

(Announcements.)

CHAIRMAN HEDGES: I am going to call Arthur Church to the platform to present an amendment to the Constitution and By-Laws which has been offered with respect to the dues.

MR. CHURCH: The amendment which the chairman has placed before you has to do with the increasing of dues and is an amendment of By-Law number one. This amendment which is proposed to the By-Laws, technically speaking, would strike out all of the first paragraph and would insert the following in lieu thereof:

"Effective September 1, 1936, bi-monthly dues of active members shall be payable January 1, March 1, May 1, July 1, September 1 and November 1, on the following basis:" and actually what this means is that if passed, this amendment will cause you to send in the same sized checks you have been sending in to the NAB office but you are going to send them in oftener; instead of sending them in four times a year, you will send them in six times a year. In other words, your dues will be increased 50 per cent.

None of us likes to dig down into our pockets and increase our expenses. I don't like to do it any more than you do. If this Association is successful in accomplishing the projects already laid out and approved by you and if we do a decent job of it, it will

cost more than we can get from our present dues unless we continue to have special assessments as we have been doing. For one, I don't like special assessments. They throw my budget out. Special assessments are not very happy with the majority of people and we don't have complete representative payments. In other words, a relatively small number of men carry the special assessments. All of us ought to pay the bill. I am sure all of us want to.

A year ago we entered our fiscal year with just a few dollars balance in the treasury. Do you remember that? We just had a few dollars. That was no reflection on the management of the Association. It simply meant that our dues were not great enough even with our large membership, to take care of our expenses and leave a reasonable reserve.

This year we have a larger balance but remember that we have had a special assessment. Were it not for that special assessment, we wouldn't have a substantial balance.

If this Association is to go forward and do what we as members want it to do, it has to do a job for us and that job is going to cost money.

I figure that the increase in dues is an investment which will pay great returns to me. I am heartily in favor of the amendment to increase our dues 50 per cent and I hope that all of you will vote for it.

CHAIRMAN HEDGES: I would like advice from the floor as to how you wish to vote on the proposed amendment. Do you wish to handle this by ballot, which will require the same process as for President, or do you wish a viva voce vote?

MR. CARPENTER: Mr. Chairman, it seems to me that this amendment is sufficiently important and affects all of our pocket-books to such an extent that we shouldn't run the danger of somebody saying it was not voted on properly. There seem to be two objections to a rising vote or a show of hands. First, there are a number of men here from the same stations which might make that vote not truly representative and, second, on account of the confusion which we seem to be unable to overcome, some of them may not be able to know what they are voting on.

However, in order to bring the point to focus, I move that we vote on this amendment in the same way that we are voting on officers.

CHAIRMAN HEDGES: And may I also suggest that it be done at the same time as you vote for Directors.

MR. CARPENTER: I'll accept that amendment.

CHAIRMAN HEDGES: Is there a second?

MR. GEDGE: Seconded.

CHAIRMAN HEDGES: Is there any further discussion?

(The motion was put to vote, and was carried.)

CHAIRMAN HEDGES: The motion has carried and the voting will be by ballot and will be done at the same time you vote for Directors.

I will now call for the report of the Elections Committee.

WARREN WILLIAMSON, JR. (Chairman, Elections Committee; WKBN, Youngstown, Ohio): There were 183 votes cast, of which four were void:

Myers 107

Craig 72 (Applause)

CHAIRMAN HEDGES: Mr. Myers is drafted.

MR. HUBBARD: I make a motion that it be unanimous.

MR. BUTCHER: Seconded.

CHAIRMAN HEDGES: There will be no discussion. I will call for a rising vote.

(The motion was put to a rising vote, and was carried.) (Applause)

CHAIRMAN HEDGES: The election of Mr. Myers is now declared unanimous.

Mr. MYERS: Ladies and gentlemen, I want to say I had fully expected to step to this microphone and congratulate Ed Craig whom I admire and respect and who, I assure you, would have made you a better President, no matter how hard I try, but I will try.

I thank you.

CHAIRMAN HEDGES: We will proceed immediately with the election of Directors.

You have six candidates for the offices of Directors for the three-year term. Are there any further nominations? In the absence of any further nominations, I declare the nominations closed.

The six nominees are:

Edward A. Allen

H. K. Carpenter

Arthur B. Church

Eugene P. O'Fallon

John F. Patt

L. B. Wilson.

Five of the six will be elected for the three-year term. There will be no election for the two-year term inasmuch as Mr. Craig will remain on the Board and there is no additional vacancy on the Board for the two-year term.

You can vote for any number of directors you desire up to five and the five receiving the highest votes will be elected. If it has the consent of this body, I would like to receive a motion to that effect.

MR. SHUTZ: I make a motion to that effect.

MR. WILLIAMSON: Seconded.

(The motion was put to vote, and was carried.)

CHAIRMAN HEDGES: We will proceed with the roll call. You will put on your ballot the names of those Directors whom you desire to elect and you will write "yes" or "no," referring to the amendment which has been offered to increase the dues 50 per cent.

My attention has been called to the fact that it is possible that some candidate for Director, although being higher than the lowest candidate, may not have a majority and in that case it will be necessary to re-ballot for the candidates who have not received a majority. Those who have received a majority will be elected.

(Roll call casting of ballots.)

CHAIRMAN HEDGES: In order to expedite the counting of the ballots, we are expanding the Elections Committee to include Lambdin Kay and Mr. Bliss. Arthur, will you serve? And Hollaway, will you serve?

Are there any other stations that have not cast their ballot? We are going to close the ballot box in two shakes of a lam's tail. The ballot box is now closed. The Elections Committee will count the ballots.

Now, while the Elections Committee is counting the ballots—incidentally, I have substituted Mr. Thompson for Mr. Bliss as an assistant to the committee—we will take up the amendments which have been submitted.

(Announcements.)

CHAIRMAN HEDGES: I will recognize Mr. Butcher.

MR. BUTCHER: Mr. Chairman, we have two additional amendments to consider but owing to the lateness of time and the fact that most of the delegates have gone, I think it would be well to postpone the action on these two amendments until the next convention.

One amendment relates to the selection of Directors according to zones as prescribed by the Davis Amendment. The Davis Amendment has now been abolished by Congress so I think the whole question of voting on that should be left open to further study.

The other amendment is relative to the 5 per cent allocation of time for non-profit groups. I think that should also be left for further study.

Therefore, I move that the action on both these resolutions be postponed until the next convention, and that the resolution relating to the election of Directors be considered at the next convention but not be effective until the convention after the next, in other words, two years hence.

MR. LOUNSBERRY: Seconded.

(The motion was put to vote, and was carried.)

CHAIRMAN HEDGES: Now, there are a few announcements. I have here a document that would take about an hour and a half to read but I am not going to read it. I am simply going to say that it is a very cordial invitation from Kansas City to hold the next convention in that city. I don't know what months they suggest. (Laughter)

I have also here a document that would take about two and a half hours to read but I am not going to read it. It is a cordial invitation from the city of Baltimore to hold our 1937 convention in that city. The month is not mentioned.

All of these invitations from the various cities will accordingly be referred to the Board of Directors who make the decision as to the city and likewise as to the month and the days when the convention will be held.

We have likewise an invitation from the city of Cleveland, submitted by the Cleveland broadcasters.

San Antonio has likewise submitted an invitation.

St. Paul likewise submitted an invitation.

The Governor of Texas would like to have us hold the next convention any place in Texas.

The Mayor of Los Angeles would welcome the Association for a convention there.

The city of St. Petersburg would like to have the 1937 convention there.

(Announcements.)

CHAIRMAN HEDGES: At our next convention, Mr. Church will probably offer an amendment to the Constitution which would require the election of the outgoing President to the directorate. I think I can say without being accused of prejudice that that is a very good thing to do. I believe we have wasted a lot of valuable experience and education by having our Ex-Presidents go off the Board of Directors. In every case I know of when that has happened, we have lost a very valuable man who has devoted a great deal of time to the welfare of the industry, who has worked hard and conscientiously, and then he is dropped and relegated to the role of a has-been. I don't believe the Association is profiting at all by failing to take advantage of the experience which has been accumulated in one year of intensive effort as President of this Association.

I think such an amendment would be adopted unanimously and I believe it should be an amendment so it would be mandatory upon the body to continue the outgoing President as a member of the Board of Directors.

This year I am going off the Board of Directors and it is high time. I think I have been a member of the Board of Directors longer than any other broadcaster. I think I have served three terms as Director and two terms as President and that is a long time.

(Announcements.)

CHAIRMAN HEDGES: The convention will now come to order and hear the report of the Elections Committee.

MR. WILLIAMSON: In the tabulation of ballots, there were 111 ballots cast:

O'Fallon	92
Wilson	90
Allen	89
Church	87
Patt	60
Carpenter	59

That means, of course, that the first five names were elected as Directors for the three-year term: O'Fallon, Wilson, Allen, Church and Patt.

With respect to the increase in dues, the vote was: 55 in favor and 46 against.

CHAIRMAN HEDGES: The increase must be approved, as any amendment must be approved, by a two-thirds vote of the qualified members present at any meeting. Did I understand you to say that 111 ballots were cast?

MR. WILLIAMSON: Yes.

CHAIRMAN HEDGES: That would mean that an affirmative vote of 74 would be required so that amendment is lost.

MR. HUBBARD: I move that the Secretary send out a mail ballot on the dues.

(The motion was not seconded.)

CHAIRMAN HEDGES: Our increase in income this year will have to come in the nature of special assessments, because our By-Laws provide: "These By-Laws may be amended by a vote of two-thirds of the active members in good standing present or duly represented, at any duly called meeting, provided that notice of such proposed amendment or amendments shall have been mailed to each member in good standing at least fifteen days prior to the date of the meeting at which such proposed amendment or amendments are to be considered."

Those requirements were complied with in this particular case and the members who favored it should have made certain that they had mustered enough votes to put it across.

It is obvious that some of the work that has been outlined by the Association will necessitate special assessments.

Now that we have the final report of the Elections Committee, I would like to ask the following gentlemen to come up here to be installed as Officers and Directors of the Association:

President—C. W. Myers

First Vice President—John Elmer

Second Vice President—Gardner Cowles, Jr.

Treasurer—Harold Hough

Directors for three-year term—Edward A. Allen, Arthur B.

Church, Eugene P. O'Fallon, John F. Patt, L. B. Wilson.

Director for two-year term—Frank M. Russell

The ceremony of installation of officers of NAB is an extremely simple one. Each of you know the men who are here on the platform. You have expressed your confidence in them by your vote, particularly your confidence in the man who heads the adminis-

tration of the NAB, and without further ado, I turn the chair over to my good friend Chuck Myers. (Applause)

(President Myers took the chair.) (Applause)

CHAIRMAN MYERS: Ladies and gentlemen, the speech of acceptance will be very brief. You will probably hear altogether too much in the next year. (Laughter)

All I can say is that I am willing to do my best to carry on the good work which is already under way under the previous administration. The most serious problems have been solved. There isn't anything particularly vital at this time. We are going ahead in every way that we can and try to complete some of the projects which the previous administration has worked out, especially by the Board of Directors, not only this past year but previous years—I could name over some of them but you all know them better than I do.

I just want to take the time right now to introduce my team. First Vice President John Elmer. (Applause)

(Mr. Elmer arose and acknowledged the applause.)

CHAIRMAN MYERS: Is Gardner Cowles here? You all know Gardner Cowles of Des Moines, our Second Vice President, who is not here.

Is Harold Hough, our Treasurer, here? He's gone, too.

And now, the Directors. Edward A. Allen—he put me on his ticket. (Applause)

(Mr. Allen arose and acknowledged the applause.)

CHAIRMAN MYERS: Arthur Church, my campaign manager. (Applause)

(Mr. Church arose and acknowledged the applause.)

CHAIRMAN MYERS: How did I skip over to Arthur? You all know Mr. Wilson. (Applause)

L. B. WILSON (WCKY, Covington, Kentucky): I don't have to stand up; I'm the same size. (Laughter and applause)

CHAIRMAN MYERS: Gene O'Fallon—who had the most votes—the wild Irishman from Denver. (Applause)

(Mr. O'Fallon arose and acknowledged the applause.)

CHAIRMAN MYERS: And Mr. Patt of Mr. Fitzpatrick's organization, our previous President, and I am sure you will be able to help us a lot with Leo's ideas. (Applause)

(Mr. Patt arose and acknowledged the applause.)

CHAIRMAN MYERS: Mr. Russell. (Applause)

(Mr. Russell arose and acknowledged the applause.)

CHAIRMAN MYERS: Is there anything further to come before this meeting before we adjourn?

(Announcements.)

MR. CRANEY: I move we adjourn.

MR. HOLLIWAY: Seconded.

(The meeting adjourned at 3:30 o'clock.)

Adjournment sine die

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NAB BOARD MEETS OCTOBER 2

President Myers has called a meeting of the Board of Directors of the NAB for October 2 at the Mayflower Hotel, Washington, D. C.

APPEARANCES AND SUGGESTIONS FILED WITH FCC FOR OCTOBER 5 HEARING

More than thirty persons have filed appearances with the Federal Communications Commission representing many of the broadcasting stations of the country in connection with the October 5 allocation hearing. In many instances recommendations and suggestions were filed with the appearances. They are as follows:

Ben S. Fisher has filed an appearance for KEX, The Oregonian Publishing Company; KJR, Fisher's Blend Station, Inc.; KSL, Radio Service Corporation of Utah; KWKH, International Broadcasting Corporation; and KFVD, Standard Broadcasting Company. In connection with these appearances, Mr. Fisher says: "A witness will appear on behalf of each of these licensees who will testify to matters pertaining to the use of clear channels, their service areas and matters pertaining to Rules and Regulations governing clear channels."

John C. Kendall and Ben S. Fisher have filed appearances on behalf of KGW, Oregonian Publishing Company; KHQ and KGA, Louis Wasmer; KVI, Puget Sound Broadcasting Company. In connection with these appearances it is stated that: "A witness will appear on behalf of each of these licensees who will testify to matters pertaining to the use of regional facilities and matters pertaining to Rules and Regulations for the governing of regional frequencies."

Mr. Fisher has also entered appearances for the following: KFXM, Lee Brothers Broadcasting Co.; KGFG, Oklahoma Broadcasting Co.; KGFJ, Ben S. McGlashan; KIT, Carl E. Haymond; KGFV, Central Nebraska Broadcasting Corporation; KSLM, Oregon Radio, Inc.; KXL, KXL Broadcasters; WSGN, Birmingham News Company; KRNR, Roseburg News-Review; KELD, T. H. Barton; KORE, Frank L. Hill & C. G. Phillips, d/h as Eugene Broadcasting Station; WLBC, Donald A. Burton; WJBC, Kaskaskia Broadcasting Company; WCBS, WCBS, Incorporated; WCMI, The Ashland Broadcasting Company; and WSOC, WSOC, Incorporated. In connection with these stations Mr. Fisher states that: "A witness will appear on behalf of each of these licensees who will testify to matters pertaining to the use of local frequencies and facilities and matters pertaining to the Rules and Regulations for the governing of local frequencies and stations."

Mr. Fisher will also represent the following: KFOX, Nichols & Warinner, Inc.; KFVB, Warner Brothers Broadcasting Corporation; KIEM, Redwood Broadcasting Company, Inc.; KMED, Mrs. W. J. Virgin; KOMO, Fisher's Blend Station, Inc.; KPRC, Houston Printing Company; KRKD, Radio Broadcasters, Inc.; KTBS, Tri-State Broadcasting System, Inc.; KTRH, KTRH KXYZ, Harris County Broadcast Company; KGMB, Honolulu Broadcasting Company; KVOD, Colorado Radio Corporation; Broadcasting Company, Ltd.; WCOP, Massachusetts Broadcasting

Corp.; WELI, City Broadcasting Corp.; WNBC, State Broadcasting Corp.; WPHR, WLBG, Inc.; KARK, Arkansas Radio & Equipment Co.; KLS, Warner Brothers; KOOS, H. H. Hanseth, Inc.; WORC, Alfred Frank Kleindienst, and WTFI, Liberty Broadcasting Co.

In regard to these stations Mr. Fisher says that: "A witness will appear on behalf of each of these licensees who will testify to matters pertaining to the use of regional facilities and stations and all matters pertaining to Rules and Regulations for the governing of regional frequencies."

George O. Sutton has filed appearances on behalf of the following stations: KWTG, Springfield, Mo.; KGBX, Springfield, Mo.; KFRU, Columbia, Mo.; KCMO, Kansas City, Mo.; WEEU, Reading, Pa.; WRAW, Reading, Pa.; WCHS, Charleston, W. Va.; WSAZ, Huntington, W. Va.; WLVA, Lynchburg, Va.; WMBG, Richmond, Va.; WJAS, Pittsburg, Pa.; KQV, Pittsburgh, Pa.; WTMV, East St. Louis, Ill.; W1XBS, Waterbury, Conn.; WDGY, Minneapolis, Minn.; WDNC, Durham, N. C.; WHJB, Greensburg, Pa.; WTOC, Savannah, Ga.; Mason Dixon Radio Group, Inc., operators of Stations WDEL, Wilmington, Del.; WILM, Wilmington, Del.; WEST, Easton, Pa.; WAZL, Hazelton, Pa.; WORK, York, Pa.; and WGAL, Lancaster, Pa.

In a communication to the Commission Mr. Sutton states on behalf of these stations that it is not contemplated that more than two witnesses will appear.

Paul D. P. Spearman has filed appearance on behalf of the National Association of Regional Broadcast Stations. He states that the Association will have between two and four witnesses.

In filing the appearance Mr. Spearman submitted to the Commission on behalf of the Association a proposed draft of two sets of amendments to the Commissions Rules and Regulations, one of which would permit regional broadcast stations to operate with 5 KW power at night and the other would permit the simultaneous operation of more than one broadcast station on the frequencies commonly referred to as clear channels. The Association, Mr. Spearman says, favors a retention of the present limit of 50 KW power for broadcast stations operating on clear channels and therefore offers no draft of an amendment in this respect.

Following is the proposed draft of amendments to Rules and Regulations submitted by Mr. Spearman:

I.

Amendments with Respect to Clear Channel Frequencies

A. Amend paragraph 116 of the Rules and Regulations of the Commission so as to read as follows:

"116. The following frequencies are designated as high-power channels."

and follow with a list of the frequencies now set out in Rule 116 leaving out reference to zones.

B. Amend paragraph 117 of said Rules and Regulations so that said paragraph when amended will read as follows:

"117. The authorized power of a high-power channel station shall not be less than 5 kilowatts nor more than 50 kilowatts."

C. Delete paragraph 118 of said Rules and Regulations.

D. Delete paragraph (a) of classification A as set out in Rule 109 of said Rules and Regulations.

E. Amend paragraph 72 of said Rules and Regulations so as to read as follows:

"72. The term 'high-power channel station' means a station licensed to operate on a frequency designated as a high-power channel."

II.

Amendments Proposed Affecting Regional Stations

A. Amend the last paragraph of Section 120 of the Commission's Rules and Regulations (referring to that portion of said rule imme-

diately following the list of frequencies therein set out), so that as amended the last paragraph of said Rule 120 will read as follows:

"That operating power of such a station shall not be less than 250 watts, nor during nighttime or daytime greater than 5,000 watts."

B. Amend paragraph 123 of the Rules and Regulations so as to delete therefrom all that portion thereof which follows the listing of frequencies in said paragraph.

NOTE: The purposes of the amendment proposed to Paragraph 120 of the Rules and Regulations are (1) to authorize the operation of regional stations with not more than 5,000 watts power both day and night, and (2) to delete the reference in Paragraph 120 of the present rules to Canadian shared frequencies.

The purpose in proposing the amendment to Rule 123 is to delete the present provision in Paragraph 123 which precludes the operation of regional stations located less than 500 miles from the Canadian border with more than 250 watts power at night and precludes their operating with more than 500 watts during daytime. The proposed amendment would not prevent the operation of regional stations operating on Canadian shared frequencies with the minimum powers which they are now held to.

Paul M. Segal states that WOW "Woodmen of the World Life Insurance Association desires to be heard upon the subject of methods of computing the power of radio broadcasting stations."

Mr. Segal also says that "a joint presentation will be made at the hearing on behalf of KOIN, Inc., WAVE, Inc., The Congress Square Hotel Company (WCSH) and WDAY, Inc. This presentation will relate to the question of so-called horizontal power increases on certain of the frequencies assigned for the use of regional stations."

Horace L. Lohnes has filed an appearance on behalf of Westinghouse Electric & Manufacturing Company stating that three witnesses will appear.

Louis G. Caldwell has notified the Commission that Earle C. Anthony, Inc., owner and licensee of broadcast station KECA will have one witness.

Reed T. Rollo has notified the Commission that Dr. Herbert L. Wilson, consulting engineer for WBNX, requests an opportunity to appear and testify at the hearing. He desires to present testimony regarding broadcast conditions in and about New York City.

Bond Geddes, Secretary of the Radio Manufacturers Association, has filed intention to appear stating that the Association will be represented by James M. Skinner of Philadelphia, Chairman of the Special Allocation Committee, and L. C. F. Horle of New York, representing the Engineering Committee. The representatives desire to present data in connection with the general problems schedules for the hearing and in particular in Section 2 of the agenda, paragraph (e) "Practicable standards of receiver selectivity," and paragraph (f) "Practicable standards of receiver fidelity."

Louis G. Caldwell has also notified the Commission that the Clear Channel Group wishes to present testimony. This group is composed of the owners and licensees of the following independently owned and operated clear channel broadcast stations: KFI, WBAP, WFAA, WGN, WHAM, WHAS, WHO, WLS, WLW, WOAI, WSB, WSM, and WWL.

Edgar H. Felix has also asked to be heard to present matter dealing with paragraphs 5 and 7 of Section I and paragraphs 6 and 7 of Section II of the agenda. In connection with his application, Mr. Felix says: "The data to be submitted is a summary of approximately 100,000 field intensity measurements in approximately 20 states which show the type of service rendered under the present allocation system to cities and communities of every class. These measurements have been collected as the foundation for Radio Coverage Reports used by leading advertising agencies in the selection of radio stations."

Melvin D. Hildreth, counsel for WORL, Boston, has filed appearance for that station. He states that he probably will not make any statement but will participate as an observer.

Littlepage and Littlepage has filed an appearance on behalf of Hearst Radio, Inc., who desires "To introduce testimony on the engineering matters to be considered as well as certain testimony with respect to social and economic questions involved."

Duke M. Patrick filed appearance on behalf of the Columbia Broadcasting System, Inc. He states that the testimony will be offered by five witnesses.

Horace L. Lohnes, Ben S. Fisher and John Kendall have notified the Commission "on behalf of a number of stations occupying part-time assignments on clear channels of their desire to appear and testify." The notice states that not more than two witnesses will speak for this group of interested stations.

James W. Baldwin, Managing Director of the National Association of Broadcasters, notified the Commission of its intention to appear. He states that the Association will be represented "by C. W. Myers, President, and James W. Baldwin, Managing Director."

Frank D. Scott has filed appearance on behalf of the following: Buffalo Broadcasting Corporation, Midland Broadcasting Company, First National Television, Inc., McClatchy Broadcasting Company and WNAX Broadcasting Company.

Duke M. Patrick also filed appearance for the Crosley Radio Corporation stating that four witnesses will appear.

P. J. Hennessey, Jr., filed appearance on behalf of the National Broadcasting Company, Inc., stating that it will be represented by four witnesses.

Mr. Patrick also filed an appearance for WTIC, Travelers Broadcasting Service Corporation stating that two witnesses will appear.

Edward A. Allen, President of the National Independent Broadcasters "a group of more than 100 low powered stations with principal offices in Lynchburg, Virginia, wishes to appear." He states that the Association will be represented either by counsel or some officer of the Association with not more than two witnesses.

John V. L. Hogan, President, Interstate Broadcasting Company, has also asked to be heard.

William B. Way, General Manager, Lawrence W. Stinson, in charge of technical operation, and David R. Milsten, counsel for station KVOO, filed appearances.

R. C. Higgy, Director of WOSU, Ohio State University broadcasting station, has filed appearance, stating that the University desires to present information to the Commission "which it believes will be of value in making assignments to state owned and operated radio stations."

Glen Litten, Manager of KFSD, San Diego, California, filed an appearance.

R. Morris Pierce, Chief Engineer of WGAR, Cleveland, filed an appearance on behalf of himself and Prof. John F. Byrne of Ohio State University, both of whom will appear for WGAR.

S. Howard Evans filed an application for appearance on behalf of the National Committee on Education by Radio.

Frank B. Falknor, Chief Engineer of WBBM, Chicago, asked for appearance of four witnesses.

Harold A. LaFount has asked for an opportunity to address the Commission without stating whom he represents.

Harold P. Westman, Secretary of the Institute of Radio Engineers, asked for time for one witness.

Garland Powell, Director of WRUF, Gainesville, Florida, states that he wants to set forth "the broadcasting conditions of Florida and why this state should be more or less an exception to the rule of the allotment of facilities. It is likewise our intention to show the great public service rendered by this station to the people of Florida and to the various Governmental agencies with whom we are cooperating at all times to give better and more efficient service to the people of the Nation."

E. N. Nockels, General Manager of WCFL-W9XAA and Secretary of Chicago Federation of Labor, filed an appearance.

FCC AUTHORIZES EIGHT NEW STATIONS

The Broadcast Division of the Federal Communications Commission at its meeting this week authorized the construction of six new broadcast stations as follows:

Authorized A. Staneart Graham, E. V. Baxter and Norman Baxter, d/b Pittsburgh Broadcasting Company, Pittsburgh, Kans., to construct a new station to operate on 790 kilocycles, 1,000 watts daytime.

Authorized the Star-Chronicle Publishing Company, St. Louis, Mo., to construct a new station to operate on 1250 kilocycles, 1,000 watts power unlimited time.

Authorized the Sioux Falls Broadcast Association, Inc., Sioux Falls, S. D., to construct a new station to operate on 1200 kilocycles, 100 watts power, unlimited time.

Authorized the Black River Valley Broadcasts, Inc., Watertown, N. Y., to construct a new station to operate on 1420 kilocycles, 100 watts night and 250 watts LS unlimited time.

Authorized Harold Johnson and Leland M. Perry, d/b as Johnson and Perry, Cedar City, Utah, to construct a new station to use 1310 kilocycles, 100 watts and unlimited time.

Authorized Hammond-Calumet Broadcasting Corporation, Hammond, Ind., to construct new station using 1480 kilocycles, 5,000 watts and daytime operation.

Authorized R. J. Laubengayer, Salina, Kans., to construct new station using 1500 kilocycles, 100 watts power, unlimited time.

Authorized Tribune Printing Company, Jefferson City, Mo., to construct new station using 1310 kilocycles, 100 watts power daytime operation.

The Commission also authorized the Portland, Me., Broadcasting System, Inc., to proceed with the construction of a new station to operate on 640 kilocycles, 500 watts limited to KFI subject to whatever action the U. S. Court of Appeals for D. C. may take upon pending appeals of Congress Square Hotel Company and the Eastland Company. This action follows the dismissal of the appeal of the Palmer Broadcasting Syndicate and dissolution of its stay order.

COMMITTEES NAMED

President Myers has authorized announcement of the personnel of the Commercial Committee and the Committee of Five as follows:

Commercial Section

H. K. Carpenter, WHK, Cleveland, Ohio, Chairman.

COMMITTEE ON RADIO RESEARCH

Arthur B. Church, KMBC, Kansas City, Missouri; Chairman; Roy Witmer, NBC, New York, N. Y.; H. K. Boice, CBS, New York, N. Y.; Theodore C. Streibert, WOR, New York, N. Y.; J. O. Maland, WHO, Des Moines, Iowa; John Elmer, WCBM, Baltimore, Maryland; William J. Scripps, WWJ, Detroit, Michigan.

COMMITTEE ON RADIO PROMOTION

John J. Gillin, Jr., WOW, Omaha, Nebraska, Chairman; Gardner Cowles, Jr., KSO-WMT-KRNT, Des Moines, Iowa; John E. Fetzer, WKZO, Kalamazoo, Michigan; Harrison Holliday, KFI-KECA, Los Angeles, California; Donald Withycomb, WFIL, Philadelphia, Pennsylvania; Don Searle, WIBW, Topeka, Kansas; Edgar T. Bell, WKY, Oklahoma City, Oklahoma.

COMMITTEE ON NATIONAL SALES METHODS AND COSTS

John F. Patt, WGAR, Cleveland, Ohio, Chairman; C. M. Everson, WHKC, Columbus, Ohio; J. H. Ryan, WSPD, Toledo, Ohio; Edwin M. Spence, WBAL, Baltimore, Maryland; E. B. Craney, KGIR, Butte, Montana; Dale Robertson, WIBX, Utica, New York; Rev. James A. Wagner, WHBY, Green Bay, Wisconsin.

COMMITTEE ON STANDARDIZATION OF SALES FORMS

Martin B. Campbell, WFAA, Dallas, Texas, Chairman; Barry Bingham, WHAS, Louisville, Kentucky; I. R. Lounsberry, WGR-WKBW, Buffalo, N. Y.; William S. Hedges, NBC, New York, N. Y.; John J. Karol, CBS, New York, N. Y.; Harry Stone, WSM, Nashville, Tennessee; Earle J. Glade, KSL, Salt Lake City, Utah.

DIVISION OF SALES MANAGERS

Buryl Lottridge, KFAB-KOIN, Lincoln, Nebraska, Chairman; L. H. Avery, WGR, Buffalo, N. Y.; Hale Bondurant, WHO, Des Moines, Iowa; J. Leslie Fox, KMBC, Kansas City, Missouri; H. M. Feltis, KOMO-KJR, Seattle, Washington; John W. New, WTAR, Norfolk, Virginia; Edward A. Allen, WLVA, Lynchburg, Virginia.

Committee of Five

Arthur B. Church, KMBC, Kansas City, Missouri, Chairman; H. K. Boice, CBS, New York, N. Y.; Roy Witmer, NBC, New York, N. Y.; J. O. Maland, WHO, Des Moines, Iowa; James W. Baldwin, Managing Director, National Association of Broadcasters, Washington, D. C.

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

- K. Taylor Distilling Company, Inc., Frankfort, Ky. (2-2451, Form A-1)
- Barium Stainless Steel Corporation, Canton, Ohio (2-2452, Form A-1)
- Van Norman Machine Tool Company, Springfield, Mass. (2-2453, Form A-2)
- Williams Stores Company, New York City (2-2455, Form A-1)
- United Stockyards Corp., Chicago, Ill. (2-2456, Form A-1)
- Doehler Die Casting Company, Toledo, Ohio (2-2457, Form A-2)

- Rochester Gas & Electric Corp., Rochester, N. Y. (2-2458, Form A-2)
- Hollywood Famous Pictures, Inc., Los Angeles, Cal. (2-2459, Form A-1)
- Mergraf Oil Products Corporation, Detroit, Mich. (2-2384, Form A-1—refiling)
- Maclou Corporation, Long Beach, Cal. (2-2460, Form A-1)
- Willson Products, Inc., Reading, Pa. (2-2461, Form A-2)
- Waverly Oil Works Company, Pittsburgh, Pa. (2-2462, Form A-2)
- Warren Refining & Chemical Company, Cleveland, Ohio (2-2463, Form A-2)
- Nu-Enamel Corporation, Chicago, Ill. (2-2465, Form A-1)
- World Digest Association, Inc., New York City (2-2466, Form A-1)
- East Side Associates, Inc., New York City (2-2467, Form A-1)
- Penn Electric Switch Company, Des Moines, Iowa (2-2468, Form A-2)
- Committee for John R. Adams bonds, New Orleans, La. (2-2469, Form D-1)
- Yumuri Jute Mills Company, Havana, Cuba (2-2470, Form A-1)
- Missouri Telephone Company, Columbia, Mo. (2-2471, Form A-1)
- Troxel Manufacturing Co., Elyria, Ohio (2-2472, Form A-2)
- Detroit Harvester Company, Detroit, Mich. (2-2473, Form A-2)
- Motor Finance Corporation, Newark, N. J. (2-2474, Form A-2)
- All Metal Products Company, Wyandotte, Mich. (2-2475, Form A-2)
- Western Auto Supply Company, Kansas City, Mo. (2-2476, Form A-2)

RECOMMENDS NEW MICHIGAN STATION

The Saginaw Broadcasting Company applied to the Federal Communications Commission for a construction permit for the erection of a new station at Saginaw, Mich., to use 1200 kilocycles, 100 watts and 250 watts LS and specified hours of operation. Also, Harold F. Gross and Edmund C. Shields applied to the Commission to erect a station at the same place to use 950 kilocycles, 500 watts power and daytime operation.

Examiner Melvin H. Dalberg, in Report No. I-289, recommends that the application of Harold F. Gross and Edmund C. Shields be denied but that the application of the Saginaw Broadcasting Company be granted.

The Examiner found that there is need for additional radio service at Saginaw. He states that the difficulty with the granting of the application of Messrs. Gross and Shields "would be the objectionable interference which it would cause to Station WWJ at Detroit, as the actual separation in this case would be about 44 miles less than that recommended for the assignment requested, which, according to the opinion of the Commission Engineer, would cause objectionable interference to within the .5 millivolt per meter contour of WWJ in the vicinity of Saginaw, and therefore it is thought that the granting of this application would be highly impractical."

LINE CHARGE REDUCTIONS REDUCE BROADCAST BILL BY \$250,000

The Telephone Division of the Federal Communications Commission announced the receipt by the Commission of a new schedule of the American Telephone and Telegraph Company, Long Lines Department, governing the furnishing of program transmission channels used in connection with radio broadcasting.

Filed to become effective November 1, 1936, the new schedule contains revisions and adjustments which, according to the statement of the telephone Company, will result in a saving of some \$250,000.00 per year to radio broadcast channel service customers.

The adjustments, although voluntarily filed by the telephone company, follow closely, and in a large measure remedy the complaints concerning rate practices voiced by radio broadcast station licensees in their responses to a questionnaire recently circulated among them by the Commission in connection with its special investigation and study of the American Telephone and Telegraph Company. It should be understood, however, that the new schedule does not purport to effect a general reduction in rates.

The following are the principal changes proposed to be made in rates and rate practices:

1. Computation of interexchange channel charges will be on the basis of airline instead of the present circuit or route distances.

2. The connection charge for receiving programs at stations connected to Schedule A channels will be reduced from \$4,000.00 per year to \$175.00 per month.
3. The highest grade continuous service may be contracted for on a monthly instead of an annual basis.
4. Amplifying equipment provided by the customer at his studio may be used to interconnect channels.
5. All classes of channel facilities furnished by the company may be interconnected. Previously, music programs could not be fed from an inferior to a high grade channel.
6. Charges for reversal in direction of channels will be slightly increased.

In addition to the foregoing, a number of other adjustments in rates and practices of advantage to the customer have been included in the new schedule.

In connection with this proposed reduction in charges the telephone company filed the following letter and tariff memorandum with the Commission:

"The Long Lines Department of this Company is filing a new tariff with the Commission today, covering channels for program transmission furnished chiefly in connection with radio broadcasting. The new tariff is numbered F.C.C. 198, effective November 1, 1936, and cancels tariff F.C.C. 139.

"This Company has been furnishing channels for program transmission for a number of years. As the Commission knows, the service had a small beginning and its growth has continued as the number of broadcasting stations and the use of networks have increased. During this period there have been many technical developments and improvements in the plant and equipment used in furnishing this service to meet the frequent changes in operating requirements of the broadcasting industry. From time to time we have also made a number of changes in our rates and practices to meet changing conditions.

"For some time we have had in mind the desirability of a complete review of our rates and practices for program transmission channels and since around the first of this year, have been actively engaged in such a review. The principal purpose of this review has been to liberalize our practices and modify our rates so as better to meet the requirements of our customers. Wherever possible we also wished to meet, through such modifications, criticisms made from time to time either by our customers (the chains) or proprietors of individual stations who in turn received service from the principal chains and networks via our facilities. We also desired to improve the administrative features of the tariff covering these services.

"We believe the new tariff filed today accomplishes the purposes above recited. For convenience I am attaching an explanatory statement and table showing the principal changes in rates and practices and I am listing below a few of the more outstanding changes being made.

- "1. Interexchange channels will be charged for on an air-line basis of measurement instead of generally route line as at present. The new rate for our high quality continuous channels (Schedule A) will be \$8.00 per air-line mile per month which equates to slightly less than the present charge (\$84.00 per route mile per year or the equivalent of \$7.00 per mile per month), taking into account the fact that the route line miles charged are, on the average, 20 per cent more than air-line miles.
- "2. The connection charge for receiving programs at stations connected to Schedule A channels is reduced from \$4,000 per year to \$175 per month.
- "3. The contractual arrangement with the customer for our highest grade continuous service is changed from an annual to a monthly basis.
- "4. Amplifying equipment provided by the customer at his studio may now be used to interconnect channels.
- "5. Existing rules which do not permit interconnection of certain classes of interexchange channels offered in the present tariff have been eliminated; all classes of line facilities offered in the new tariff may now be interconnected.
- "6. Charges for reversals of channels requested by the customer have been increased based on our experience as to the labor involved in such work.

"A substantial additional number of improvements in rates and practices of advantage to the customer have been included.

"This revision of program transmission rates and practices is not intended as a reduction in rates but the adjustments made result in savings of some \$250,000 per year to Long Lines' customers.

In no instance is the bill now being paid by any existing customer increased.

"We expect to recommend to the various Associated Bell Telephone Companies similar revisions in their tariffs covering these services."

Principal Changes Proposed for Program Transmission Services by the American Telephone and Telegraph Company

1. Proposed: All interexchange schedules are measured on an air-line mile basis.
Present: All interexchange schedules are measured on a route mile basis except Schedule E (speech only channels) which is now on an air-line mile basis.
Effect: Improvement in administration; reduction in charges as to this item in average case; increase in certain cases as to this item.
2. Proposed: Schedule A (high quality, continuous use) facilities are furnished on a monthly basis.
Present: Schedule A facilities are furnished on an annual basis.
Effect: Liberalization of practice.
3. Proposed: Schedule A Minus facilities are discontinued.
Present: Schedule A Minus facilities are furnished as an extension of a Schedule A network to one additional station through the use of the same grade of facilities as Schedule A but with limited special operation and supervision.
Effect: Schedule no longer necessary under new tariff.
4. Proposed: The maximum charge for Schedule B facilities (high quality, occasional use) for any month will not exceed the Schedule A charges for similar items of service.
Present: Similar maximum charges are not in effect.
Effect: Reduction in charges in certain cases, liberalization of practice.
5. Proposed: The maximum charge for Schedule D facilities (medium quality, occasional use) shall not exceed the Schedule C (medium quality, continuous use) charges for similar items.
Present: Similar maximum charges are not in effect.
Effect: Reduction in charges in certain cases, liberalization of practices.
6. Proposed: Charges for reversals of line facilities requested by the customer are increased based on experience as to the amount of labor required.
Present: Unit charge per route mile including restoral to normal.
Effect: Increase in charges to customers requiring this service.
7. Proposed: All local channels are provided at Associated Company local channel rates.
Present: Local channels are included in Schedules A and B. Local channels in connection with Schedules C, D, and E are furnished at Associated Company local channel rates.
Effect: Reduction in charges generally when Associated Companies file revised tariffs.
8. Proposed: Line facilities furnished under any schedule in the tariff may be interconnected for transmission in both directions.
Present: Schedule C and D line facilities when interconnected with Schedule A or B facilities cannot be used to transmit music inward to the Schedule A or B networks.
Effect: Liberalization of practice.
9. Proposed: First period of Schedule E is one hour at a rate of \$0.10 per air-line mile and each additional consecutive 15-minute period at \$0.025 per air-line mile.
Present: First period of Schedule E is 15 minutes at a rate of \$0.10 per air-line mile and each additional consecutive 15-minute period at \$0.03 per air-line mile.
Effect: Reduction in charges and liberalization of practice.
10. Proposed: Customers may use their own amplifiers in their studios between sections of interexchange channels.
Present: Tariff does not cover the use of the customer's amplifiers.
Effect: Reduction in charges and liberalization of practice.
11. Proposed: In cases (generally short distances) where receiving and transmitting connections are not required to effect high quality transmission over Schedule A or B facilities between stations, the channels may be furnished without such connections.
Present: Transmitting and receiving connections (at a substantial charge) are furnished in all cases with Schedule A and B facilities.
Effect: Reduction in charges and liberalization of practice.

Principal Rate Changes Proposed for Program Transmission Services by the American Telephone and Telegraph Company

	<i>Proposed Tariff F.C.C. No. 198</i>	<i>Present Tariff F.C.C. No. 139</i>
I. Schedule A		
Channel	\$8 per air-line miles per month (ratio of route billing mileage to air-line mileage is 1.2 to 1).	\$84 per route mile per year.
Receiving Connection	\$175 per month.	\$4000 per year.
Transmitting Connection	\$80 per month.	\$1000 per year.
Channel Reversals	\$.04 per air-line mile including restoral to normal (which experience shows more closely approximates the labor involved).	\$.023 per route mile, including restoral to normal.
Switches	\$1.25 per switch (restoral to normal considered another switch).	\$2.50 per switch, including restoral to normal.
II. Schedule A Minus	Schedule discontinued.	
Channel (Extensions from Schedule A networks)		\$72 per route mile per year.
Connections		\$2000 per year.
III. Schedule B		
Channel	\$.20 per air-line mile per hour. The Schedule A charge will be the maximum charge. \$.03 extra per air-line mile per hour for Morse channel, if desired.	\$.40 to \$.15 (latter rate effective after 155 hours' use) per route mile per hour including Morse channel.
Receiving Connection	\$80 per month plus \$2.50 per hour of use. The Schedule A charge will be the maximum charge.	\$100 for first two weeks and \$100 for each additional month plus \$2.50 for each hour of use.
Transmitting Connection	\$80 per month.	Same as receiving connection.
IV. Schedule C		
Channel	\$5.20 per air-line mile per month. \$4.25 per air-line mile for two weeks.	\$5 per route mile per month. \$4 per route mile for two weeks.
Connections	\$60 per month or \$50 for two weeks, when furnished. (Not required when customer furnishes own amplifiers.)	\$75 per month, or \$60 for two weeks for connections in excess of two per network.
Channel Reversals	\$.025 per air-line mile, including restoral to normal.	\$.015 per route mile, including restoral to normal.
Switches	\$.60 per switch (restoral to normal considered as another switch).	\$1.25 per switch including restoral to normal.
Setting up Charge	None.	\$12.50 per exchange connected.
V. Schedule D		
Channel	\$.15 per air-line mile per hour. The Schedule C charge will be the maximum charge.	\$.125 per route mile per hour.
Connections	\$1.25 per hour with a minimum charge of \$40 per month when furnished. The Schedule C charge will be the maximum charge.	\$50 per month plus \$1.25 per hour of use for connections in excess of two per network.
Setting up Charge	None.	\$12.50 per exchange for first occasion. \$5 per exchange for each additional occasion.
VI. Schedule E		
Channel	\$.10 per air-line mile for the first hour. \$.025 per air-line mile for each additional consecutive 15 minutes.	\$.10 for first 15 minutes per air-line mile. \$.03 per air-line mile for each additional consecutive 15 minutes.
Connections	\$1 per hour with a minimum charge of \$25 per month, when furnished.	\$50 per month and \$1 per hour of operation, or \$25 per occasion, for connections in excess of two per network.

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints against the following firms. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

No. 2655. Allegedly engaged in a scheme that deceives the purchasing public and injures competitors, an eastern group of manufacturers of and dealers in radio sets, tubes and appliances are charged with unfair methods of competition in an amended and

supplemental complaint. Also included as respondents are six corporations manufacturing and selling name plates and escutcheons for use on radio sets.

Without authority or consent of the legal owners, the respondents, the amended and supplemental complaint charges, have adopted for use on their radio sets the names, brands and symbols of corporations and individuals well known and long established in the radio and kindred industries. The complaint lists the following names, brands and symbols as among those used by the respondents on their radio sets and appliances:

Marconi, Marconi International, Marconi Radio Corporation; Edison, Edison International, Edison-Bell, Edison with

a representation of a bell; **Edison Radio Stores, Inc.**; Bell, Bell with a representation of a bell; **Victor, Victor International**; **Majestic, Majestic International, Majestic Radio Corporation**; **Brunswick** (Brunswick, a colorable imitation of the name Brunswick); **RCA** and **(RCI, RSA, colorable imitations of the letters RCA)**; **EB** (a colorable imitation of the letters GE) standing alone or stamped upon the representation of a bell.

According to the amended and supplemental complaint, the practices of the respondents give to their products a salability they would not otherwise have, give the respondents an advantage over competitors who do not similarly misrepresent the origin of their goods, and result in the appropriation of the reputation and good will built up by competitors.

In December, 1935, the original complaint was issued in this case against **King Trading Corporation**, 51 Vesey St., New York City. In the amended and supplemental complaint, besides **King Trading Corporation**, the other respondent manufacturers and assemblers of radio products, and their officers, are: **Royal Radio Company, Inc.**, 168 Washington St.; **Metro Manufacturing Company, Inc.**, 142 Liberty St.; **Metro Radio Corporation**, 217 West 125th St.; **Metro Sales Company, Inc.**, 122 Cypress St., and **Pyramid Distributors, Inc.**, 125 Prince St., all of New York City, and their officers, **Murray Auerbach**, **Regina Gadol**, **George Levine**, **A. M. Frank**, **Max Scafford**, and **David Morrison**.

Dealers in radio products, and their officers, listed as respondents, are: **Harvard Radio Tube Testing Stations of Pennsylvania, Inc.**, 208 North Broad St., Philadelphia, and **Julius M. Schoenberg**, president; **Ross Distributing Company**, 2020 Chancellor St., Philadelphia, and **Larry B. Ross**, president; **Sun Radio and Service Supply Corporation**, 938 F St., and **Emanuel Rosensweig**, president, (this respondent has entered into a stipulation with the Commission to discontinue use of the word "Majestic," either alone or with the word "International," on the radio sets it sells, in advertising matter or in any manner to imply that its radio sets so marked are manufactured by **Grigsby-Grunow Company**, when such is not the fact); **Schiller Brothers, Inc.**, 922 F St., and **Louis S. Schiller**, president; **Peter Robbins**, 940 F St., trading as **Robbins Radio Company** and **Ambassador Radio Company**, and **F. C. Scruggs**, 636 H St., N. E., trading as **Call Radio Company**, all of Washington, D. C.

The respondent corporations, and their officers, who are engaged in the manufacture and sale of name plates and escutcheons for use on the radio products sold by the other respondents, are: **Metal Etching Corporation**, 1001 Essex St., Brooklyn, N. Y., and **M. Hermann**, president; **Etched Products Corporation**, 3901 Queens Blvd., Long Island City, N. Y., and **Albert Nierenberg** and **Walter H. Miller**, officers; **Electro Chemical and Engraving Company**, 1100 Brook Ave., Bronx, New York City, and **F. E. Switzer**, N. L. Jacobus, **Robert Schlesinger**, **Julius Erdoes** and **L. S. Southwick**, officers; **Premier Metal Etching Company**, 2103 44th Ave., Long Island City, N. Y., and **Herbert Pape**, **Carl J. Johnson**, **Ernest A. Rottach** and **Hugo Lehrfeld**, officers; **Crowe Nameplate and Manufacturing Company**, 1749 Grace St., Chicago, and **E. C. Coolidge** and **I. Robinson Smith**, officers; **American Emblem Company**, 22 East 40th St., New York City, and **Paul B. Williams**, **Clarence S. C. Williams**, **James Eels**, **Fred B. King**, and **Edgar Denton, Jr.**, all of Utica, N. Y., officers.

No. 2920. Unfair competition through use of a lottery scheme to promote the sale of candy is alleged in a complaint issued against **Jerome C. Claeys**, trading as **J. C. Claeys**, 510 Leland Ave., South Bend, Ind.

According to the complaints, sales of the respondent's candy to the public are made by means of a push card, and whether a purchaser receives one or more bars of candy or a box of candy for the price of 5 cents is determined wholly by lot or chance.

No. 2921. Selling ribbons and narrow fabrics in interstate commerce, **Samuel Steckenberg** and **Abraham M. Fynke**, trading as **Colonial Ribbon Mills**, 95 Madison Ave., New York City, are named respondents in a complaint charging them with unfair methods of competition through use of the word "Mills" in their firm name.

The respondents are said to display their firm name conspicuously on invoices, letterheads, and other business literature, and, the complaint alleges, the word "Mills," when so used, serves as a representation to the buying public that the respondents own or operate mills where their products are manufactured.

According to the complaint, the respondents do not own or operate mills for the manufacture of ribbons and narrow fabrics, nor are they manufacturers as the term is understood generally by the trade and the purchasing public, but are engaged solely in distributing and selling products made from raw materials by others.

No. 2922. Charging unfair competition in the sale of silk and rayon piece goods, a complaint has been issued against the **Group Sales Corporation**, 215 W. 39th St., New York City.

This company is alleged to have sold products as "name goods," meaning materials of generally recognized merit and quality, made and nationally advertised by manufacturing concerns of well established reputation, when in fact a substantial part of this merchandise consisted of material other than "name goods." The complaint also charges that a substantial portion of the respondent company's merchandise was not obtained direct from manufacturers but from other jobbers and garment makers.

According to the complaint, material was advertised by the respondent company as new, up-to-the-minute, stylish, and seasonable, when in fact a substantial part of it was composed of "seconds" or "left-overs" from garment manufacturers' goods.

No. 2923. Unfair competition in the sale of felt caps is alleged in complaint against **M. & J. Becker, Inc.**, 2961 Atlantic Ave., Brooklyn, N. Y.

According to the complaint, baseball caps made from second-hand or discarded felts were renovated by the respondent company or others and refitted with new sweat bands and trimmings, then sold to wholesalers for ultimate distribution to the public. These caps are said to have had the appearance of caps which had never been worn, and were not labeled so as to indicate that they were, in fact, second-hand caps made over.

This practice is alleged to have had a tendency of deceiving buyers into believing that in purchasing such caps they were obtaining new and unused caps made from new felt.

No. 2924. Misrepresentation of the nature, merit and value of cleaning fluids is alleged in a complaint issued against **Joseph Lewin**, trading as **Leev-No-Ring Chemical Co.**, 207 W. 17th, New York City.

On labels and in advertising circulars and folders, the respondent allegedly features the words "Leev-No-Ring" and makes representations having the tendency to cause purchasers to believe that his products can be used safely and will remove all grease spots instantly without injury to the most delicate fabrics, and that they will not leave a ring in any instance.

The complaint charges that the respondent's cleaning fluids, when used on fabrics dyed with non-fast or fugitive dyes, do affect the colors, causing them to run, and do leave rings.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

No. 01447. A. T. Allen, 1318 W. Nora Ave., Spokane, Wash., trading as **A-1 Remedies Company**, stipulates that he will cease advertising that his "A-1 Remedy" is a competent treatment for rheumatism, neuritis, sciatica, or arthritis, unless such representations are limited to the relief of pain resulting from the conditions referred to, and that permanent results may be expected from the use of his preparation.

No. 01448. Health Products Corporation, 113 N. 13th St., Newark, N. J., engaged in the sale of a poultry medicine designated "Clo-Trate," will cease making claims that poultry needs more vitamin A than is supplied by certain vegetables or that the average poultry ration needs an addition of vitamin A, unless such representations are limited to poultry raised in strict confinement, semi-confinement or under seasonal, climatic or other conditions that would prevent poultry from obtaining food containing a sufficient amount of vitamin A.

Other claims the respondent corporation will discontinue are that its product is beneficial in treating colds, roup, bronchitis and other poultry ailments, unless it is clearly represented that the benefits claimed will obtain only when there is a sub-optimal supply of vitamin A, and that the product will remain stable in vitamin A in all types of feed for long periods of time. The respondent corporation also will stop representing, by use of photographs, charts, or graphs, that the benefits indicated by the results of experimental tests may be expected from use of the product, unless in the tests the experimental groups and the control groups are each fed a normal or average poultry ration.

No. 01451. Sharp and Dohme, Philadelphia, agrees that in the sale of "Digitol" it will discontinue representing that the product is an instrument of precision for the digitalization of patients, that it is more free of inert matter than tincture of digitalis U.S.P. X, and that with "Digitol" "you can standardize your digitalis expectation."

No. 01452. Whitney's, Inc., 12th and G Sts., N. W., Washington, D. C., agrees to discontinue describing the furs from which its women's coats and collars are made in any way other

than by using the correct name of the fur as the last word of the descriptive phrase in the advertising matter. The stipulation provides that when any dye or blend is used in simulating another fur, the true name of the fur appearing as the last word of the description shall be preceded immediately by the word "dyed" or "blended," compounded with the name of the simulated fur. The respondent also will stop use of any geographic term to describe a fur, unless such fur comes from the region indicated.

No. 01453. George E. Hartley, P. O. Box 152, Centralia, Ill., engaged in the sale of a recipe alleged to constitute a cure for appendicitis, will stop representing in advertising matter or otherwise that his recipe constitutes an effective remedy for appendicitis, that it will cure any case, that it is guaranteed to give satisfaction, and that the regular price is \$1, or that an offer to sell it for 25 cents is a "special offer."

No. 01454. Foley & Company, 945 W. George St., Chicago, agrees to cease and desist from representing that "Foley's Rectal Salve" is a "new prescription that 'almost instantly' stops pain and soreness; that it prevents infection and restores vigor and health, and that relief is guaranteed. As to 'Foley's Honey and Tar Cough Syrup,' the company will stop advertising that the product can be safely relied upon for 'quickest results'; that it stops coughs and helps correct the cause of coughs, insures sleep free from coughing, and 'works double quick.'"

No. 01455. W. M. and J. H. Roth, W. University Ave., Des Moines, Iowa, trading as the Norma-Lite Company, entered into a stipulation to cease representations that their medicinal preparation designated "Norma-Lite" is a natural method of reducing weight or that it improves or restores nature's method of reducing weight; that it is safe and contains no harmful drugs; that it is the most reliable remedy in America for obesity, that physicians prescribe it generally for use in reducing weight or that it acts as a doctor would prescribe in every case, and that it contains 7 valuable elements or any ingredients in addition to boric acid and thyroid extract desiccated.

No. 01457. Herman White, trading as White Company, Northampton, Mass., selling a folio of instructions for obtaining employment in the mailing and addressing of circulars for mail order houses, stipulates that he will stop representing, by placing advertisements in the "Help Wanted" columns of newspapers or magazines that he has employment to offer; that details of his plan will be furnished for a price less than that actually charged; that prospective purchasers can earn amounts in excess of the average amounts earned by former purchasers of his folio; that any mail order houses are paying people each week for mailing circulars, or that a mail order house wants persons to do addressing and mailing of literature, unless this is a fact.

No. 01458. Santo Ceribelli, 121 Varick St., New York City, trading as G. Ceribelli & Co. and selling a preparation designated "Brioschi," will discontinue claims that the product corrects any condition of the stomach, restores a normal alkaline condition, is a remedy for stomach acid or indigestion, and prevents colds. Among the other representations that will be stopped are that the preparation is manufactured in Italy and that by its use foods can be eaten with the user suffering any stomach ailment. Ceribelli admitted that the therapeutic value of his product is limited to its anti-acid effect in relieving temporary conditions of the stomach due to hyperacidity.

No. 01459. R. M. McLain, D. C., 1513 1/2 Park St., Alameda, Calif., in the sale of "Dr. McLain's Vitamin Food," agrees to stop representing that his product can be depended upon to prevent, or is an effective remedy for, any of the 260 diseases and physical, nervous and mental conditions specified in his advertising matter. Other representations he will discontinue are that one cannot get the necessary vitamins from the ordinary diet and that users of his product are giving the body that which it needs; that his product strengthens the digestive system and raises the blood pressure; that it is a nerve builder, and that its addition to the diet constitutes a competent treatment for improperly functioning glands.

No. 1747. International Cellucotton Products Company, 919 North Michigan Ave., Chicago, agrees to cease making the claim in advertising matter that its "Kleenex" disposable tissue handkerchief imprisons 99 per cent of the germs that touch it, or any other exaggerated representation in reference to the germ-collecting or germ-retaining properties of the product. Other practices that will be discontinued are disparagement of cotton or linen handkerchiefs, and representations concerning such handkerchiefs which may be misleading to the purchasing public; claims that use of "Kleenex" prevents self-infection during colds, without proper qualification, and other claims respecting the bene-

fits derived from the use of "Kleenex" which are exaggerated and impossible of accomplishment.

No. 1751. Roscoe D. Hogue, P. O. Box 163, Atlanta, Ga., trading as Pioneer Medicine Company and as Pioneer Drug Company, stipulates that in the sale of "Old Pioneer Indian Tonic," offered as a liver and kidney remedy, he will discontinue the use in advertising matter of representations respecting the therapeutic properties of his product which are exaggerated and impossible of accomplishment, and cease using the word "Indian" as a part of the name of his product or in any manner to imply that it either was originated or used by the Indians.

No. 1752. Benjamin and Rose Eldinger, 651 East 164th St., Bronx, New York City, trading as Lion Cross Products Company and as Lio-Pharmacy, signed an agreement to cease and desist from use in advertisements of representations implying that "Lion Cross Herb Tea" is a cure or remedy for high blood pressure, rheumatism, bladder disorders, stomach troubles, kidney disorders, arthritis and other diseases, and that it brings health, happiness and long life to users. They agree to discontinue representing that the product is always "safe for children" or "harmless in every respect," and will stop use of the phrases "Made by Nature" or "Natural Remedy," or other similar statements which do not properly describe the product.

They also will cease use of the word "laboratory" to imply that they operate a place devoted to experimental study and to the application of scientific principles in testing and analysis, or in the preparation of their product, when such is not the fact.

No. 1763. The De Pree Company, 130 Central Ave., Holland, Mich., stipulates that in selling its "Nurse Brand" aspirin tablets it will cease use of the words "No After Effects" in advertisements, and particularly on the containers in which the product is sold.

No. 1767. Benjamin and Solomon Cohen, trading as S. Cohen & Sons, Porter and Swansen Sts., Philadelphia, signed an agreement to stop selling baseball caps manufactured from materials obtained from second-hand, old, worn or discarded felt hats, unless there are stamped upon or affixed to the caps in a conspicuous place words clearly indicating that they are not manufactured from new and unused felt or other materials, but from felt or other materials obtained from second-hand, old, worn or discarded hats.

No. 1770. Sun Radio Service & Supply Corporation, 839 F St., N. W., Washington, D. C., stipulates that in the sale of radio receiving sets it will cease use of the word "Majestic," alone or with the word "International," or in any manner in advertising matter, or as a trade name or brand so as to imply that its radio sets are manufactured by Grigsby-Grunow Company, when such is not the fact. According to the stipulation, Grigsby-Grunow Company is an Illinois corporation which has spent large sums of money in advertising and promoting the sale of radio receiving sets under the trade name "Majestic," with the result that the corporation has built up and acquired valuable good will in the word "Majestic" as applied to its product.

No. 1774. Roddis Plywood Company, 630 West 28th St., New York City, wholesalers of plywood and veneers, agree to discontinue use of the word "walnut," independently or with the words "Oriental" or "Canadian," or with any other words which may have the tendency to mislead purchasers into the belief that its products are made of wood from trees of the walnut or juglandaceae family, when such is not the fact. The company also will stop using the words "white pine," either alone or with any other words which may have a capacity to deceive purchasers into the belief that the products are made from wood derived from trees of the species *pinus strobus*, *pinus lambertiana*, or *pinus monticola*, when such is not the fact.

No. 1775. James Good, Inc., Susquehanna Ave. and Martha St., Philadelphia, in the sale of "Keystone Saddle Soap," will cease and desist from representations on labels affixed to its saddle soap containers that such product conforms to Government specifications.

No. 2149. Radumac Mineral Co., 9425 W. Pico St., Los Angeles, and A. Yoder, trading as Radumac Mineral Co., have been ordered to stop representing that the preparation "Radumac" is capable of preventing or curing a long list of diseases, including anemia, arthritis, hemorrhage, malnutrition, kidney trouble, and others.

The respondents are also directed to cease asserting that the preparation does wonders or is a health tonic that will prevent diseases, and that it contains the essential mineral elements for building new body tissues.

No. 2499. Aborn Hat Manufacturing Co., 117 North Wells

St., Chicago, has been ordered to discontinue selling men's old, worn, used, and discarded felt hats which have been cleaned and fitted with new ribbons, sweatbands and linings, unless there is stamped upon or attached to such hats in a conspicuous place words clearly indicating that the hats are not new but are used and worn and have been cleaned and made over.

The findings are that the respondent company purchased old and discarded hats at prices ranging from \$1 to \$1.75 a dozen and sold them, when cleaned and made over, for from \$6 to \$13 a dozen, depending upon their quality and condition.

No. 2544. Repair Parts and Replacement Company, Inc., 812 North Wells St., Chicago, has been ordered to discontinue improper use of the word "Hoover" on dust bags it manufactures for use on vacuum cleaners made by the Hoover Company of North Canton, O.

The respondent corporation is engaged in the sale of vacuum cleaners and parts and in the repairing and rebuilding of such cleaners. The Commission found that the respondent repaired certain Hoover cleaners to which it attached its dust bags, similar in size, shape and color to those of the Hoover Company, and conspicuously marked with the name "Hoover," together with the words "Mfr'd by R. P. & R. Co." in much smaller type, with the result that the attention of prospective purchasers was attracted only to the word "Hoover."

Specifically, the order to cease and desist prohibits the respondent corporation from representing in advertising matter, circulars or otherwise that the dust bags it manufactures and sells are the products of the Hoover Company, and from using the name "Hoover," alone or with other words, on such bags when they are not manufactured by the Hoover Company.

No. 2666. Prohibiting unfair competition in the sale of filters for use in tobacco pipes, an order to cease and desist has been ordered against **S. M. Frank & Co.,** 133 5th Ave., New York City.

The order directs the respondent to cease representing or advertising that the Frank absorbent filter sold for use in its "Medico" pipe, is the only filter in the world that really filters.

Representation that there are no pipe filters other than Frank absorbent filters which will efficiently accomplish the ends and serve the purposes for which the respondent company's article is designed, is also barred by the order.

No. 2691. Angelo Cataldo, trading as **Liberty Chocolate Company** and as **Arcadia Chocolate Company,** 114 Commercial St., Boston, has been ordered to discontinue selling and distributing to dealers candy so packed and assembled that sales to the general public are to be made, or are designed to be made, by means of a lottery, gaming device, or gift enterprise. The respondent admitted the material allegations of the Commission's complaint to be true and waived further proceedings.

No. 2805. Charles A. Saretsky, 246 West 38th St., New York City, engaged in the sale of interlinings and filling materials for use in the manufacture of clothing, has been ordered to cease misrepresenting in any manner the character and quality of his products.

The order directs Saretsky to discontinue attaching to interlinings and filling material tags or labels which misrepresent the amount, the kind or the quality of wool content of such products, and prohibits him from furnishing his customers, who are manufacturers of finished garments, with tags or labels bearing such misrepresentations.

Findings are that Saretsky made such representations as "this garment is interlined with lamb's wool filling," and "this garment is interlined with 100 per cent wool filling," when, in fact, his products were composed in part of wool or reworked wool, adulterated with a large percentage of cotton, and the cloth to which the filling material was attached was composed entirely of cotton.

FTC CLOSES CASE

No. 2494. The Federal Trade Commission has closed its case against **Distillers' Products Corporation,** Harborside Terminal, Unit No. 1, Exchange Place, Jersey City, N. J. The complaint alleged unfair competition in the sale of alcoholic beverages through improper use of the word "Distillers" in the company's corporate name.

Closing of the case was ordered after the Commission ascertained that the respondent's corporate existence appeared to have been terminated by dissolution, and that the company ceased to operate as of June 30, 1935. The physical assets were disposed of, and it is deemed unlikely that the company will resume its corporate existence.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, September 28

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—John C. Loonef, d/b as High Fidelity Broadcasting Service, Milton, Mass.—C. P., 1570 kc., 1 KW, unlimited and variable.

NEW—Dr. F. P. Corniglia, Monroe, La.—C. P., 1500 kc., 100 watts, unlimited time.

Wednesday, September 30

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—The Pottsville Broadcasting Co., Pottsville, Pa.—C. P., 580 kc., 250 watts, daytime.

Thursday, October 1

HEARING BEFORE AN EXAMINER

(Broadcast)

KXL—KXL Broadcasters, Portland, Ore.—Renewal of license, 1420 kc., 100 watts, 250 watts LS, shares with KEPS.

KXL—KXL Broadcasters, Portland, Ore.—Consent to transfer control of Corporation; 1420 kc., 100 watts, 250 watts LS, shares with KEPS.

NEW—The News Press Publishing Co., Santa Barbara, Calif.—C. P., 1220 kc., 500 watts, unlimited time.

Thursday, October 1

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-213:

NEW—Edwin A. Kraft, Fairbanks, Alaska.—C. P., 950 kc., 250 watts, unlimited time.

NEW—John A. Stump, Fairbanks, Alaska.—C. P., 1210 kc., 100 watts, 250 watts LS, unlimited time.

Examiner's Report No. I-219:

NEW—J. Laurance Martin, Tucumcari, N. Mex.—C. P., 1200 kc., 100 watts, unlimited time.

Examiner's Report No. I-221:

KLO—Interstate Broadcasting Corp., Ogden, Utah.—C. P., 1400 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 1400 kc., 500 watts, unlimited time.

Examiner's Report No. I-227:

KGDM—E. F. Feffer, Stockton, Calif.—Modification of license, 1100 kc., 1 KW, limited time; 1100 kc., 1 KW, daytime.

Friday, October 2

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Earle Yates, Las Cruces, N. Mex.—C. P., 930 kc., 1 KW, daytime.

KIT—Carl E. Haymond, Yakima, Wash.—C. P., 1250 kc., 250 watts, 500 watts LS, unlimited time. Present assignment: 1310 kc., 100 watts, 250 watts LS, unlimited time.

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Authority to transfer control of Corporation to WJR, The Goodwill Station; 1450 kc., 500 watts, 1 KW LS, unlimited time.

The Broadcast Division has taken the following action:

APPLICATIONS GRANTED

KRGV—KRGV, Inc., Weslaco, Tex.—Granted C. P. to make changes in equipment, install vertical radiator, and increase power from 500 watts to 1 KW; 1260 kc., unlimited time.

- WMFG—Head of the Lakes Broadcasting Co., Hibbing, Minn.—Granted C. P. to make changes in equipment and increase daytime power from 100 watts to 250 watts.
- WMIN—Edward Hoffman, St. Paul, Minn.—Granted C. P. to make changes in equipment and increase day power from 100 to 250 watts.
- WLBL—State of Wisconsin, Department of Agriculture and Markets, Stevens Point, Wis.—Granted C. P. to make changes in equipment, increase power from $2\frac{1}{2}$ KW to 5 KW, increase hours of operation from specified hours to daytime to daytime, and move station from approximately $8\frac{1}{2}$ miles northeast of Stevens Point to approximately 25 miles west northwest of Stevens Point.
- KVOA—Arizona Broadcasting Co., Inc., Tucson, Ariz.—Granted modification of C. P. approving transmitter site at West Lee at 10th Street, change in equipment, installation of vertical radiator, and increase in power from 500 watts to 1 KW.
- KDNC—Democrat-News Co., Inc., Lewistown, Mont.—Granted modification of C. P. to move transmitter to site to be determined subject to Commission approval, install new equipment, and increase day power from 100 to 250 watts.
- KCMO—Lester E. Cox, Thomas L. Evans, and C. C. Payne, Kansas City, Mo.—Granted license to cover C. P., 1370 kc., 100 watts, specified hours.
- NEW—Scranton Broadcasters, Inc., Portable-Mobile (Scranton, Pa.)—Granted C. P. for new relay broadcast station on an experimental basis under the provisions of Rules 1000, 1001(b) and 1003(d); frequencies 31100, 34600, 37600 and 40600 kc., 5 watts. Also granted license covering same.
- NEW—Peoria Broadcasting Co., Portable-Mobile, Peoria, Ill.—Granted C. P. for new relay broadcast station on an experimental basis under the provisions of Rules 1000, 1001(b) and 1003(d); frequencies 31100, 34600, 37600 and 40600 kc., 25 watts. Also granted license covering same.
- KERN—McClatchy Broadcasting Co., Bakersfield, Calif.—Granted license to cover C. P., 1370 kc., 100 watts, unlimited time.
- KERN—Bee Bakersfield Broadcasting Co., Bakersfield, Calif.—Granted assignment of C. P. from the Bee Bakersfield Broadcasting Co. to McClatchy Broadcasting Co.
- WOWO—The Main Auto Supply Co., Fort Wayne, Ind.—Granted modification of license to change name from The Main Auto Supply Co. to Westinghouse Radio Station, Inc.
- KOIL—Central States Broadcasting Co., Council Bluffs, Iowa.—Granted modification of license to change studio location from Council Bluffs, Iowa, to Omaha, Nebr.; 1260 kc., 1 KW night, $2\frac{1}{2}$ KW day, unlimited.
- W8XIQ—The WGAR Broadcasting Co., Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station; frequencies 31100, 34600, 37600 and 40600 kc., 35 watts.
- W8XIR—The WGAR Broadcasting Co., Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station on an experimental basis; frequencies 31100, 34600, 37600 and 40600 kc., 100 watts, unlimited.
- W8XIP—The WGAR Broadcasting Co., Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station on an experimental basis; frequencies 31100, 34600, 37600 and 40600 kc., 3 watts power.
- WXYZ—Kunsky-Trendle Broadcasting Corp., Detroit, Mich.—Granted modification of license to change name from Kunsky-Trendle Broadcasting Corp. to King-Trendle Broadcasting Corp.
- WOOD—Kunsky-Trendle Broadcasting Corp., Grand Rapids, Mich.—Granted modification of license to change name from Kunsky-Trendle Broadcasting Corp. to King-Trendle Broadcasting Corp.
- WASH—Kunsky-Trendle Broadcasting Corp., Grand Rapids, Mich.—Granted modification of license to change name from Kunsky-Trendle Broadcasting Corp. to King-Trendle Broadcasting Corp.
- WMMN—A. M. Rowe, Inc., Fairmont, W. Va.—Granted modification of license to change name from A. M. Rowe, Inc., to Monongahela Valley Broadcasting Co.
- WJSV—Old Dominion Broadcasting Co., Alexandria, Va.—Granted modification of license to change location of main studio from Alexandria to the Earle Bldg., Washington, D. C.
- WHBI—May Radio Broadcast Corp., Newark, N. J.—Granted modification of license to use auxiliary transmitter as main transmitter, so as to comply with Rules 131, 132 and 139.
- W8XAL—The Crosley Radio Corp., Mason, Ohio.—Granted modification of license to add frequency 9590 kc.
- NEW—KFNF, Inc., Portable-Mobile (Pack) (Shenandoah, Iowa).—Granted C. P. for a new relay broadcast station on an experimental basis; frequencies 31100, 34600, 37600 and 40600 kc., 5 watts.
- NEW—KFNF, Inc., Portable-Mobile (Pack) (Shenandoah, Iowa).—Granted license to cover C. P. above.
- NEW—KFNF, Inc., Portable-Mobile (Pack) (Shenandoah, Iowa).—Granted C. P. and license same as above except for a normal period.
- KYOS—Merced Star Publishing Co., Inc., Merced, Calif.—Granted modification of C. P. to install new equipment.
- WEEI—The Edison Electric Illuminating Co. of Boston, Mass.—Granted voluntary assignment of C. P. to WEEI Broadcasting Co.; 590 kc., 1 KW night, 1 KW (C. P., 5 KW day, unlimited time).
- W3XAU—WCAU Broadcasting Co., Philadelphia, Pa.—Granted modification of C. P. extending completion date for period of 60 days.
- KPDN—Pampa Daily News, Inc., Pampa, Tex.—Granted voluntary assignment of license from the Pampa Daily News, Inc., to R. C. Hoiles.
- KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Granted authority to determine operating power by direct measurement of antenna input.
- KXA—American Radio Tel. Co., Seattle, Wash.—Granted authority to make changes in automatic frequency control equipment.
- WTAD—Illinois Broadcasting Corp., Quincy, Ill.—Granted C. P. (amended) approving transmitter site, installing new equipment, and vertical radiator.
- W9XJI—The Reynolds Radio Co., Portable-Mobile (Denver, Colo.)—Granted modification of license to change corporate name from The Reynolds Radio Co. to KLZ Broadcasting Co.
- KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Granted license to cover C. P., frequency 1430 kc., 1 KW night, 5 KW day, unlimited.
- W9XJL—Head of the Lakes Broadcasting Co., Superior, Wis.—Granted license to cover C. P. for new high frequency broadcast station on an experimental basis; frequencies 31600, 35600, 38600 and 41000 kc., 80 watts.
- WAML—New Laurel Radio Station, Inc., Laurel, Miss.—Granted C. P. approving transmitter site and new transmitter.
- WMAL—National Broadcasting Co., Inc., Washington, D. C.—Granted modification of license to change operating power of auxiliary transmitter from 250 watts night, 500 watts day, to 250 watts night and day.
- WEOA—Evansville on the Air, Inc., Evansville, Ind.—Granted C. P. to make changes in equipment and increase day power from 100 to 250 watts.
- WOCL—A. E. Newton, Jamestown, N. Y.—Granted C. P. to install new equipment.
- W8XHV—The Evening News Assn., Inc., Mobile (Detroit, Mich.).—Granted license to cover C. P. for new relay broadcast station on an experimental basis; frequencies 31100, 34600, 37600 and 40600 kc., 5 watts.
- W8XIG—The Evening News Assn., Inc., Mobile (Detroit, Mich.).—Granted license to cover C. P. for new relay broadcast station on an experimental basis; frequencies 31100, 34600, 37600 and 40600 kc., 3 watts.
- W8XIL—The Crosley Radio Corp., Mobile (Cincinnati, Ohio).—Granted license to cover C. P. for general experimental broadcast pickup station, 31100, 34600, 37600, 40600 kc., 30 watts, unlimited.
- W1XEQ—E. Anthony & Sons, Inc., New Bedford, Mass.—Granted license to cover C. P. for new high frequency broadcast station on an experimental basis; frequencies 31600, 35600, 38600 and 41000 kc., 100 watts.
- W9XJI—The Reynolds Radio Co., Inc., Denver, Colo., Mobile.—Granted license to cover C. P. for new relay broadcast station on an experimental basis; frequencies 31100, 34600, 37600 and 40600 kc., 1 watt.
- W8XBU—Pittsburgh Radio Supply House, Pittsburgh, Pa., Mobile.—Granted license to cover C. P. for general experimental broadcast pickup station; frequencies 31100, 34600, 37600, 40600 kc., on an experimental basis, 5 watts.
- W3XES—Monumental Radio Co., Baltimore, Md.—Granted license to cover C. P. for new high frequency broadcasting station on an experimental basis; frequencies 31600, 35600, 38600 and 41000 kc., 300 watts.
- W2XMK—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted license to cover C. P. for new relay broadcast

- station on an experimental basis; frequencies 31100, 34600, 37600 and 40600 kc., 2 watts.
- W2XMJ—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted license to cover C. P. for new relay broadcast station on an experimental basis; frequencies 31100, 34600, 37600 and 40600 kc., 2 watts.
- W2XMI—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted license to cover C. P. for new relay broadcast station on an experimental basis; frequencies 31100, 34600, 37600 and 40600 kc., 2 watts.
- W8XIK—The Crosley Radio Corp., Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station on an experimental basis; frequencies 31100, 34600, 37600, 40600 kc., 30 watts.
- W4XBS—Memphis Commercial Appeal, Inc., Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station on an experimental basis; frequencies 31100, 34600, 37600, 40600 kc., 5 watts.
- W6XKK—Don Lee Broadcasting System, Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station on an experimental basis; frequencies 31100, 34600, 37600, 40600 kc., 100 watts.
- W8XIH—WJR, The Goodwill Station, Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station on an experimental basis; frequencies 31100, 34600, 37600, 40600 kc., 40 watts.
- W3XEO—WCAU Broadcasting Co., Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station on an experimental basis; frequencies 31100, 34600, 37600, 40600 kc., 50 watts.
- W8XFQ—Scranton Broadcasters, Inc., Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station on an experimental basis; frequencies 31100, 34600, 37600, 40600 kc., 100 watts.
- W6XKL—Nichols & Warinner, Inc., Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station on an experimental basis; frequencies 31100, 34600, 37600, 40600 kc., 30 watts.
- W2XIN—Standard-Cahill Co., Inc., Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station on an experimental basis; frequencies 31100, 34600, 37600, 40600 kc., 5 watts.
- W4XBW—WDOD Broadcasting Corp., Brainerd Community, Chattanooga, Tenn.—Granted license to cover C. P. for new high frequency broadcast station on an experimental basis; frequencies 31600, 35600, 38600, 41000 kc., 100 watts.
- W3XEY—The Baltimore Radio Show, Inc., Baltimore, Md.—Granted license to cover C. P. for new high frequency broadcast station on an experimental basis; frequencies 31600, 35600, 38600, 41000 kc., 100 watts.
- W4XCA—Memphis Commercial Appeal, Inc., Memphis, Tenn.—Granted license to cover C. P. for new high frequency broadcast station on an experimental basis; frequencies 31600, 35600, 38600, 41000 kc., 250 watts.
- NEW—WJR, The Goodwill Station, Detroit, Mich., Portable-Mobile.—Granted C. P. for a new broadcast pickup station on an experimental basis; frequencies 31100, 34600, 37600 and 40600 kc., 2 watts.
- KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Granted authority to amend C. P. already in bearing docket for change in equipment and increase in day power from 100 to 250 watts.
- NEW—Standard Radio, Inc., Hollywood, Calif.—Granted authority to transmit programs to a foreign country: CJRC, Winnipeg, Manitoba, Canada, and other Canadian stations.
- WCHV—Community Broadcasting Corp., Charlottesville, Va.—Granted authority to transfer control of the Community Broadcasting Corp., licensee of station WCHV, from W. B. Brown to present stockholders of licensee corporation.
- WEBC—Head of the Lakes Broadcasting Co., Superior, Wis.—Granted modification of license to move studio to Spaulding Hotel, Duluth, Minn.
- WSGN—Birmingham News Co., Birmingham, Ala.—Granted C. P. to install new equipment.
- WNAD—University of Oklahoma, Norman, Okla.—Granted authority to make changes in automatic frequency control.
- WSOC—WSOC, Inc., Charlotte, N. C.—Granted authority to make changes in automatic frequency control.
- WSBT—South Bend Tribune, South Bend, Ind.—Granted C. P. for new transmitter.
- KCMC—KCMC, Inc., Texarkana, Ark.—Granted C. P. to install new transmitter and vertical antenna.
- WQAM—Miami Broadcasting Co., Miami, Fla.—Granted authority to make changes in automatic frequency control of auxiliary transmitter.
- KJBS—Julius Brunton & Sons Co., San Francisco, Calif.—Granted amended C. P. to authorize installation of new vertical radiator and move transmitter and studio locally.
- WMBC—Michigan Broadcasting Co., Detroit, Mich.—Granted modification of C. P. to make changes in authorized equipment and extend commencement date from March 14, 1936, to date of grant, and completion date from September 14 to 90 days thereafter.
- WJAR—The Outlet Co., Providence, R. I.—Granted C. P. to move old W. E. transmitter to site of present transmitter for auxiliary purposes.
- KGFI—Eagle Broadcasting Co., Inc., Corpus Christi, Tex.—Granted amended C. P. approving transmitter site and installation of vertical antenna.
- KFJM—University of North Dakota, Grand Forks, N. Dak.—Granted modification of C. P. to make changes in equipment, move transmitter and approve vertical antenna.
- KUOA—KUOA, Inc., Fayetteville, Ark.—Granted modification of license to change studio location from Fayetteville, Ark., to campus of John Brown University, Siloam Springs, Ark.
- WCLO—Gazette Printing Co., Janesville, Wis.—Granted license to cover C. P. authorizing move of transmitter and installation of new antenna.
- WKRC—WKRC, Inc., Cincinnati, Ohio.—Granted modification of C. P. approving new equipment.
- KPQ—Westcoast Broadcasting Co., Wenatchee, Wash.—Granted C. P. to make changes in equipment.
- KGVO—Mosby's, Inc., Missoula, Mont.—Granted C. P. to make changes in equipment.
- KFH—The Radio Station KFH Co., Wichita, Kans.—Granted authority to determine operating power by direct measurement of antenna input.
- WGR—Buffalo Broadcasting Corp., Buffalo, N. Y.—Granted C. P. to install a vertical radiator at present site, install new equipment and increase day power from 1 KW to 5 KW.
- WABG—Memphis Commercial Appeal, Inc., Portable-Mobile.—Granted license to cover C. P. for new relay station; frequencies 1606, 2022, 2102, 2758 kc., 35 watts.
- WDRG—WDRG, Inc., Bloomfield, Conn.—Granted authority to determine operating power by direct measurement of antenna input.
- KABJ—Central States Broadcasting Co., Lincoln, Nebr., Portable.—Granted license to cover C. P. for new relay broadcast station in accordance with Rules 1000 and 1001(b); frequencies 1606, 2022, 2102 and 2758 kc., 30 watts.
- KPLT—The North Texas Broadcasting Co., Paris, Texas.—Granted modification of C. P. approving transmitter and studio sites, new equipment and vertical radiator.
- KHUB—F. W. Atkinson, Watsonville, Calif.—Granted modification of C. P. approving transmitter and studio sites and vertical radiator.
- WAPI—WAPI Broadcasting Corp., Birmingham, Ala.—Granted authority to install automatic frequency control.
- WGY—General Electric Co., Schenectady, N. Y.—Granted authority to install automatic frequency control equipment for main transmitter, and to install automatic frequency control equipment for auxiliary transmitter.
- WAVE—WAVE, Inc., Louisville, Ky.—Granted license to cover C. P., 940 kc., 1 KW, unlimited time, for new transmitter.
- WDAE—Tampa Times Co., Tampa, Fla.—Granted license to cover C. P., 1220 kc., 1 KW night, 5 KW day, unlimited.
- WGST—Georgia School of Technology, Atlanta, Ga.—Granted C. P. to install new equipment, new antenna, move transmitter to site to be determined, increase day power from 1 KW to 5 KW; 890 kc.
- WILL—University of Illinois, Urbana, Ill.—Granted C. P. to move station locally to south of Champaign, Ill.; install directional antenna system in accordance with provisions of modified license which authorized change in assignment from 890 kc., 250 watts, 1 KW day, S-KUSD and KFNF, to 580 kc., 1 KW, daytime only.
- KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—Granted modification of C. P. approving transmitter site at Jackson Blvd., North Little Rock; installation of new equipment and vertical radiator.
- WQAM—Miami Broadcasting Co., Miami, Fla.—Granted change in automatic frequency control of main transmitter.
- NEW—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Granted amended C. P. for new station authorizing opera-

tion on 1480 kc., 5 KW, day time only, using directional antenna.

- WJZ—National Broadcasting Co., Inc., New York City—Granted special temporary authority to use auxiliary antenna for period September 15 to November 15, 1936, pending erection of new vertical antenna.
- WCAD—St. Lawrence University, Canton, N. Y.—Granted special temporary authority to operate from 1:30 to 6:15 p. m., EST, September 26; from 1:30 to 5:15 p. m., EST, October 3, 1936; and from 1:30 to 5:15 p. m., EST, October 24, 1936, to broadcast football games.
- KALB—Alexandria Broadcasting Co., Inc., Alexandria, Va.—Granted special temporary authority to remain on air until 11 p. m. Saturday night, September 26, 1936, in order to broadcast football game.
- WCNW—Arthur Faske, Brooklyn, N. Y.—Granted special temporary authority to remain silent September 25 from 8 to 10 p. m., EST, and September 26 from 3 to 9 p. m., EST, in order to observe Hebrew high holiday.
- WTAW—Agr. and Mech. College of Texas, College Station, Texas—Granted special temporary authority to operate from 2:55 to 6 p. m., CST, September 26, in order to broadcast football game.
- WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—Granted extension of special temporary authority to operate with temporary antenna for the period September 23 to October 22, 1936.
- WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—Granted extension of special temporary authority to operate with a temporary antenna pending rebuilding of towers, for the period September 26 to October 25, 1936.
- KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with WGBF from 7 to 9:30 p. m., CST, September 23, in order to broadcast speech by Senator Barkley.
- WGBF—Evansville on the Air, Inc., Evansville, Ind.—Same as above except to operate simultaneously with KFRU.
- KNEL—G. L. Burns, Brady, Texas—Granted special temporary authority to operate unlimited time on October 2, 9, 16, 23 and 30, 1936, in order to broadcast football games.
- KNET—Palestine Broadcasting Assn., Palestine, Texas—Granted special temporary authority to operate from 8 p. m. to not later than 10:30 p. m., CST, September 25, 1936, October 2, 9 and 23, in order to broadcast football games.
- WEST—Association Broadcasters, Inc., Easton, Pa.—Granted extension of special temporary authority to operate simultaneously with WKBO from 10 to 11 a. m. and 5 to 6 p. m., EST, for the period September 24 to September 30, 1936, pending agreement on division of time due to adoption of daylight saving time in Easton, Pa.
- WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Granted extension of special temporary authority to operate with additional power of 750 watts at night for the period September 28 to October 27, 1936.
- WMBG—Havens & Martin, Inc., Richmond, Va.—Granted extension of special temporary authority to operate from 5:30 to 7 p. m., EST, on Sundays, for the period October 1 to October 31, 1936 (provided WBBL remains silent), in order to broadcast special programs.
- KDLR—KDLR, Inc., Devils Lake, N. Dak.—Granted special temporary authority to operate without an approved frequency monitor for a period not to exceed 10 days.
- WNBH—E. Anthony & Sons, Inc., New Bedford, Mass.—Granted special temporary authority to operate without an approved frequency monitor for a period not to exceed 10 days.
- WOW—Woodmen of the World Life Ins. Assn., Omaha, Neb.—Granted extension of special temporary authority to operate with power of 5 KW at night for the period September 29 and ending no later than October 28, 1936.
- WFBG—The Gable Broadcasting Co. (Lessee), Altoona, Pa.—Granted special temporary authority to operate simultaneously with WJAC from 9:15 to 10:30 p. m., EST, October 31, 1936, in order to broadcast a democratic rally.
- WJAC—WJAC, Inc., Johnstown, Pa.—Granted special temporary authority to operate simultaneously with WFBG from 8:30 to 9:15 p. m., EST, October 31, in order to broadcast a democratic rally.
- KPDN—Pampa Daily News, Inc., Pampa, Texas—Granted special temporary authority to operate from 8 to 10:30 p. m., CST, October 2, November 11, 20 and 26, 1936, in order to broadcast night football games.

KWSC—State College of Washington, Pullman, Wash.—Granted special temporary authority to operate from 1:30 to 10 p. m., PST, September 26, 1936, in order to broadcast a football game.

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Granted extension of special temporary authority to operate on 560 kc., with 1 KW at night, during month of October, 1936, pending filing of and action on license application to cover this authority.

APPLICATIONS DENIED

- WDEV—Mary M. Whitehill, Executrix of the Estate of Harry C. Whitehill, Waterbury, Vt.—Denied special temporary authority to operate on frequency 680 kc., using 500 watts, during period from 1:30 to 4 p. m., EST, daily except Friday and Saturday, and on Friday from 1:45 to 4 p. m., EST, and on Saturday from 3 to 4 p. m., EST, for a period of 15 days in order to obtain data which will make a possible comparison between results obtained from 680 and 550 kc.
- KSOO—Sioux Falls Broadcasting Assn., Inc., Sioux Falls, S. Dak.—Denied special temporary authority to operate station with 500 watts, 2½ KW, LS, unlimited time sunset for September, 6:45 p. m., October 5:45 p. m., November 5 p. m., for period September 1 to November 6, 1936.
- WELI—City Broadcasting Corp., New Haven, Conn.—Denied special temporary authority to operate from LS to 8 p. m., EST, from September 23, 1936, to November 4, 1936, using power of 250 watts, to broadcast political and sponsored programs.

The following applications, heretofore set for hearing, were denied as in cases of default for failure to file an appearance and statement of facts in accordance with Rule 104.6(c):

- WDNC—Durham Radio Corp., Durham, N. C.—Applied for C. P., 590 kc., 1 KW, unlimited.
- WHBI—May Radio Broadcast Corp., Newark, N. J.—Applied for modification of license, 1250 kc., 1 KW, 5 KW LS, shares WNEW.
- NEW—Orrin P. Kilbourn, Albany, N. Y.—Applied for C. P., 1240 kc., 250 watts, unlimited.
- NEW—C. F. Gaarenstroom, Fairmont, Minn.—Applied for C. P., 1420 kc., 100 watts, 250 watts LS, unlimited.

APPLICATIONS DISMISSED

The following cases, heretofore set for hearing were dismissed at the requests of applicants:

- WTAG—Worcester Teleg. Pub. Co., Inc., Worcester, Mass.—Application for special experimental authority, 580 kc., 1 KW, unlimited.
- KPRC—Houston Printing Co., Houston, Tex.—Application for S. A., 920 kc., 5 KW, unlimited.
- WORC—Alfred Frank Kleindienst, Worcester, Mass.—Application for S. A., 1280 kc., 1 KW, unlimited.
- NEW—J. W. Birdwell, Johnson City, Tenn.—Application for C. P., 1370 kc., 100 watts, unlimited.
- NEW—The Press Co., Inc., Schenectady, N. Y.—Application for C. P., 1210 kc., 100 watts, daytime.
- WHBF—Rock Island Broadcasting Co., Rock Island, Ill.—Application for C. P., 1450 kc., 1 KW, unlimited.
- KGEK—Elmer G. Beehler, Sterling, Colo.—Application for modification of license, 1200 kc., 100 watts, S.H.
- NEW—Pemberton Gordon, d/b as Mid-Missouri Broadcasting Service, Jefferson City, Mo.—Application for C. P., 1210 kc., 100 watts, daytime.
- NEW—I. L. G. W. Radio Corp., New York City.—Application for C. P., 970 kc., 1 KW, unlimited.
- NEW—Maxwell, Sancken & Lorick, Augusta, Ga.—Application for C. P., 610 kc., 250 watts, 500 watts LS, unlimited.
- NEW—Harry J. Grant, Milwaukee, Wis.—Application for C. P., 1010 kc., 250 watts, 500 watts LS, unlimited.
- NEW—Thos. L. Evans and J. L. Milligan, Jefferson City, Mo.—Application for C. P., 920 kc., 500 watts, daytime.
- NEW—The Constitution Pub. Co., Atlanta, Ga.—Application for C. P., 590 kc., 1 KW, unlimited.
- NEW—Ventura Broadcasting Co., Ventura, Calif.—Application for C. P., 1210 kc., 100 watts, daytime.
- NEW—Harry C. Kipke, Ann Arbor, Mich.—Application for C. P., 630 kc., 500 watts, daytime.

The following application, heretofore set for hearing, was dismissed from the hearing docket and retired to the files inasmuch

as the time requested for transmittal of programs, specified therein, has expired.

Peoples Pulpit Assn., New York City.—Requested authority to transmit program of Judge Rutherford from 12 noon to 1 p. m. PST, February 23, 1936, from Shrine Temple, Los Angeles, to station XENT, Nuevo Larado, Mexico, through the facilities of the A. T. and T.

The following application, heretofore set for hearing, was dismissed for failure of applicant to answer the form letter, adopted by the Broadcast Division, requiring applicants to signify their desire to be heard within 10 days after receipt of said letter:

NEW—Dixie Broadcasting System, Stokes Gresham, Jr., Pres., Valdosta, Ga.—Applied for C. P., 1500 kc., 100 watts, daytime.

SET FOR HEARING

NEW—Howard A. Miller, Custer Hotel, Galesburg, Ill.—Application for C. P. for new broadcast station at Galesburg, Ill., to authorize operation on 1500 kc., 100 watts, specified hours.

NEW—Pee Dee Broadcasting Co., James A. Bradley, President, 308 W. Evans Street, Florence, S. C.—Application for C. P. for new broadcast station at Florence, S. C., to authorize operation on 950 kc., 1 KW, daytime only, site to be determined.

NEW—Curtis P. Ritchie, Trinidad, Colo.—Application for C. P. for new broadcast station at Trinidad, Colo., to authorize operation on 1310 kc., 100 watts, unlimited time.

NEW—Associated Arkansas Newspapers, Inc., 912 Central Avenue, Hot Springs, Ark.—Application for C. P. for new broadcast station at Hot Springs, Ark., to authorize operation on 1310 kc., 100 watts, unlimited time.

NEW—Homer D. Banta, Burlington, Iowa.—Application for C. P. for new broadcast station at Burlington, Iowa, to authorize operation on 1310 kc., 100 watts, unlimited time.

NEW—George M. Haskins, Hyannis, Mass.—Application for C. P. for new broadcast station at Hyannis, Mass., to authorize operation on 1210 kc., 100 watts night, 250 watts day, unlimited time, site to be determined.

NEW—Sioux City Broadcasting Co., Sioux City, Iowa.—Application for C. P. for new broadcast station at Sioux City, Iowa, to authorize operation on 1420 kc., 250 watts day, 100 watts night, unlimited time, site to be determined.

NEW—Clarence C. Dill, Washington, D. C.—Application for C. P. for new broadcast station at Washington, D. C., to authorize operation on 1310 kc., 100 watts, unlimited time, site to be determined. Requests facilities of WOL if and when WOL is granted 1230 kc. Consideration under Rule 307 (b).

NEW—Ernest Edward Ruehlen, Great Bend, Kans.—Amended application for C. P. for new broadcast station at Great Bend, Kans., to authorize operation on 1370 kc., 100 watts, unlimited time, site to be determined.

NEW—Continental Radio Company, Washington, D. C.—Amended application for C. P. for new broadcast station at Washington, D. C., to authorize operation on 1230 kc., 1 KW, unlimited time, directional antenna day and night, transmitter site to be located approximately one mile northwest of north corner of District of Columbia, Montgomery County, Maryland.

NEW—Loyal K. King, d/b as Radio & Television Research Co., Los Angeles, Calif.—Application for new special broadcast station on an experimental basis to be located at Los Angeles, Calif., to authorize operation on 1530 kc., 1 KW, unlimited time.

NEW—C. W. Corkhill, Sioux City, Iowa.—Amended application for C. P. for new broadcast station at Sioux City, Iowa, to authorize operation on 1420 kc., 100 watts, unlimited time, site to be determined.

NEW—Chauncey W. Hammond, Oakland, Calif.—Amended application for C. P. for new broadcast station at Oakland, Calif., to authorize operation on 1280 kc., 1 KW, unlimited time, site to be determined.

NEW—John E. Fetzer, Benton Harbor, Mich.—Amended application for C. P. for new broadcast station at Benton Harbor, Mich., to authorize operation on 1500 kc., 100 watts, daytime only, site to be approved.

NEW—The Courier-Post Publishing Co., Hannibal, Mo.—Amended application for C. P. for new broadcast station at Hannibal, Mo., to authorize operation on 1310 kc., 100 watts night, 250 watts day, unlimited time, site to be approved.

WBNO—The Coliseum Place Baptist Church, New Orleans, La.—Application for voluntary assignment of license of Station WBNO, New Orleans, La. (1200 kc., 100 watts day, and night share WJBW), from the Coliseum Place Baptist Church to J. E. Richards, John R. Maddox, and Edward R. Musso, t/a the Pelican State Broadcasting Company.

WHAS—The Courier-Journal Co. and The Louisville Times Co., Louisville, Ky.—Amended application for C. P. to increase power from 50 KW to 500 KW, unlimited time, site to be approved; type of antenna and type of equipment to be determined with Commission's approval; frequency 820 kc.

WCOL—WCOL, Inc., Columbus, Ohio.—Application for C. P. to authorize changes in equipment and increase day power from 100 watts to 250 watts. Present assignment, 1210 kc., 100 watts, unlimited time.

NEW—United States Broadcasting Co., Toledo, Ohio.—Application for C. P. for new broadcast station at Toledo, Ohio, to authorize operation on 1200 kc., 100 watts day, daytime only, site to be approved.

NEW—Radio Enterprises, partnership of R. Lacy and J. R. Curtis, Lufkin, Tex.—Application for C. P. for new broadcast station at Lufkin, Tex., to authorize operation on 1310 kc., 100 watts, daytime only, exact transmitter and studio sites to be determined with Commission's approval.

NEW—Loyal K. King, Pasadena, Calif.—Application for C. P. for new broadcast station at Pasadena, Calif., to authorize operation on 1480 kc., 250 watts, daytime only.

WBAX—John H. Senger, Jr., Wilkes-Barre, Pa.—Application for modification of license which expires December 1, 1936, to authorize change in hours of operation from specific to unlimited time.

NEW—Columbia Radio Co., Inc., Columbia, S. C.—Application for C. P. for new broadcast station at Columbia, S. C., to authorize operation on 1200 kc., 100 watts, unlimited time, transmitter and studio sites to be approved.

WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Application for special experimental authority to authorize increase in night time power from 500 watts to 1 KW for period of three months.

NEW—Bay State Broadcasting Corp., Providence, R. I.—Application for C. P. for new broadcast station at Providence, R. I., to authorize operation on 720 kc., 1 KW day, limited time.

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Application for C. P. to authorize installation of new equipment and to change the assignment from 1370 kc., 100 watts night, 250 watts day, unlimited time, to 1120 kc., 1 KW, unlimited time.

KNX—Western Broadcast Co., Los Angeles, Calif.—Amended application for C. P. to authorize moving studio locally, to make changes in equipment, and increase power from 50 KW to 500 KW.

KGFW—Central Nebraska Broadcasting Corp., Kearney, Neb.—Amended application for C. P. to move transmitter and studio locations to Omaha, Neb., sites to be determined with Commission's approval, and to install new equipment.

WLAC—WLAC, Inc., Nashville, Tenn.—Application for C. P. to install new equipment and vertical radiator at present site and to increase power from 5 KW to 50 KW.

WBZA—Westinghouse Electric & Manufacturing Co., Boston, Mass.—Application for C. P. to move transmitter locally approximately 8 miles and studio from Boston to Springfield; install new equipment and directional antenna system; change frequency from 990 kc. to 550 kc.; and change time of operation from 1 KW night and day when synchronized with WBZ to unlimited time.

WOAI—Southland Industries, Inc., San Antonio, Texas.—Application for C. P. to move transmitter, install new antenna system and increase power from 50 KW to 500 KW. Site and type of antenna to be determined.

KFBB—Buttrey Broadcast, Inc., Great Falls, Mont.—Application for renewal of license which expires 10-1-36; 1280 kc., 1 KW, 2½ KW LS, unlimited time.

KRLH—Clarence Scharbauer, Midland, Tex.—Application for modification of license to change frequency from 1420 kc. to 1210 kc.

KOL—Seattle Broadcasting Co., Seattle, Wash.—Application for modification of license to change frequency from 1270 kc. to 1040 kc., and increase power from 1 KW night, 5 KW day, unlimited time, to 5 KW, unlimited time. Before Commission en banc.

WELI—City Broadcasting Corp., New Haven, Conn.—Application for modification of license to change frequency from 900 kc. to 930 kc., to install directional antenna, to change time of operation from daytime to unlimited with 250 watts night, 500 watts day.

WAWZ—Pillar of Fire, Zarephath, N. J.—Application for modification of license to increase night power from 500 watts to 1 KW.

WHBL—Press Publishing Co., Sheboygan, Wis.—Application for C. P. to install new transmitter and increase day power from 250 watts to 1 KW.

NEW—Harold Thomas, Pittsfield, Mass.—Application for C. P. for new broadcast station at Pittsfield, Mass., to authorize operation on 1310 kc., 100 watts night, 250 watts day, unlimited time, site to be approved.

NEW—United States Broadcasting Co., Columbus, Ohio.—Application for C. P. for new broadcast station at Columbus, Ohio, for authority to operate on 1310 kc., unlimited time, with 100 watts. Exact transmitter site and antenna ground to be determined.

KSLM—Oregon Radio, Inc., Salem, Ore.—Application for C. P. to authorize installation of new equipment, increase height of vertical radiator, change frequency from 1370 kc. to 1240 kc., and increase power from 100 watts to 250 watts.

WAPO—W. A. Patterson, Chattanooga, Tenn.—Application for modification of C. P. to move studio locally, install new equipment, change frequency from 1420 kc. to 1200 kc., and change power and time of operation from 100 watts daytime to 100 watts night, 250 watts day, unlimited time.

W1XBS—American-Republican, Inc., Waterbury, Conn.—Applications for construction permits for special broadcast stations to be used as new booster stations, one to be located at New Haven, Conn., and other at Bridgeport, Conn., to operate synchronously with W1XBS at Waterbury. Booster stations request same facilities, 1530 kc., 100 watts, unlimited time, sites to be approved.

KALB—Alexandria Broadcasting Co., Inc., Alexandria, La.—Amended application for modification of license requesting authority to change frequency from 1420 kc. to 1210 kc., increase power from 100 watts daytime to 100 watts unlimited time.

NEW—Auburn Publishing Company, Auburn, N. Y.—Application for C. P., already in hearing docket, amended so as to request change in transmitter site to York Street, Auburn, N. Y.; 1420 kc., 100 watts, unlimited time.

APPLICATION RETIRED TO CLOSED FILES

WJAY—Cleveland Radio Broadcasting Corp., Cleveland, Ohio.—Application for C. P. requesting authority to install new equipment and move transmitter, granted October 1, 1935, expired June 1, 1936, and was retired to closed files for want of prosecution.

RATIFICATIONS

The Broadcast Division ratified the following acts authorized on the dates shown:

W4XBS-W4XCA—Memphis Commercial Appeal, Inc., Memphis, Tenn.—Granted authority to extend service tests for a period of 30 days from September 16, 1936. (Action taken September 15.)

KNEC-W7XBK—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—Granted authority to operate as licensed on September 20 to 27 inclusive. (Action taken September 17.)

WJJD—WJJD, Inc., Chicago, Ill.—Granted special temporary authority to operate without antenna ammeter for the period September 12 to 26, 1936. (Action taken September 15.)

WTRC—The Truth Publishing Co., Inc., Elkhart, Ind.—Granted special temporary authority to operate without an approved frequency monitor for the period September 15 to 25, 1936. (Action taken September 15.)

WSVS—Elmer S. Pierce, Principal, Seneca Vocational H. S., Buffalo, N. Y.—Granted special temporary authority to operate from 8:30 to 10 a. m. and 2 to 3 p. m., EDST, instead of EST as licensed, for the period September 15 to 27, 1936. (Action taken September 15.)

WHAS—The Courier Journal Co. & the Louisville Times Co., Louisville, Ky.—Granted extension of special temporary authority to operate a 50 watt portable test transmitter from September 17 to October 16, 1936. (Action taken September 17.)

WCB D—WCB D, Inc., Waukegan, Ill.—Granted extension of special temporary authority to use studio located at Zion, Ill., as main studio, pending action on application to move studio to Chicago, for period September 21 to October 20, 1936. (Action taken September 10.)

KPAC—Port Arthur College, Port Arthur, Texas.—Granted special temporary authority to operate from 6:15 p. m. to 12 midnight, CST, on September 18 and 25, 1936. (Action taken September 18.)

WFBL—Onondaga Radio Broadcasting Corp., Syracuse, N. Y.—Granted special temporary authority to use Weston Model ammeter No. 5760 instead of Weston Tyle 400, for period September 16 to October 15, 1936. (Action taken September 18.)

WEBQ—Harrisburg Broadcasting Co., Harrisburg, Ill.—Granted extension of special temporary authority to operate station without antenna ammeter for the period September 17 to September 26, 1936. (Action taken September 18.)

KOY—Nielson Radio & Sporting Goods Co., Phoenix, Ariz.—Granted special temporary authority to operate a 50-watt portable transmitter on 1390 kc., in vicinity of Phoenix, for the period not to exceed 3 weeks. (Action taken September 18.)

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 2 to 3 p. m., EST, on September 19, 26, and October 3, 10 and 17, 1936; and from 8:30 to 10:30 p. m. and 2 to 3 p. m., EST, on September 20, 27 and October 4, 11, and 18, 1936. (Action taken September 18.)

WOKO—WOKO, Inc., Albany, N. Y.—Granted special temporary authority to rebroadcast time signals from Naval Radio Station NAA, for period ending no later than November 1, 1936. (Action taken September 18.)

WTRC—The Truth Publishing Co., Inc., Elkhart, Ind.—Granted special temporary authority to operate simultaneously with WLBC from 7:30 to 10 p. m., CST, on September 18 and 25, 1936. (Action taken September 18.)

WKBV—Knox Radio Corp., Richmond, Ind.—Granted special temporary authority to operate from 1 to 5:30 p. m., CST, on September 18 and 26. (Action taken September 18.)

KALB—Alexandria Broadcasting Co., Inc., Alexandria, La.—Granted special temporary authority to operate from local sunset to 12 midnight, CST, on September 21, to broadcast activities of first anniversary; from LS to 10 p. m., CST, on September 24, 1936, to broadcast open house night of Montgomery Ward & Co. (Action taken September 18.)

WFRO—Voice of Longview, Longview, Texas.—Granted special temporary authority to operate from LS to 12 midnight, CST, September 18, 25, October 2, 9, 16, 1936. (Action taken September 18.)

KFDY—South Dakota State College, Brookings, S. D.—Granted special temporary authority to operate from 2 to 5 p. m., CST, October 10 and 31, November 7, 1936. (Action taken September 18.)

WGST—Georgia School of Technology, Atlanta, Ga.—Granted special temporary authority to operate a 100-watt portable test transmitter on 890 kc. between 12 midnight and 6 a. m., EST, for period not to exceed 10 days. (Action taken September 19.)

WTRC—The Truth Publishing Co., Elkhart, Ind.—Granted special temporary authority to operate simultaneously with WLBC from 7:30 p. m. to 11 p. m., CST, the night of September 21 or September 28, for the purpose of broadcasting programs in observance of WTRC's increased power. (Action taken September 19.)

W8XIN—Radio Air Service Corp., Cleveland, Ohio.—Granted special temporary authority to operate high frequency relay broadcast transmitting apparatus on September 21 to 24, inclusive. (Action taken September 19.)

WSMK—WSMK, Inc., Dayton, Ohio.—Granted special temporary authority to operate simultaneously with KQV from 9 to 10 p. m., EST, on September 17 and 24. (Action taken September 17.)

WIOD-WMBF—Isle of Dreams Broadcasting, Corp., Miami, Fla.—Granted C. P. approving transmitter site and vertical radiator. (Action taken September 16.)

King-Trendle Broadcasting Corp., Detroit, Mich.—Granted extension of authority to transmit sustaining programs from WXYZ to stations of the Canadian Broadcasting Corp. for period of 30 days, conditionally. (Action taken September 15.)

The Broadcast Division, upon consideration of the requests of applicants for dismissal of the following applications, directed that the applications be dismissed with prejudice, and that an order be entered accordingly and forwarded to all interested parties. (Action taken September 14):

Ex. Rep. No. 1-214 in part, applications of Winona Broadcasting Co., Winona, Minn.; Mankato Broadcasting Co., Mankato, Minn.; Fort Dodge Broadcasting Co., Fort Dodge, Iowa; Clinton Broadcasting Co., Clinton, Iowa; Hastings Broadcasting Co., Hastings, Neb.; Grand Isle Broadcasting Co., Grand Island, Neb.; Appleton Broadcasting Co., Appleton, Wis., and Wausau Broadcasting Co., Wausau, Wis., all for new stations.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for regular period:

KDYL, Intermountain Broadcasting Corp., Salt Lake City, Utah; KFIO, Spokane Broadcastsaing Corp., Spokane, Wash.; KFKU, The University of Kansas, Lawrence Kans.; KFOX, Nichols and Warinner, Inc., Long Beach, Calif.; KFSG, Echo Park Evangelistic Assn. (Maurice E. Kennedy, Agt.) and auxiliary, Los Angeles, Calif.; KFVB, Warner Bros. Broadcasting Corp., Hollywood, Calif.; KGCA, Charles Walter Greenley, Decorah, Iowa; KGGF, Hugh J. Powell and Stanley Platz, d/b as Powell & Platz, Coffeyville, Kans.; KGGM, New Mexico Broadcasting Co., Albuquerque, N. M.; KGVO, Mosby's Incorporated, Missoula, Mont.; KHSL, Golden Empire Broadcasting Co., Chico, Calif.; KLCN, Charles Leo Lintzenich, Blytheville, Ark.; KMBC, Midland Broadcasting Co., Kansas City, Mo.; KMBC (Auxiliary), Midland Broadcasting Co., Kansas City, Mo.; KOIN, KOIN, Inc., Portland, Ore.; KOL, Seattle Broadcasting Co., Seattle, Wash.; KPAC, Port Arthur College, Port Arthur, Texas; KQW, Agricultural Foundation, Ltd., San Jose, Calif.; KRGV, KRGV, Inc., Weslaco, Texas; KRKD, Radio Broadcasters, Inc., Los Angeles, Calif.; KRKD (Auxiliary), Radio Broadcasters, Inc., Los Angeles, Calif.; KROW, Educational Broadcasting Corp., Oakland, Calif.; KRSC, Radio Sales Corporation, Seattle, Wash.; KTRH, KTRH Broadcasting Co., Houston, Texas; KTW, The First Presbyterian Church of Seattle, Seattle, Wash.; KUOA, KUOA, Inc., Fayetteville, Ark.; KVOR, S. H. Patterson, Colorado Springs, Colo.; KWSC, State College of Washington, Pullman, Wash.; KYA, Hearst Radio, Inc., San Francisco, Calif.; WAAT, Bremer Broadcasting Corp., Jersey City, N. J.; WASH, Kunsy-Trendle Broadcasting Corp., Grand Rapids, Mich.; WAVE, WAVE, Inc., Louisville, Ky.; WMRC, Birmingham Broadcasting Co., Inc., Birmingham, Ala.; WCAD, St. Lawrence University, Canton, N. Y.; WCAM, City of Camden, Camden, N. J.; WCAP, Radio Industries, Broadcast Co., Asbury Park, N. J.; WCOP, Massachusetts Broadcasting Corp., Boston, Mass.; WDAE, Tampa Times Company, Tampa, Fla.; WDAY, WDAY, Inc., Fargo, N. D.; WDBJ, Times-World Corp., Roanoke, Va.; WDEL, WDEL, Inc., Wilmington, Del.; WDOD, WDOD Broadcasting Corp., Chattanooga, Tenn.; WDSU, WDSU, Inc., New Orleans, La.; WEBC, Head of the Lakes Broadcasting Co., Superior, Wis.; WEBC (Auxiliary), Head of the Lakes Broadcasting Co., Superior, Wis.; WFBR, The Baltimore Radio Show, Inc., Baltimore, Md.; WHN and Auxiliary, Marcus Loew Booking Agency, New York, N. Y.; WHA, University of Wisconsin, Madison, Wis.; WISN and Auxiliary, Hearst Radio, Inc., Milwaukee, Wis.; WJAS, Pittsburgh Radio Supply House, Pittsburgh, Pa.; WJDX, Lamar Life Insurance Co., Jackson, Miss.; WKAQ, Radio Corporation of Porto Rico, San Juan, Puerto Rico; WLB, University of Minnesota, Minneapolis, Minn.; WNAC, Shepard Broadcasting Service, Inc., Boston, Mass.; WNAD, University of Oklahoma, Norman, Okla.; WNBX, WNBX Broadcasting Corp., Springfield, Vt.; WNBZ, Earl J. Smith and William Mace, d/b as Smith and Mace, Saranac Lake, N. Y.; WNEL, Juan Piza, San Juan, Puerto Rico; WNEW, Wodaam Corp., Newark, N. J.; KNOX, Continental Radio Co., Knoxville, Tenn.; WOOD, Kunsy-Trendle Broadcasting Corp., Grand Rapids, Mich.; WRC and Auxiliary, National Broadcasting Co., Inc., Washington, D. C.; WREN, The WREN Broadcasting Co., Lawrence, Kan.; WRR, City of Dallas, Dallas, Texas; WTAW, Agricultural and Mechanical College of Texas, College Station, Texas; WTCN, Minnesota Broadcasting Corp., Minneapolis, Minn.; WTNJ, WOAX, Inc., Trenton, N. J.; WTOG, Savannah Broadcasting Co., Inc., Savannah, Ga.; WXYZ, Kunsy-Trendle Broadcasting Corp., Detroit, Mich.

The following stations were granted renewal of licenses for the period ending 9 a. m., EST, March 1, 1937:

KFRC and Auxiliary, Don Lee Broadcasting System, San Fran-

cisco, Calif.; KMJ, McClatchy Broadcasting Co., Fresno, Calif.; WMMN, A. M. Rowe, Inc., Fairmont, W. Va.

The present license of the following special experimental station in the experimental service was extended for a period of one month from September 23, 1936, at 3 a. m., EST, to 3 a. m., EST, October 23, 1936, on a temporary basis only, pending action on application for renewal of license:

W8XAR, Westinghouse Electric & Manufacturing Company, Saxonburg, Pa.

MISCELLANEOUS

WMEX—The Northern Corporation, Boston, Mass.—Reconsidered action of July 22, 1936, granting without hearing C. P. authorizing moving of transmitter, change of frequency to 1470 kc., and increasing power to 5 KW, and designated application for hearing because of protests of WNAC, WAAB, WCOP and WLAC.

WMCA—Knickerbocker Broadcasting Co., Inc., New York, N. Y.—Granted modification of license authorizing operation on 570 kc., 1 KW, unlimited time, affirming grant of July 2, 1936, since stations WKBN, WICC, WFIL and WSYR-WSYU withdrew protests on September 19, 1936.

NEW—Escanaba Daily Press Co., Escanaba, Mich.—Granted request to take depositions in re application for new broadcast station to operate on 1500 kc., 100 watts, daytime.

NEW—R. J. Laubengayer, Salina, Kans.—Granted application for C. P. for new broadcast station to operate on 1500 kc., 100 watts, unlimited time; transmitter site to be determined with Commission approval.

NEW—The Journal Company, Milwaukee, Wis.—Granted petition to intervene in hearing on application of John C. Looney, d/b High Fidelity Broadcasting Service, Milton, Massachusetts, for C. P. to establish and operate broadcast station to operate on 1570 kc., 1 KW, unlimited time.

NEW—Continental Radio Co., Columbus and Toledo, Ohio.—Applications for C. P. to erect and operate broadcast stations at Columbus and Toledo, Ohio, to operate on frequencies of 1310 kc. and 1200 kc., 100 watts power, respectively, remanded to docket for additional testimony.

KUMA—Dr. Albert H. Schermann, Flagstaff, Ariz.—Granted renewal of license on regular basis.

WAAB—Bay State Broadcasting Corp., Boston, Mass.—Denied petition asking Commission to reconsider action of January 15, 1936, in designating for hearing application for modification of license to increase power from 500 watts to 1 KW, daytime.

KLZ Broadcasting Co., Denver, Colo.—Granted petition to intervene in hearing of application of Mile High Radio Corp., Denver, Colo., for C. P. to authorize establishment and operation of a new broadcast station at Denver, using 1420 kc., 100 watts, unlimited time.

NEW—Tribune Printing Company, Jefferson City, Mo.—Reconsidered and granted application for new broadcast station at Jefferson City, Mo., to operate on 1310 kc., 100 watts, daytime.

NEW—Advertiser Publishing Co., Ltd., Honolulu, T. H.—Granted petition to intervene at hearing of application of Fred J. Hart to erect and operate a new broadcast station at Honolulu to operate on 600 kc., 250 watts, unlimited time, to be heard on November 10, 1936.

WISN—Hearst Radio, Inc., Milwaukee, Wis.—Denied petition asking Commission to reconsider and grant application to increase nighttime power from 250 watts to 1 KW on present frequency of 1120 kc. Also denied petition requesting oral argument before Broadcast Division as petitioner offers no new or additional evidence.

WGAN (formerly WSPG)—Portland Broadcasting System, Inc., Portland, Maine.—Denied motion to dismiss application of Palmer Broadcasting Syndicate, Inc., Portland, Maine, for C. P. to establish and operate a new broadcast station at Portland on 1310 kc., 100 watts.

WGAN (formerly WSPG)—Portland Broadcasting System, Inc., Portland, Maine.—Authorized to proceed with construction of new station to operate on 640 kc., 500 watts, limited to KFI, subject to whatever action the U. S. Court of Appeals for D. C. may take upon pending appeals of Congress Square Hotel Company and the Eastland Company. This action follows dismissal of appeal of Palmer Broadcasting Syndicate, Inc., and dissolution of its stay order.

NEW—Paul R. Heitmeyer, Cheyenne, Wyo.—Granted motion asking dismissal of application of Wyoming Radio Corporation

for C. P. for new radio broadcast station to operate at Cheyenne on 1210 kc., 100 watts, unlimited time, as it develops that the parties named as officers and directors of Wyoming Radio Corp. are the same individuals that compose the Wyoming Radio Educational Association, whose application for a new station, after a hearing, was denied, effective June 12, 1936.

WCHS—Charleston Broadcasting Corp., Charleston, W. Va.—Denied petition asking Commission to reconsider and grant without hearing application for special experimental authorization to increase nighttime power from 500 watts to 1 KW.

National Association of Regional Broadcasting Stations—Denied petition asking Commission to maintain the present status on regional stations pending promulgation of new rules and regulations as result of the hearing scheduled for October 5, 1936.

NEW—Pacific Acceptance Corporation, San Diego, Calif.—Dismissed the application from hearing docket and reaffirmed its original decision of October 22, 1935, granting the application of the Pacific Acceptance Corp. for a new broadcast station at San Diego to operate on 1200 kc., 100 watts, daytime only.

POSTPONEMENT OF EFFECTIVE DATE OF RULES 981 AND 1034 (C)

Effective operation of Rule 981 postponed for six months to perfect frequency monitors for independent measurement of the frequencies of stations other than those in regular broadcast band.

Rule 1034 (c) postponed until further notice. To be made effective when definite allocations of frequencies to television stations are made.

ACTION ON EXAMINERS' REPORTS

NEW—Ex. Rep. No. 1-212: A. W. Hayes, Erie, Pa.—Denied C. P. for new broadcast station to operate on 1270 kc., 100 watts night, 1 KW LS, unlimited time, directional antenna, site to be determined subject to Commission's approval. Examiner Dalberg sustained.

NEW—Watertown Broadcasting Corp., Watertown, N. Y.—Denied C. P. for new station to operate on 1270 kc., 250 watts, daytime, site to be determined subject to Commission's approval. Examiner Melvin Dalberg reversed. Order effective October 13, 1936.

NEW—Ex. Rep. No. 1-220: A. Staneart Graham, E. V. Baxter and Norman Baxter, d/b as Pittsburg Broadcasting Co., Pittsburg, Kans.—Granted C. P. for new station to operate on 790 kc., 1 KW, daytime, site to be determined subject to Commission's approval. Examiner Geo. H. Hill sustained. Order effective October 6, 1936.

NEW—Ex. Rep. No. 1-231: Union Tribune Pub. Co., San Diego, Calif.—Denied C. P. for new broadcast station to operate on 1420 kc., 100 watts night, 250 watts day, unlimited time. Examiner R. L. Walker sustained. Order effective November 10, 1936.

NEW—Ex. Rep. No. 1-246: Star-Chronicle Pub. Co., St. Louis, Mo.—Granted C. P. for new broadcast station to operate on 1250 kc., 1 KW, unlimited time. Examiner R. H. Hyde reversed.

WIL—Missouri Broadcasting Corp., St. Louis, Mo.—Denied C. P. to install new equipment (install directional antenna at night); move transmitter from Grand & Lindell Blvds., St. Louis, Mo., to 2.8 miles due East of McKinley Bridge on U. S. Highway No. 67, Ill.; change frequency from 1200 kc. to 1250 kc.; and increase power from 100 watts night, 250 watts day, to 1 KW unlimited time. Examiner Hyde reversed. Order effective October 6, 1936.

KGKO—Ex. Rep. No. 1-255: Wichita Falls Broadcasting Co., Fort Worth, Tex.—Granted C. P. (Commissioner Case dissenting), to install new equipment, move studio and transmitter to site to be determined subject to Commission's approval; 570 kc., 250 watts night, 1 KW day, unlimited time. Examiner D. G. Arnold sustained. Order effective October 13, 1936.

NEW—Ex. Rep. No. 1-262: Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—Granted C. P. for new broadcast station (subject to Rules 131, 132 and 139) to operate on 1200 kc., 100 watts, unlimited time. (Site to be determined, subject to Commission's approval.) Examiner G. H. Hill sustained. Order effective October 20, 1936.

NEW—Ex. Rep. No. 1-271: Black River Valley Broadcasts, Inc., Watertown, N. Y.—Granted C. P. for new station to operate on 1420 kc., 100 watts night, 250 watts LS, unlimited time. Examiner M. H. Dalberg sustained.

NEW—Ex. Rep. No. 1-275: Harold Johnson and Leland M. Perry, d/b as Johnson & Perry, Cedar City, Utah.—Granted C. P. for new broadcast station to operate on 1310 kc., 100 watts, unlimited time. (Site to be determined, subject to Commission's approval.) Examiner G. H. Hill sustained. Order effective October 27, 1936.

WHFC—Ex. Rep. No. 1-276: WHFC, Inc., Cicero, Ill.—Granted C. P. to install new equipment and increase power from 100 watts to 100 watts night, 250 watts day; 1420 kc., specified hours. Examiner M. H. Dalberg sustained.

WKBI—WKBI, Inc., Cicero, Ill.—Granted modification of license to increase power from 100 watts to 100 watts night, 250 watts day; 1420 kc., specified hours. Examiner Dalberg sustained.

WEHS—WEHS, Inc., Cicero, Ill.—Granted modification of license to increase power from 100 watts to 100 watts night, 250 watts day; 1420 kc., specified hours. Examiner Dalberg sustained. Order effective October 27, 1936.

NEW—Ex. Rep. No. 1-278: Hunt Broadcasting Assn., Fred Horton, Pres., Greenville, Tex.—Remanded to docket for further hearing.

WCB D—Ex. Rep. No. 1-280: WCB D, Inc., Chicago, Ill.—Granted modification of license to move studio from Waukegan to 128 No. Pulaski Road, Chicago, Ill.; 1080 kc., 5 KW, limited time. Also granted authority to transfer control of corporation from Wilbur Glenn Voliva, Ernest E. Harwood and M. J. Minter to L. E. Moulds, W. F. Moss and Gene T. Dyer and E. M. Ringwald. Examiner G. H. Hill sustained. Order effective November 2, 1936.

KRE—Ex. Rep. No. 1-288: First Congregational Church of Berkeley, Berkeley, Calif.—Granted voluntary assignment of license from First Congregational Church of Berkeley to Central California Broadcasters, Inc.; 1370 kc., 100 watts night, 250 watts day, unlimited time. Examiner R. H. Hyde sustained. Order effective November 2, 1936.

ORAL ARGUMENTS GRANTED

Oral arguments were granted in the following cases, to be held October 29, 1936:

Ventura County Star, Inc., and Merced Star Publishing Co., Inc., Ventura, Calif. (Ex. Rep. No. 1-239); Intermountain Broadcasting Corp. (KDYI), Salt Lake City, Utah (Ex. Rep. No. 1-242).

In the following cases Oral Arguments were granted for November 6, 1936:

Southwest Broadcasting Co., Prescott, Ariz., and W. P. Stuart, Prescott, Ariz. (Ex. Rep. 1-245); Radio Broadcasting Corp. (KTFI) Twin Falls, Idaho (Ex. Rep. 1-249); Voice of Marshall Assn., Marshall, Texas (Ex. Rep. 1-251).

In the following cases Oral Arguments will be held November 13, 1936:

WALR Broadcasting Corp., Zanesville, Ohio (Ex. Rep. 1-253); Community Broadcasting Co., Toledo, Ohio (Ex. Rep. 1-254); Earl Weir, St. Petersburg, Fla. (Ex. Rep. 1-261); Nathan N. Bauer, Miami, Fla. (Ex. Rep. 1-243).

In the following cases Oral Arguments will be held November 19, 1936:

The Sun Publishing Co., Inc. (WTJS), Jackson, Tenn. (Ex. Rep. 1-244); Cherry & Webb Broadcasting Co. (WPRO), Providence, R. I. (Ex. Rep. 1-248); J. R. Maddox and W. B. Hair, d/b as Chattanoogaogga Broadcasting Co., Chattanooga, Tenn. (Ex. Rep. 1-252); Dorrance D. Roderick, El Paso, Texas (Ex. Rep. 1-256).

In the following cases Oral Arguments will be held December 3, 1936:

K. K. Kidd & L. C. Kidd, Taft, Calif. (Ex. Rep. 1-259); Marysville-Yuba City Publishers, Inc., Marysville, Calif. (Ex. Rep. 1-264); Fred A. Baxter, Superior, Wis. (Ex. Rep. 1-266); Baton Rouge Broadcasting Co., Inc. (WJBO), Baton Rouge, La. (Ex. Rep. 1-267).

In the following cases Oral Arguments will be held December 10, 1936:

Tulare-Kings Counties Radio Associates, Visalia, Calif. (Ex. Rep. 1-268); J. E. Brandtley, et al., Savannah, Ga., W. T. Knight, Jr.,

Savannah, Ga. (Ex. Rep. 1-269); Gulf Coast Broadcasting Co., Corpus Christi, Texas (Ex. Rep. 1-272).

In the following cases Oral Arguments will be held November 6, 1936:

Albert Lea Broadcasting Corp., Albert Lea, Minn., Winona Radio Service, Winona, Minn. (Ex. Rep. 1-273).

In the following cases Oral Arguments will be held December 17, 1936:

Cache Valley Broadcasting Co., Logan, Utah (Ex. Rep. 1-274); J. T. Bilben and N. G. Barnard, Walker, Minn. (Ex. Rep. 1-277).

In the following case Oral Argument will be held October 22, 1936:

The Times-Dispatch Publishing Co., Inc., Richmond, Va. (Ex. Rep. 1-285).

OTHER ACTION

KFRO—Voice of Longview, Longview, Tex.—Denied petition asking Commission to rehear application to change frequency from 1370 kc. to 1210 kc., and to operate with 100 watts night, 250 watts day, instead of 100 watts daytime only, requesting the facilities of KWEA at Shreveport, La. Commissioner Stewart voted in favor of granting the petition and will submit an opinion outlining his reasons.

National Television Corp., New York City.—Extended to December 15, 1936, present temporary authorization (Station W2XNT) for television research on 2000-2100 kc., issued July 21, 1936, with special provisions for a period ending September 15, 1936.

Dudley J. Connolly et al., d/b as Dudley J. Connolly & Co., Chattanooga, Tenn.—Denied petitions asking for rehearing and review before Commission en banc of applications of W. A. Patterson and Dudley J. Connolly & Co. for new broadcasting station at Chattanooga, and the denial of the application of Dudley J. Connolly & Co. for C. P. for new station to operate on 1200 kc., 100 watts, daytime.

APPLICATIONS RECEIVED

First Zone

WCAO—Monumental Radio Co., Baltimore, Md.—License to cover 600 construction permit (B1-P-1087) for new auxiliary transmitter, move, using 250 watts power.

WLBZ—Maine Broadcasting Co., Inc., Bangor, Maine.—Construction permit to install new transmitter.

NEW—Utica Observer Dispatch, Inc., Utica, N. Y.—Construction permit for a new station to be operated on 950 kc., 1 KW, daytime. Studio and transmitter to be determined, Utica, N. Y.

WHN—Marcus Loew Booking Agency, New York, N. Y.—Modification of license to increase operating power from 1 KW night, 5 KW day, to 5 KW day and night.

WEBR—WEBR, Inc., Buffalo, N. Y.—Construction permit to 1310 install new transmitter and vertical antenna.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Modification of license 1370 for additional hours of from 2 to 3 p. m. on Saturdays and from 8:30 to 10 a. m. and 2 to 3 p. m. on Sundays and legal holidays. Facilities of WSVS.

WQDM—E. J. Regan and F. Arthur Bostwick, d/b as Regan & Bostwick, St. Albans, Vt.—Modification of construction permit (B1-P-113) for move of transmitter and studio, change frequency, install new equipment, increase in power, and change in specified hours, requesting equipment changes and move of transmitter.

WNLC—Thames Broadcasting Corp., New London, Conn.—1500 License to cover construction permit (B1-P-549) for a new station.

NEW—The Trenton Times, Trenton, N. J.—Construction permit 1570 for a new special broadcast station to be operated on 1570 kc., 250 watts, unlimited time.

NEW—The Trenton Times, Trenton, N. J.—Construction permit 1570 for booster station for special broadcast station at Trenton, N. J., to be operated synchronously with B1-PSB-5 on 1570 kc., 250 watts, unlimited time.

NEW—The Trenton Times, Trenton, N. J.—Construction permit 1570 for booster station for special broadcast station at Trenton, N. J., to be operated synchronously with B1-PSB-5 on 1570 kc., 250 watts, unlimited time.

NEW—Debs Memorial Radio Fund, Inc., Brooklyn, N. Y.—Con-

struction permit for a new high frequency station to be operated on 31600, 35600, 38600, 41000, 86000, 130000, 172000 and 260000 kc., 100 watts.

NEW—General Electric Co., Albany, N. Y.—Construction permit for a new high frequency broadcast station to be operated on 31600, 35600, 38600 and 41000 kc., 150 watts.

NEW—The Travelers Broadcasting Service Corp., Portable-Mobile.—Construction permit for a new high frequency relay broadcast station to be operated on 105000, 200000, 290000 and 450000 kc., 5 watts.

NEW—The Travelers Broadcasting Service Corp., Portable-Mobile.—License to cover above.

Second Zone

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Modification 560 of construction permit (B2-P-1085) for new equipment, erect vertical antenna, increase power, move transmitter, further requesting authority to change transmitter site from 1300 feet northeast of Monument and City Line Avenue, Merion Township, Pa., to 1500 feet north of Monument and City Line Avenue, Merion Township, Pa., and extend commencement and completion dates to 30 and 180 days, respectively.

NEW—The Central Michigan Radio Co., James Bourland, John 570 Tebbel, Gerald J. Cotter, Ray D. Market, Mt. Pleasant, Mich.—Construction permit for a new station to be operated on 1350 kc., 250 watts, unlimited time. Amended: Antenna changes, change frequency from 1350 kc. to 570 kc.

WJAY—Cleveland Radio Broadcasting Co., Cleveland, Ohio.— 610 Construction permit to move transmitter from 2016 East Ninth St., Cleveland, Ohio, to Pleasant Valley Road, Village of Seven Hills, Ohio; install new transmitter and antenna.

WRAX—WRAX Broadcasting Co., Philadelphia, Pa.—Modifica- 920 tion of license to increase operating power from 250 watts night using directional antenna and 500 watts day, to 1 KW day and night, using directional antenna at night.

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Modifi- 920 cation of license to increase operating power from 250 watts night using directional antenna and 500 watts day, to 1 KW day and night, using directional antenna at night.

WDBJ—Times-World Corp., Roanoke, Va.—License to cover con- 930 struction permit (B2-P-1006) to install new equipment, increase in power, and move transmitter and studio.

WDBJ—Times-World Corp., Roanoke, Va.—Authority to deter- 930 mine operating power by direct measurement of antenna power.

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Au- 970 thority to make changes in automatic frequency control apparatus.

KYW—Westinghouse Electric & Mfg. Co., Philadelphia, Pa.— 1020 Construction permit to make changes in equipment and increase operating power from 10 KW to 50 KW.

WKOK—Sunbury Broadcasting Corp., Sunbury, Pa.—Construc- 1210 tion permit to install new transmitter.

WHAT—Independence Broadcasting Co., Inc., Philadelphia, Pa.— 1310 Construction permit to make changes in equipment, increase power from 100 watts to 1 KW, change frequency from 1310 kc. to 1220 kc., time from S-WTEL to unlimited time, and move transmitter. Amended to give transmitter site as Whitemarsh Township, Pennsylvania.

WSAJ—Grove City College, Grove City, Pa.—Construction per- 1310 mit to make changes in equipment.

WFBG—The Gable Broadcasting Co. (Lessee), Altoona, Pa.— 1310 Construction permit to install new equipment, vertical antenna, and increase power from 100 watts to 100 watts night, 250 watts day.

WPAD—Paducah Broadcasting Co., Inc., Paducah, Ky.—Author- 1420 ity to make changes in automatic frequency control.

NEW—Staunton Broadcasting Co., Inc., Staunton, Va.—Construc- 1500 tion permit for a new station to be operated on 1500 kc., 100 watts night, 250 watts day, unlimited time.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Modification of 1500 construction permit (B2-P-637) as modified for equipment changes, install vertical antenna, move transmitter locally, to further request authority to make equipment changes and extend commencement and completion dates 60 and 180 days, respectively.

W3XEW—WTAR Radio Corp., Portable-Mobile.—Reinstatement of construction permit for high frequency relay broadcast station to be operated on 31100, 34600, 37600 and 40600 kc., 5 watts, which expired August 10, 1936.

NEW—Radio Air Service Corp., Portable-Mobile.—Construction permit for a new high frequency relay broadcast station to be operated on 38900, 39100, 39300 and 39500 kc., 100 watts.

Third Zone

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Modification of construction permit (B3-P-1048) for move of transmitter, make antenna changes, and increase in power, requesting installation of new transmitter.

KVOO—Southwestern Sales Corp., Tulsa, Okla.—Construction permit to make changes in transmitter equipment and increase power from 25 KW to 50 KW.

NEW—Richard M. Casto, Johnson City, Tenn.—Construction permit for a new station to be operated on 1200 kc., 100 watts night, 250 watts day, unlimited time.

WMFR—Hart and Nelson (J. A. Hart and Wayne M. Nelson), 1200 High Point, N. C.—Voluntary assignment of license from Hart and Nelson (J. A. Hart and Wayne M. Nelson) to Radio Station WMFR, Inc.

WBBZ—Howard Johnson, Representative, Estate of C. L. Carrell, deceased, Ponca City, Okla.—Construction permit to install new equipment, make antenna changes, and increase day power from 100 watts to 250 watts.

WJRD—James R. Doss, Jr., Tuscaloosa, Ala.—Modification of construction permit (B3-P-694) for new station to further request authority to install new transmitter, move transmitter and studio, and antenna changes.

WSIX—Jack M. Draughon, Louis R. Draughon, d/b as 638 Tire & Vulcanizing Co., Nashville, Tenn.—License to cover construction permit (B3-P-227) as modified for move of transmitter and studio and install new antenna.

NEW—Southeastern Broadcasting Co., Inc., Macon, Ga.—Construction permit for a new station to be operated on 1210 kc., 100 watts, specified hours (local sunset to midnight). Amended: When WMAZ signs off to midnight.

WIOD-WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—1300 Construction permit to install new antenna and move transmitter from Collins Island, Miami Beach, Fla., to 18 Avenue and 32 Street, Miami, Fla.

NEW—H. W. Wilson and Ben Farmer, Wilson, N. C.—Construction permit for a new station to be operated on 1310 kc., 100 watts, daytime. Amended: Antenna changes and move transmitter.

WSMB—WSMB, Inc., New Orleans, La.—Modification of license to operate with power of 1 KW, and request provision WSMB license limiting radiation in direction of Akron, Ohio, to 88 mv/m at 1 mile from WSMB transmitter be deleted and provision be inserted WSMB be authorized to radiate in direction Akron not to exceed 70.6% of the average radiation, based on radiation by it in all directions.

NEW—T. E. Kirksey, Waco, Tex.—Construction permit for a 1330 new station to be operated on 1330 kc., 500 watts, unlimited time.

KTEM—Bell Broadcasting Co., Temple, Tex.—Modification of 1370 construction permit (B3-P-657) to make changes in type of equipment, for approval of antenna and transmitter site.

NEW—J. Leslie Doss, Sarasota, Fla.—Construction permit for a 1390 new station to be operated on 1390 kc., 250 watts, daytime.

KGNC—Plains Radio Broadcasting Co., Amarillo, Tex.—Authority to transfer control of corporation from Estate of Wilbur C. Hawk to Gene A. Howe, 250 shares of capital stock.

NEW—WSOC, Inc., Portable-Mobile.—Construction permit for a new low frequency relay broadcast station to be operated on 1646, 2090, 2190, 2830 kc., 40 watts.

Fourth Zone

NEW—Daily News Corp., St. Paul, Minn.—Construction permit 580 for a new station to be operated on 630 kc., 250 watts, unlimited time. Amended to change frequency from 630 kc. to 580 kc., power from 250 watts to 1 KW, time from unlimited to daytime, and make changes in equipment and antenna.

KMMJ—KMMJ, Inc., Clay Center, Nebr.—Construction permit 740 to install a new transmitter.

WBAA—Purdue University, West Lafayette, Ind.—Authority to 890 install automatic frequency control.

KMA—May Seed and Nursery Co., Shenandoah, Iowa.—Modification of license to increase day power from 2½ KW to 5 KW.

WJJD—WJJD, Inc., Chicago, Ill.—Construction permit to install

1130 directional antenna to be used nighttime and change hours of operation from limited time to unlimited time.

KANS—Charles C. Theis, Wichita, Kans.—License to cover construction permit (B4-P-500) as modified for a new station.

KGNO—The Dodge City Broadcasting Co., Inc., Dodge City, 1340 Kans.—License to cover construction permit (B4-P-1170) for installation of new equipment.

WOC—Tri-City Broadcasting Co., Davenport, Iowa.—Authority 1370 to transfer control of corporation from The Palmer School of Chiropractic to B. J. Palmer and D. D. Palmer (as individuals), 100 shares of common stock.

KCMO—Lester E. Cox, Thomas L. Evans and C. C. Payne, Kansas 1370 City, Mo.—Voluntary assignment of license from Lester E. Cox, Thomas L. Evans and C. C. Payne to KCMO Broadcasting Co.

WRJN—Racine Broadcasting Corp., Racine, Wis.—License to 1370 cover construction permit (B4-P-370) as modified for new equipment, increase in power and move of transmitter. Amended: Equipment changes.

WGL—Westinghouse Electric & Manufacturing Co., Fort Wayne, 1370 Ind.—Construction permit to install new transmitter.

KWBG—The Nation's Center Broadcasting Co., Inc., Hutchinson, 1420 Kans.—Construction permit to make equipment changes; increase power from 100 watts to 250 watts; change frequency from 1420 kc. to 550 kc.; move transmitter (using directional antenna night). Amended re transmitter site.

WLBK—The WLBK Broadcasting Co., Kansas City, Kans.—Construction 1420 permit to make equipment changes.

KGFK—Red River Broadcasting Co., Inc., Duluth, Minn.—Modification of construction permit (4-P-B-3085) authorizing 1500 move of station, requesting change in geographical location of transmitter, change in studio location, and changes in antenna.

NEW—The Service Life Insurance Co., Omaha, Nebr.—Construction 1500 permit for a new station to be operated on 1500 kc., 100 watts, unlimited time.

NEW—The Journal Co. (Milwaukee Journal), Milwaukee, Wis.—1570 Construction permit for a new special broadcast station to be operated on 1570 kc., 1 KW, unlimited time. Amended: Antenna and transmitter site to be determined.

NEW—Woodmen of the World Life Insurance Association, Portable-Mobile.—Construction permit for a high frequency 37600 relay broadcast station to be operated on 31100, 34600, 37600 and 40600 kc., 2 watts.

NEW—Woodmen of the World Life Insurance Association, Portable-Mobile.—Construction permit for a high frequency 37600 relay broadcast station to be operated on 31100, 34600, 37600 and 40600 kc., 2 watts.

Fifth Zone

KSFO—The Associated Broadcasters, Inc., San Francisco, Calif.—560 Voluntary assignment of license from The Associated Broadcasters, Inc., to Western Broadcast Co. Amended to change name of assignee to Columbia Broadcasting System of California, Inc.

KFKA—The Mid-Western Radio Corp., Greeley, Colo.—Modification 880 of license to change frequency from 880 kc. to 1450 kc. and hours of operation from S-KPOF to unlimited time.

KFVD—Standard Broadcasting Co., Los Angeles, Calif.—Construction 1000 permit to install new transmitter.

KNX—Western Broadcast Co., Los Angeles, Calif.—Modification 1050 of license to change corporate name from Western Broadcast Co. to Columbia Broadcasting System of California, Inc.

KVEC—Christina M. Jacobson, d/b as The Valley Electric Co., 1200 San Luis Obispo, Calif.—Modification of construction permit (B5-P-718) requesting approval of transmitter site.

NEW—Clarence A. Berger, Couer d'Alene, Idaho—Construction 1200 permit for a new station to be operated on 1200 kc., 100 watts, daytime.

KGGM—New Mexico Broadcasting Co., Albuquerque, N. M.—1230 Construction permit to install new transmitter and vertical antenna; increase power from 250 watts night, 500 watts day, to 1 KW day and night; move transmitter locally from 5th and Central Ave. to West City Limits, Albuquerque, N. Mex. Amended re change geographical location.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho—Extension 1240 of special experimental authorization to operate with power of 1 KW (night) for period from 10-1-35 to 4-1-36. Amended: Change period time requested to 10-1-36 to 4-1-37.

KFAC—Los Angeles Broadcasting Co., Inc., Los Angeles, Calif.—
 1300 Construction permit to install new transmitter.
 KVL—KVL, Inc., Seattle, Wash.—Voluntary assignment of license
 1370 KVL, Inc., to Howard J. Ryan.
 KORE—Frank L. Hill and C. G. Phillips, d/b as Eugene Broadcast
 1420 Station, Eugene, Ore.—Construction permit to move trans-
 mitter and studio from 733 Willamette St., Eugene, Ore., to
 R. F. D. No. 3, Eugene, Ore., and make changes in equip-
 ment and antenna.
 KLS—S. W. Warner and E. N. Warner, d/b as Warner Bros., Oak-
 1440 land, Calif.—Construction permit to install new transmitter.
 NEW—Twin City Broadcasting Corp., Longview, Wash.—Con-

struction permit for a new station to be operated on 1500
 kc., 100 watts night, 250 watts day, unlimited time.
 KRNR—Southern Oregon Publishing Co., Roseburg, Ore.—Con-
 1500 struction permit to make changes in equipment; increase
 power from 100 watts daytime to 100 watts night, 250 watts
 day, and hours of operation from daytime to unlimited.
 NEW—Ben S. McGlashan, Portable-Mobile—Construction permit
 for a new low frequency relay broadcast station to be
 operated on 1622, 2058, 2150 and 2790 kc., 100 watts.
 NEW—Honolulu Broadcasting Co., Ltd., Portable-Mobile—Con-
 struction permit for a high frequency relay broadcast station
 to be operated on 31100, 34600, 37600 and 40600 kc., 20
 watts.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

NAB REPORTS

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PLAN FOR OCTOBER 5 HEARING

The Broadcast Division of the Federal Communications Commission has outlined a general plan for the conducting of the allocation hearings to begin October 5.

The hearing will be held in the government auditorium located at Constitution Avenue between 12th and 13th Streets, between the Department of Labor building and the Interstate Commerce Commission building.

Judge Eugene O. Sykes, chairman of the Broadcast Division of the Commission, will first outline the scope and procedure for the hearing.

T. A. M. Craven, chief engineer of the Commission, will make a statement on broadcast allocation and engineering.

He will be followed by A. D. Ring, assistant chief engineer and Dr. L. P. Wheeler, of the Technical Information Section, both of whom will make statements concerning the procedure and the factual data on the allocation survey.

The General Electric Company has notified the Commission that it will be represented at the hearing by C. H. Land, director of broadcasts.

H. B. McCarty, president of the National Association of Educational Broadcasters, has also asked for time for his association.

USE OF RECORDS

For the information of members we wish to advise that a number of radio stations have received letters from their local musical unions requesting information as to the usage made by the stations of phonograph records and requesting that the station furnish the local with information.

We are informed that some stations are taking the position that the Musicians Union has no right to inquire into the use made of phonograph records by radio stations and that the stations are ignoring the communications.

RECOMMENDS POWER INCREASE FOR WJAC

Broadcasting station WJAC, Johnstown, Pa., applied to the Federal Communications Commission to increase its daytime power from 100 to 250 watts. The station operates on 1310 kilocycles with 100 watts power sharing time with WFBG.

Examiner Melvin H. Dalberg in Report No. I-290 recommended that the application be granted. He found that the station has "rendered a generally meritorious service and there appears to be a need for additional service in the area proposed to be served." The Examiner found further that granting of the application "would not cause objectionable interference to any established service, nor is there any question of interference involved with any pending application or applications."

WILKINSON APPEAL DISMISSED

The Court of Appeals of the District of Columbia has dismissed the appeal of the Wilkinson Broadcasting Company, Mason City, Iowa, against the Federal Communications Commission at the request of the appellant.

In this case the Wilkinson Company appealed against a decision

NOTES FOR THE SALES STAFF

Further indications that the summer slump has been definitely beaten is to be found in July advertising volume. (See Total Broadcast Advertising, page 1588.)

The marked strength in regional network volume during the month should be of particular interest. (See Total Broadcast Advertising, page 1588.)

The strength of transcription volume in both the national and local fields is a continuing development of interest. (See Broadcast Advertising by Type of Rendition, page 1589.)

of the Commission granting a construction permit for a new broadcasting station at Mason City to the Mason City Globe & Gazette Company. In making the grant the Wilkinson Company claimed that the Commission had ignored its rights.

NIAGARA FALLS STATION RECOMMENDED

The Power City Broadcasting Corporation and the Niagara Falls Gazette Publishing Company, both filed applications with the Federal Communications Commission asking for construction permits for the erection of a new station at Niagara Falls, N. Y., and both asking identical facilities as follows: 630 kilocycles, 250 watts and daytime operation.

Examiner Melvin H. Dalberg in Report No. I-291 recommended that the application of the Power City Corporation be granted and that of the Gazette Publishing Company be denied. The Examiner states that there is "a distinction between the types of ownership and control of the facilities proposed." He then calls attention to the fact that the Gazette Company publishes a newspaper. He continues, "It is believed, however, that the applicant Power City Broadcasting Corporation stockholders * * * enjoy excellent local reputations and are representative of the population of the area in practically all of its activities, is better qualified as the licensee of the proposed station."

DENIAL RECOMMENDED FOR NEVADA STATION

Mrs. C. A. S. Heaton filed an application with the Federal Communications Commission asking for a construction permit for the erection of a new station at Las Vegas, Nev., to use 1420 kilocycles, 100 watts and unlimited time on the air.

Examiner Robert L. Irwin in Report No. I-292 recommended that the application be denied. It was found by the Examiner that "this applicant is without adequate capital to make such service available to the area and the quality of the programs cannot be determined from the record."

RECOMMENDS INCREASED POWER FOR WHAZ

Broadcasting station WHAZ, operating on 1300 kilocycles, with 500 watts power and specified hours of operation has applied to the Federal Communications Commission to increase its power to 1000 watts.

Examiner Robert L. Irwin in Report No. I-293 recommended that the increased power be granted subject, "however, to conditions requiring that the antenna system be so changed or constructed as to comply with the regulations of the Commission, and requiring the painting and illuminating of the antenna towers for the protection of air traffic."

The Examiner states that the operation of the station with the proposed increased power would not cause increased interference with any other existing stations." He found also that "the ap-

plicant has shown a need for additional nighttime service in the area proposed to be served."

BROADCAST ADVERTISING DURING JULY

Analysis of Check with Census Data

In keeping with the announced intention to further check the accuracy of its own figures and to make possible their improvement where necessary, the NAB has just completed an additional study to determine the significance and reasons underlying the differences between its own and the Census apportionments of national and local non-network business.

The check in question constituted a comparison between the proportion of national and local volume represented in the non-network business reported to the Census by the identical group of stations comprising the NAB 1935 sample and the proportion as recorded for these stations by the NAB. The theory underlying the check was that if the proportion of national and local business showed a marked correspondence in the two cases, then it would be indicated that the NAB sample was of such a nature as to underemphasize the local volume, since comparable groups of stations had yielded generally similar results. If this did not occur, obviously further checks would be required.

The Bureau of the Census was requested to determine the proportion of national and local business in the non-network field reported to it by the NAB 1935 sample stations as a group. The comparison was then made.

Allowing for the fact that Census figures were collected at net and the NAB figures at gross, the results of the check showed a marked correspondence. Thus, the Census net sales for the group of stations in question in the non-network field were comprised 43.2% of national and regional business and 56.8% of local volume. NAB gross sales for the identical group were 46.5% national and regional and 53.5% local. Since discounts in the national field, on the whole, are larger than on local business, a given volume of national *net* business may be expected to yield a higher volume of gross than would the same volume of local *net* business. On this basis the difference of 3.3% between the proportion of the national business on the two sets of compilations becomes of no importance.

The result of the check therefore indicates that the NAB statistics have tended to underemphasize the volume of local business placed over stations and that consequently local volume has represented too small a proportion of total non-network volume. Increases must therefore be made primarily in local volume, since NAB and Census national volume previously has been shown to check closely when reduced to a comparable basis. Upward adjustment of local figures is readily possible and will be carried out as soon as publication of more detailed Census breakdowns furnish the base for revised procedure.

Highlights of the Month

Broadcast advertising during July amounted to \$7,232,225, a decline of 9.4% as compared to the June level. For the second month in succession the seasonal decline was less than during the previous year, when the June-July drop amounted to 11.1%. Regional network volume rose 7.5% over June.

Gross time sales for the medium were 23.4% greater than during the corresponding month of last year, all portions of the broadcasting industry showing approximately the same rate of increase.

Local and regional stations continued to show the greatest relative growth over the corresponding period of the preceding year as far as non-network volume was concerned. Non-network gains were most pronounced in the South and mid-West during the month.

All forms of rendition declined as compared to June, with the exception of national announcement volume, which rose 15.3%. The most marked gains in the national field occurred in the transcription and announcement business. Gains were more uniform in the local field, with transcriptions and live talent leading.

Seasonal declines were experienced by practically all sponsoring groups. National network gasoline, food, confectionery, household equipment and tobacco advertising, however, rose above the June level. Regional network food, drug and household equipment volume rose likewise. National non-network radio and financial volume increased, as did local radio set advertising.

Numerous gains were experienced as compared to June of the previous year. All forms of food advertising

increased, as did automotive volume. Regional network and national non-network drug and gasoline business gained markedly, as did local clothing volume. National network business experienced important gains in the beverage, confectionery, household equipment, soap and kitchen supply, financial and radio set fields.

Total Broadcast Advertising

Total broadcast advertising for the month of July is set forth in Table I.

TABLE I

TOTAL BROADCAST ADVERTISING

1936 Gross Time Sales

Class of Business	June	July	Cumulative Jan.-July
National networks...	\$3,979,763	\$3,832,320	\$32,014,296
Regional networks...	105,860	113,705	758,178
National non-network	1,883,830	1,661,200	13,189,060
Local.....	1,948,280	1,625,000	12,072,870
Total.....	\$7,917,733	\$7,232,225	\$58,034,404

Broadcast advertising during the month declined 9.4% from the June level. This was less than the July decrease of the preceding year, which amounted to 11.1%. National network business decreased the least as compared to June. Gross time sales for national networks remained at 96.3% of the preceding month's level. This makes the national network decline considerably less than during previous summers.

Regional network advertising ran counter to the usual seasonal trend and rose 7.5% as against June. National non-network advertising decreased 11.7% and local volume 16.5%.

All forms of radio advertising gained as against the corresponding month of last year. Gains were fairly uniform and were as follows: national networks, 20.9%; regional networks, 23.4%; national non-network business, 28.0%; local broadcast advertising, 26.6%.

Comparison with Other Media

Advertising volume for major media is set forth in Table II.

TABLE II

ADVERTISING BY MAJOR MEDIA

1936 Gross Time and Space Sales

Advertising Medium	June	July	Cumulative Jan.-July
Radio broadcasting...	\$7,917,600	\$7,232,225	\$58,034,404
National magazines ¹ ...	12,323,954	8,907,011	83,663,895
National farm papers ¹ ...	524,308	398,892	4,129,657
Newspapers ²	48,484,000	44,085,000	319,791,000
Total.....	\$69,249,862	\$60,623,128	\$465,618,956

¹ Publishers' Information Bureau.

² Estimated.

National magazine advertising in July decreased 26.7% as compared to June but remained 10.1% above the level of the corresponding period of last year. National farm papers decreased 23.4% from the June level. Farm paper volume, however, was 14.3% above that of July 1935. Newspaper lineage declined 9.9% over the month but remained 12.6% above July 1935.

Non-network Advertising

Total non-network advertising decreased 14.4% as compared to the preceding month, though it registered a gain of 27.3% as compared with July of last year. Non-network advertising by power of station is found in Table III.

TABLE III

NON-NETWORK ADVERTISING BY POWER OF STATION

1936 Gross Time Sales

Power of Station	June	July	Cumulative Jan.-July
Over 1,000 watts.....	\$1,543,110	\$1,281,400	\$11,145,740
250-1,000 watts.....	1,707,620	1,420,800	10,219,550
100 watts.....	581,380	584,000	3,896,640
Total.....	\$3,832,110	\$3,286,200	\$25,261,930

Clear channel and regional station non-network volume declined 16.8% and 16.9% respectively from the June level. Local station business gained 5.0%. Local station advertising continued to show the greatest gains over last year, increasing 44.5%. Regional station advertising rose 39.6% and clear channel volume 10.4%.

Non-network advertising by major geographical districts is found in Table IV.

TABLE IV

NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

Geographical District	1936 Gross Time Sales		Cumulative Jan.-July
	June	July	
New England-Middle Atlantic Area.....	\$839,110	\$595,300	\$5,397,950
South Atlantic-South Central Area.....	729,060	727,500	5,032,070
North Central Area..	1,473,420	1,286,800	9,963,730
Pacific and Mountain Area.....	790,520	676,600	4,868,180
Total.....	\$3,832,110	\$3,286,200	\$25,261,930

Declines from the July level were experienced in all sections except the South, where non-network volume remained unchanged. New England-Middle Atlantic business dropped 27.6% while that in the Mid-West and Far West decreased 14.4%.

Compared to July of last year, all sections except the New England-Middle Atlantic Area registered gains. Non-network revenues in the aforementioned region declined 7.0%. Gains in other sections were as follows: South Atlantic-South Central States, 69.5%; North Central States, 38.7%; Mountain and Pacific States, 17.5%.

Non-network Advertising by Type of Rendition

With the exception of national announcement volume, which increased 15.3%, all forms of rendition declined as compared to June. In the national field, transcription business dropped 18.8% from the preceding month's level and live talent volume declined 15.6%. Local decreases were as follows: transcriptions, 17.4%; live talent, 19.4%; records, 13.4%; announcements, 12.5%.

All forms of rendition gained as compared to July 1935. Increases were as follows in the national field: transcriptions, 27.0%; live talent, 9.2%; announcements, 18.5%. The marked growth in transcriptions is a continuation of a trend noticeable in recent months, though the upswing in announcements is unique to July.

Gains in the local field have been more uniform during the month in question and were as follows: transcriptions, 37.1%; live talent, 31.3%; records, 23.0%; announcements, 21.3%.

Broadcast advertising by type of rendition is found in Table V.

TABLE V

NON-NETWORK ADVERTISING BY TYPE OF RENDITION

Type of Rendition	National Non-network		Local		1936 Gross Time Sales		
	June	July	June	July	June	July	Cumulative Jan.-July
Electrical transcriptions.....	\$740,290	\$601,100	\$242,840	\$201,300	\$983,130	\$802,400	\$6,526,350
Live talent programs.....	827,160	697,840	971,490	782,160	1,798,650	1,480,000	12,123,770
Records.....	9,830	8,800	73,170	63,440	83,000	72,240	495,360
Announcements.....	306,550	353,460	660,780	578,100	967,330	931,560	6,116,450
Total.....	\$1,883,830	\$1,661,200	\$1,948,280	\$1,625,000	\$3,832,110	\$3,286,200	\$25,261,930

Sponsor Trends in July

The usual seasonal declines occurred in June in the majority of product and service groups sponsoring radio advertising. There were some increases, however. Important gains over the preceding month in the national network field were as follows: gasoline and accessories, 5.1%; foodstuffs, 6.5%; confectionery, 30.8%; household equipment, 22.7%; tobacco, 7.1%.

Regional network drug advertising more than doubled the June figure, while household equipment volume rose 39.0% and food advertising gained 27.7%.

National non-network radio set and financial advertising increased 73.2% and 27.0% respectively. Local radio set volume gained 21.4%.

Comparison July 1935

Gains were fairly general as compared to July of the preceding

year. Food advertising over all portions of the medium increased. National network, national non-network and local automotive advertising also gained. Regional network and national non-network gasoline and accessory advertising rose 42.0% and 111.0% respectively. Regional network and national non-network drug volume increased, the former by 38.7% and the latter by 57.2%. National non-network cosmetic business more than tripled that of the previous July. National network beverage advertising gained 76.5% while regional network volume increased materially. National network confectionery business more than doubled. Marked gains also occurred in the national network and national non-network household equipment volume. Local clothing advertising rose 23.1%, while financial advertising increased 46.6%.

Broadcast advertising by major types of sponsoring business is found in Table VI.

TABLE VI

RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS

Type of Sponsoring Business	Gross Time Sales (July 1936)				
	National Networks	Regional Network	National Non-network	Local	Total
1a. Amusements.....	—	—	\$13,600	\$40,300	\$53,900
1-2. Automobiles and accessories:					
1. Automobiles.....	\$150,875	—	218,370	122,420	491,665
2. Accessories, gas and oils.....	340,607	\$22,155	144,350	56,700	563,812
3. Clothing and apparel.....	5,126	—	28,440	172,750	206,316
4-5. Drugs and toilet goods:					
4. Drugs and pharmaceuticals.....	320,322	6,990	233,750	37,700	598,762
5. Toilet goods.....	662,039	4,120	101,900	20,520	788,579
6-8. Food products:					
6. Foodstuffs.....	859,802	34,865	323,020	219,330	1,437,017
7. Beverages.....	332,241	15,763	55,300	126,800	530,104
8. Confections.....	98,266	200	5,840	2,000	106,306
9-10. Household goods:					
9. Household equipment and furnishings.....	44,536	5,731	51,940	191,950	294,157
10. Soaps and kitchen supplies.....	308,121	2,776	154,780	10,500	476,177
11. Insurance and financial.....	35,869	514	21,280	62,330	120,533
12. Radios.....	103,905	—	16,760	14,700	135,365
13. Retail establishments.....	—	—	3,800	119,000	122,800
14. Tobacco products.....	420,844	5,210	76,940	4,000	506,994
15. Miscellaneous.....	149,767	15,381	211,130	424,000	800,278
Total.....	\$3,832,320	\$113,705	\$1,661,220	\$1,625,000	\$7,232,225

Details as to trends in various important sponsoring fields are as follows:

1a. **Amusements.** National non-network business increased 8.8% over June, while local declined 20.3%. National non-network business 79.7% above July 1935, and local down 3.3%.

1. **Automotive.** Declines from June level as follows: national networks, 50.0%; national non-network, 5.7%; local 24.7%. Gains as compared to corresponding month of 1935 as follows: national networks, 14.5%; national non-network, 31.5%; local 54.0%.

2. **Gasoline and accessories.** National network business 5.1% above June. Declines in other fields as follows: regional networks, 8.3%; national non-network, 2.3%; local 36.5%. National network business 13.5% below July last year and local down 28.7%. Regional network business up 42.0% and national non-network 111.0%.

3. **Clothing.** Decreases from June level as follows: national networks, 80.0%; national non-network, 25.5%; local, 27.7%. Local volume 23.1% above July 1935. National network business down 66.6% and national non-network volume 9.0%.

4. **Drugs and pharmaceuticals.** Regional network business 245.0% above June level. Declines in other fields as follows: national networks, 0.6%; national non-network, 19.4%; local, 30.0%. National network business 4.4% under July 1935. Other gains as follows: regional networks, 38.7%; national non-network, 57.2%; local, 20.8%.

5. **Toilet goods.** National network business 10.9% below June. National non-network volume up 31.2% and local unchanged. National network volume 13.3% below July of last year. National non-network business more than tripled. Local up 5.4%.

6. **Foodstuffs.** National network business 6.5% above June. Regional network volume up 27.7%. National non-network advertising down 20.2% and local 22.6%. Gains as compared to July of last year as follows: national networks, 18.4%; regional networks, 52.2%; national non-network, 23.6%; local 25.0%.

7. **Beverages.** Declines from previous month as follows: national networks, 6.5%; national non-networks, 6.0%; local, 16.1%. Regional network business unchanged. National network volume 76.5% above July of last year. Regional network business up from \$1984 to \$15,763. Local business up 27.1%. National non-network down 25.6%.

8. **Confectionery.** National network business up 30.8% as compared to June. National non-network business down 10.8%, and local 64.4%. National network business 219.5% above last July. National non-network down 80.0% and local 57.9%.

9. **Household equipment.** National network advertising 22.7% above June and regional network volume up 39.0%. National non-network down 19.1% and local 12.2%. Gains over July of 1935 as follows: national networks, from \$2875 to \$44,536 during month under review; national non-network, 79.9%; local, 23.1%. Regional network business down 7.0%.

10. **Soaps and kitchen supplies.** National network business 7.8% below June and national non-network down 17.8%. Regional network business up 16.0%, and local 19.5%. Compared to the corresponding month of 1935 national network business up 71.6%, regional network volume 9.0% and local advertising up from \$3725 to \$10,000. National non-network down 3.9%.

11. **Insurance and financial.** National network business 8.1% below June. Regional network business unchanged. National non-network volume up 27.0% and local down 25.7%. Gains over 1935 as follows: national networks, 21.2%; national non-network, 14.2%; local, 46.6%.

12. **Radios.** National network volume unchanged from June. National non-network business up 73.2% and local 21.4%. National network business 69.1% above last July. National non-network business grown from \$1205 to \$16,760. Local up 8.5%.

13. **Department and general stores.** National non-network business 35.7% above June and local down 28.2%. Compared to last July, national non-network volume up 15.4% and local up 6.2%.

14. **Tobacco products.** National network business 7.1% greater than in June. Regional network volume down 51.6%, national non-network 2.1% and local 62.7%. Compared to July 1935 national networks down 4.8% and regional networks 77.3%. National non-network up 70.4%. Local down 25.2%.

15. **Miscellaneous.** National networks 18.8% below June and national non-network down 7.1%. Regional networks up 7.1% and local 8.0%. Gains compared to July 1935 as follows: national networks, 181.0%; regional networks, 27.8%; national non-network, 27.8%; local, 55.3%.

Retail Broadcast Advertising

Broadcast advertising by various kinds of retail establishments is found in Table VII.

TABLE VII
RETAIL BROADCAST ADVERTISING OVER
INDIVIDUAL STATIONS

Type of Sponsoring Business	1936 Gross June	Time Sales July
Automobiles and accessories:		
Automobile agencies and used car dealers.....	\$166,960	\$128,100
Gasoline stations, garages, etc.....	53,560	30,200
Clothing and apparel shops.....	246,230	180,350
Drugs and toilet goods:		
Drug stores.....	12,910	11,210
Beauty parlors.....	9,130	8,050
Food products:		
Grocery stores, meat markets, etc....	48,210	47,820
Restaurants and eating places.....	20,920	17,500
Beverage retailers.....	700	700
Confectionery stores.....	1,880	890
Household goods:		
Household equipment dealers.....	78,480	81,680
Furniture stores.....	107,780	91,900
Hardware stores.....	26,520	13,500
Radio retailers.....	10,830	12,200
Department and general stores.....	167,824	122,800
Tobacco shops.....		
Miscellaneous.....	97,800	97,400
Total.....	\$1,049,734	\$844,300

General advertising by retail establishments declined 19.5% from the June level but showed a gain of 21.8% over July 1935. Seasonal declines were experienced in practically all fields.

Important gains were registered in several fields as compared to the corresponding month of 1935. These are as follows: automotive dealers, 40.6%; clothing and apparel stores, 34.1%; grocery and delicatessen stores, 62.6%; household equipment retailers (principally mechanical equipment), 49.3%; furniture stores, 22.3%; department stores, 6.0%.

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints against the following firms. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

No. 2925. Charging unfair representations in the sale of preparations for treatment and cure of certain skin ailments, a complaint has been issued against **The Tarex Company, Santa Monica, Calif.** Selling its products under three formulas, Tarex Nos. 1, 2 and 3, the respondent company is alleged to have advertised them as effective treatments and cures for eczema, psoriasis, and other skin ailments.

The complaint charges that the formulas of the respondent company's products, either singly or combined, do not constitute competent or adequate remedies for the diseases mentioned, and that the respondent's representations tend to deceive purchasers and cause unfair diversion of trade to the respondent company from competitors.

No. 2926. **The John J. McCann Company, 454 Lawrence St., Burlington, N. J.,** is named respondent in a complaint charging unfair methods of competition in the sale of "Comfort Stump Socks." The respondent corporation's product is used by persons who have suffered amputation of a limb, to cover the stump in order to ease the pressure or friction caused by attaching an artificial appliance.

Representations of the respondent corporation, alleged in the complaint to be false and deceptive, are that its products are seamless, "should literally never wear out," are moth-proof, and are insured against damage by moths for two years.

The complaint charges that the respondent corporation's products have a seam in the bottom, do not wear indefinitely, are susceptible to damage by moths, and that the moth insurance advertised only covers the socks while they remain in possession of the respondent corporation.

No. 2927. False and misleading representations in the sale of pianos is charged in a complaint issued against **F. A. North Co., a Pennsylvania corporation, and Lester Pianos, Inc., of New York, a Delaware corporation, both having headquarters at 1306 Chestnut St., Philadelphia.** Also named as a respondent in the complaint is **A. D. McClenaghan, credit manager of the North company.**

To promote the sale of their pianos, the respondents are alleged to have published "come on" advertisements and letters which, according to the complaint, were not issued in good faith but were part of a plan to obtain contact with prospective purchasers and induce them to come to the respondents' places of business, where they would be induced to buy the instruments, different and higher priced than those advertised.

One sales plan used, according to the complaint, was the "loan free" advertisement, under which a prospective purchaser could select a piano would be "loaned" to him "absolutely free." However, the complaint charges, this advertising was merely part of a plan to procure placement of pianos in homes for purposes of sale.

No. 2929. Allegedly representing that it is affiliated with the United States Government, **Washington Training Institute, Inc., 1108 Washington Boulevard Building, Detroit,** is named respondent in a complaint charging unfair methods of competition in selling correspondence courses of instruction to prepare students for civil service examinations.

Among the representations the respondent school is said to make through its salesmen are that the Government has available civil service positions for which examinations will be held in the near future, or at definite times stated; that students will be placed in these positions if they pursue the respondent corporation's courses; that if a job is not obtained money will be refunded, and that students will receive personal coaching, and only a limited number will be selected for training in a particular locality.

These representations are false and misleading in that they are exaggerations or distortions of the facts, according to the complaint, which also charges that the respondent misrepresents the number of appointments made, salaries, leaves, and opportunities for promotion in the civil service.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

No. 01446. **Acquin Products Co., 318 N. 8th St., St. Louis,** will cease representing that "Acquin" prevents pneumonia, influenza, catarrh, mastoiditis, meningitis, tuberculosis, or other "dread diseases"; that it is a remedy for all sorts of aches and pains, colds and sore throats; that it soothes the nerves, is "safe", acts as an antiseptic and contains a "miracle ingredient." The company further agrees not to publish any statements which, by use of the first person or other terminology, create the impression that such statements portray the experience of any individual, unless this is a fact.

No. 01461. **Kathryn R. Sabatini, Richmond Hill, N. Y., trading under the name of A. B. C. Laboratories** and selling a purported remedy for pyorrhea designated "Triple Formula A9-B17-C54" agrees to discontinue representations that the preparation gives complete relief from pyorrhea and other deadly mouth diseases and checks the principle cause of pyorrhea; that it relieves suffering, restores health and whitens and saves teeth; that it has been used with success by famous European dental surgeons in "thousands and thousands" of cases, and that 40 per cent, or any other percentage, of constitutional diseases and disabilities can be traced directly to the constant drainage of poisonous pyorrhea pus from the gums into the system, unless such a statement is proven by authentic statistics. Other claims that the respondent will discontinue are that formulas "A9", "B17" and "C54" are, respectively, a concentrated liquid, a highly antiseptic wash, and a special medicated dentifrice based upon an official preparation inserted in the U. S. National Formulary.

No. 01462. **I. Paul, Second and Poplar Sts., Philadelphia, trading as Russ Pharmaco Products,** stipulates he will stop advertising that his medicinal preparation designated "Russlac" is a stomach tonic, builds up body resistance, prevents headaches and colds, and restores health and strength; that it is an effective remedy for nervous trouble, stomach disorders, gastritis, rheumatism or auto-intoxication, unless the assertion is confined to relief of the distress caused by such conditions, and that it has any effect on the proper functioning of the stomach, liver or kidneys. Paul admitted that "Russlac" is not a famous European discovery as he advertised and will discontinue such representation.

No. 01463. **S. J. Mullica, 40 Journal Square, Jersey City, N. J.,** operating under the trade names of The International Detective System and The International Detective Training School, agrees to stop representing that his correspondence course constitutes a complete course of detective instruction or supplies all of the required training demanded by employers of detectives; that it trains one for entrance into the United States Secret Service, and that graduates may expect to earn from \$2500 to \$7500 annually, unless such graduates are actually placed in positions paying salaries within that range. Among other claims the respondent will discontinue are that he employs a staff of secret service detectives; that there is at the time a demand for detectives which will increase as the months go by, and that anything in connection with the course is given free to students, when in fact the cost thereof is included in the price charged for the course. The respondent also will cease using the trade name International Detective System unless in direct connection therewith there appears a statement that his is only a training school for detectives.

No. 01464. **William Rosendorf, 1215 G St., N. W., Washington, D. C.,** agrees to stop describing the furs from which ladies' coats are made in any manner other than by use of the correct name of the fur as the last word of the description in his advertising, and stipulates that when any dye or blend is used, imitating another fur, the true name of the fur appearing as the last word of the descriptive phrase shall be preceded immediately by the word "dyed" or "blended" compounded with the name of the simulated fur. Rosendorf admitted that the fur coats he advertised as "Beverette" were not made from the fur of the heaver, but from coney dyed to resemble heaver.

No. 01465. **C. L. Wendt, Canton, S. Dak.,** selling a weight-reducing plan consisting of various laxative tablets, a system of diet and a list of exercises will discontinue claims that use of his plan enables one to reduce to normal weight or reduce any definite number of pounds in a given time; that his tablets stimulate the liver or bile duct, or that they are healing, unless this representation is limited to such aid as they may afford in the healing of the conditions of the stomach or intestines. Wendt also will cease advertising that any disease or ailment is more prevalent among overweight persons than among persons of normal weight, unless substantiated by reliable statistical evidence, and that the probability of death of an overweight person, as compared with a person of normal weight, is greater by any ratio or percentage than can be substantiated by reliable statistical evidence.

No. 01466. **Henrietta K. and George L. Moore, 1616 N. Vermont Ave., Hollywood, Calif., trading as Breth Kontrol Tablet Co.** and selling "Breth Kontrol Tablets," agree to stop representing that the product will remove all forms of breath odors, regardless of the cause of such odors.

No. 01467. **Mantle Lamps Company of America, Inc., 609 West Lake St., Chicago,** selling oil lamps designated "Aladdin Lamps", signed an agreement to cease and desist from representing that its product gives 10 times more light than the old luminous flame lamp, and uses less oil than the old lamp; that it is the world's finest light, does not cost a penny, is nearest to sunlight of any light known, and the nearest approach to daylight of all artificial lighting devices. So long as the respondent corporation advertises for sale and keeps in stock fixtures, replacements and repairs for its lamps, it will stop representing that there is nothing on such lamps to get out of order. The stipulation does not prevent the respondent corporation from making, by the method of comparison, a representation concerning its lamps, when such comparison is supported by competent evidence of a practical demonstration or experiment.

No. 01468. **D. Crimmins, 3741D 60th St., Woodside, Long Island, N. Y.,** engaged in selling canaries and a booklet entitled "\$500 A Year Raising Canaries", agrees to discontinue representing that the market price for canaries is any amount in excess of that for which canaries are sold for regular purposes under normal conditions; that only the original expense is involved in the breeding and sale of canaries; that the formulas contained in the respondent's booklet are remedies or cures for diseases of canaries; that the respondent guarantees earnings and a market to those who purchase canaries from him, and that his "service" is the only one of its kind. The respondent further stipulates that he will not make unmodified representations as to the earnings that may be made by breeders of canaries, and will not exaggerate the average number of young birds that may be raised annually under normal conditions.

No. 01469. **Sinclair Manufacturing Co., Woodland Ave. and New York Central Railroad, Toledo, Ohio,** signed an agreement to cease representing that "Sunrae," a washing fluid, kills all germs, including their spores; helps heal scratches, cuts

and abrasions, unless such claim is expressly limited to its effect as an antiseptic; that it is effective in the treatment of athletes foot, except where the germ or fungus can be reached by the solution, and that it is commonly used in hospitals.

No. 01473. Philip Adler, Jr., 525 Fulton St., Indianapolis, trading under the name of American Silk Hosiery Mills, agrees to discontinue the following representations in the sale of his "Snag-Proofed Hosiery": That he wants women merely to demonstrate hosiery, until such time as he actually does employ them for that purpose and pays them for it regardless of sales made; that hose are furnished free to his agents for their use, unless they are in fact furnished without consideration in money or service; that hose are made of 100 per cent pure silk, so long as any other thread enters into the construction of any part of the hose; that they are so manufactured that "there is nothing to catch on rough edges and sharp points," and that purchasers save the cost of selling through retailers so long as the respondent employs agents to obtain orders and expends substantial amounts for advertising.

The respondent further stipulates that he will cease making any comparison, by use of photographs, samples, or otherwise, between his products and those of competitors, unless the results of such comparison are actually and truthfully set forth, and he will discontinue any claims for his hosiery which are not true of both grades, namely, "chiffon" and "service," unless such claims are clearly limited to the appropriate grade.

No. 2265. Prohibiting unfair representations in the sale of a medicinal product called "Casey's Compound," an order to cease and desist has been issued against **J. H. Casey, trading as J. H. Casey Company, Portland, Ore.** The respondent company's address is Post Office Box 731.

Under the order, "Casey's Compound" is not to be represented as a cure, remedy or competent treatment for rheumatism, arthritis neuritis and related ailments, nor is it to be advertised as capable of relieving the blood and system of toxic poisoning and excess acidity, and of stimulating the glands to normal functioning.

No. 2628. An order to cease and desist has been issued against Dallas E. Winslow, Inc., Holden Avenue at Lincoln Street, Detroit, dealer in automobile parts and accessories, directing it to stop using the name "Durant Motor Car Company" or "Durant Motor Company" as a trade name for its business.

Trading under the name "Durant Motor Car Company," the respondent company, according to findings, succeeded Winslow-Baker-Meyering Corporation, which had purchased all unassembled parts on hand in the Durant Motor Company's plant in Lansing, Mich., at the time the latter was adjudged to be insolvent and a receiver appointed. Findings are that Winslow-Baker-Meyering distributed replacement parts for the "Durant," "Star," and "Rugby" automobiles, selling at first only Durant parts purchased through the receiver, but later, as the stock of such parts became depleted, selling supplies obtained from other manufacturers, but still advertising them as Durant parts.

The order to cease and desist directs the respondent to discontinue using the word "Durant" in any way which may tend to deceive purchasers into believing that the respondent company is successor to the Durant Motor Company; from advertising that its automotive parts and equipment are "authorized Durant parts direct from the factory," and from using the word "factory" in its advertising, alone or with pictures to represent that Dallas E. Winslow, Inc., owns, operates, or controls a factory in which its products are made, when this is not true.

No. 2668. False and illegible labeling of the watt measurement on incandescent lamps is prohibited as a violation of Section 5 of the Federal Trade Commission Act, under an order to cease and desist issued against Fannie Chanowitz, trading as Atlas Products Company, 307 Peshine Ave., Newark, N. J.

The respondent is ordered to discontinue representing that the lamps are of any other watt measurement than that stamped or marked thereon, except that a variation in the watt measurement of 4 per cent above or below the rating marked on the lamps is permissible. The order also directs the respondent to cease placing the watt measurement on lamps in such a manner that the printing or marking may be easily eradicated by ordinary handling.

Findings are that the respondent's lamps, in nearly every instance, are of greater wattage than indicated by the markings, which are easily rubbed off and become illegible so that it is impossible to determine, without submitting the lamps to a test, what their actual watt measurement is.

No. 2766. L. W. Gibson, 4700 North Racine Ave., Chicago, a dealer in formulas and specifications for the production of cosmetics, tooth paste and other toilet articles, has been ordered to

cease and desist from misleading representations in the conduct of his business.

Findings are that Gibson represented to customers that he was educated in the science of chemistry, that he had had many years of experience in its commercial application; had devoted several years to collecting, studying and perfecting practical working formulas and processes; had been employed as a consultant chemist and advisor to the manufacturing trade for several years, and other similar assertions.

Representations of the respondent were found not to be true, and he was ordered to cease and desist from making them. The respondent admitted the material allegations of the Commission's complaint, and consented to issuance of the findings of fact and order to cease and desist.

No. 2863. R. C. Jenner and William DeLapp, 31 Allison St., Pontiac, Mich., trading as Jenner Manufacturing Company and Jenner Sales Company and engaged in the manufacture and sale of a small electric heater, designated "Wonder Electric Water Heater," has been ordered to discontinue unfair methods of competition which allegedly result in injury to competitors and deception of unemployed persons who answer the respondents' advertisements in the "Help Wanted" columns of newspapers.

The Commission's findings in the case are that the respondents represent to persons applying for positions that they have established or will establish dealers in various cities, and that applicants for work are only required to distribute heaters to replace those previously sold and to make weekly collections and remittances; that an initial deposit of from \$60 to \$100 is required in lieu of a temporary fidelity bond, which deposit will be refunded; that applicants will receive \$5 for each new dealer they obtain and are furnished with automobiles or compensated for the use of their own cars.

These representations are false and fraudulent, according to the findings. The Commission ordered the respondents to cease representing that services to be performed by applicants consist only of making deliveries of and collections for heaters, and that no selling is required; that dealers have been or will be established in various territories, when such is not a fact; that the initial payment is a temporary bond and will be refunded when such is not true, or that it is anything other than payment for a certain number of heaters; that applicants will receive \$5 for each new dealer obtained, when no such sum is paid, and that they are furnished with automobiles or paid a weekly allowance for use of their own cars, when this is not done.

No. 2864. Morris Gottsegen and David Jacoby, trading as Mills Sales Company, 901 Broadway, New York, have been ordered to discontinue unfair methods of competition in connection with the sale of general merchandise and peddlers' supplies, including tooth brushes, shaving cream, rubbing alcohol, razor blade hones and toilet articles.

The respondents are directed to cease representing through circulars, catalogs or labels, or by radio broadcasts, that the price marks stamped on their products are the regular or customary resale prices, when such price marks are fictitious and greatly in excess of the regular and customary prices at which the merchandise is sold at retail, and that these fictitious and excessive prices are the regular retail prices customarily received for the products.

No. 2928. Simulation of the corporate name of a competitor, in violation of Section 5 of the Federal Trade Commission Act, is alleged in a complaint issued against Helmeo, Inc., 844 West Jackson Boulevard, Chicago, formerly the **H. E. Lacy Manufacturing Company.** The respondent is engaged in the manufacture and sale of electric "fudge warmers" and "hot cups," for heating liquid mixtures of chocolate syrup and other ingredients used in the manufacture of candy and soda fountain drinks.

Lacy Products Corporation, 15 Aberdeen St., Chicago, also manufactures and sells similar products under the trade name "Lacy Hot Cups," as did its predecessor, Lacy Manufacturing Company. Under this name, such products are said to have become well and favorably known to the members of the drug trade, who, through long usage and over a long period of time, have identified electric "fudge warmers" and "hot cups" which bear the name "Lacy" as being products of the Lacy Products Corporation.

FTC CLOSES CASE

No. 2394. The Federal Trade Commission has closed its case against Royal Distillers, Ltd., Chicago, which is no longer in business, and is insolvent. The respondent corporation, at the time it was engaged in the business of rectifying and selling gin, was charged with misuse of the word "Distillers" in its corporate

name, and with use of a plan to maintain the resale price of its product.

As of June 30, 1935, according to the order, the corporation surrendered all its permits, has transferred its physical assets to the Wexmar Liquor Company, Chicago, and it appears unlikely that the corporation will resume the sale of spirituous beverages in interstate commerce.

In entering the order, the Commission reserved the right to reopen the case should the facts warrant.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

No hearings have been scheduled before either the Broadcast Division or the Examiners of the Commission for the week beginning Monday, October 5, because of the general allocation hearing called on that date.

APPLICATIONS GRANTED

KELD—Radio Enterprises, Inc., El Dorado, Ark.—Granted C. P. to install new transmitter.

NEW—The Travelers Broadcasting Service Corp., Mobile, Hartford, Conn.—Granted C. P. for new experimental relay broadcast station on an experimental basis; frequencies 105000, 200000, 290000, 450000 kc., 5 watts day and night, unlimited. Also granted license covering same.

NEW—Pittsburgh Radio Supply House, Mobile (Pittsburgh, Pa.).—Granted C. P. for new experimental relay broadcast station on an experimental basis; frequencies in Group G of Rule 1003 (c) under provisions of Rules 1000, 1001 (b) and 1003 (e).

NEW—WJR, The Goodwill Station, Mobile (Detroit, Mich.) (2 A Is.).—Granted amended C. P. for general experimental station for broadcast pickup purposes; frequencies 90000, 100000, 200000 and 400000 kc., 40 watts.

The WATR Co., Inc., Mobile, Waterbury, Conn.—Granted C. P. for general experimental broadcast pickup station; frequencies 31100, 34600, 37600 and 40600 kc., 10 watts.

NEW—Reading Broadcasting Co., Mobile (Reading, Pa.).—Granted C. P. for high frequency relay broadcast station; frequencies 31100, 34600, 37600 and 40600 kc., 10 watts.

NEW—Woodmen of the World Life Ins. Assn., Mobile (Omaha, Nebr.).—Granted C. P. for high frequency relay broadcast station; frequencies 31100, 34600, 37600 and 40600 kc., 10 watts.

NEW—West Virginia Broadcasting Corp., Mobile (Wheeling, W. Va.).—Granted C. P. for high frequency relay broadcast station; frequencies 31100, 34600, 37600 and 40600 kc., 10 watts.

NEW—Olean Broadcasting Co., Inc., Mobile (Olean, N. Y.).—Granted C. P. for high frequency relay broadcast station; frequencies 31100, 34600, 37600 and 40600 kc., 10 watts.

NEW—Wilton E. Hall, Mobile (Anderson, S. C.).—Granted C. P. for high frequency relay broadcast station; frequencies 31100, 34600, 37600 and 40600 kc., 10 watts.

NEW—Berks Broadcasting Co., Mobile (Reading, Pa.).—Granted C. P. for high frequency relay broadcast station; frequencies 31100, 34600, 37600 and 40600 kc., 10 watts.

NEW—Miami Valley Broadcasting Corp., Mobile (Dayton, Ohio).—Granted C. P. for high frequency relay broadcast station; frequencies 31100, 34600, 37600 and 40600 kc., 10 watts.

NEW—The Toledo Broadcasting Co., Mobile (Toledo, Ohio).—Granted C. P. for high frequency relay broadcast station; frequencies 31100, 34600, 37600 and 40600 kc., 10 watts.

NEW—The Atlanta Journal Co., Mobile (Atlanta, Ga.).—Granted C. P. for high frequency relay broadcast station; frequencies 31100, 34600, 37600 and 40600 kc., 10 watts.

NEW—WDZ Broadcasting Co., Mobile (Tuscola, Ill.) (4 Appls.).—Granted C. P. for high frequency relay broadcast station; frequencies 31100, 34600, 37600 and 40600 kc., 10 watts.

NEW—Earle C. Anthony, Inc., Mobile (Los Angeles, Calif.).—Granted C. P. for high frequency relay broadcast station; frequencies 31100, 34600, 37600 and 40600 kc., 10 watts.

W3XEW—WTAR Radio Corp., Mobile (Norfolk, Va.).—Granted C. P. for high frequency relay broadcast station; frequencies 31100, 34600, 37600 and 40600 kc., 5 watts.

KOL—Seattle Broadcasting Co., Seattle, Wash.—Granted C. P. to make changes in equipment.

WRDW—Augusta Broadcasting Co., Augusta, Ga.—Granted C. P.

to move transmitter to edge of city, North Augusta, S. C., and install new antenna.

W1XT—The Travelers Broadcasting Service Corp., Mobile (Hartford, Conn.).—Granted C. P. for replacement transmitter and increase in power from 7.5 watts to 100 watts unlimited.

W10XDD—Evansville on the Air, Inc., Mobile (Evansville, Ind.).—Granted C. P. to increase power to 35 watts.

W1XD—The Travelers Broadcasting Service Corp., Mobile (Hartford, Conn.).—Granted C. P. to change equipment and increase power from 7.5 watts to 50 watts.

NEW—Woodmen of the World Life Ins. Assn., Mobile (Omaha, Nebr.).—Granted C. P. for high frequency relay broadcast station; frequencies 31100, 34600, 37600, 40600 kc., 100 watts.

WRJN—Racine Broadcasting Corp., Racine, Wis.—Granted license to cover C. P.; 1370 kc., 100 watts night, 250 watts day, unlimited.

KGNO—The Dodge City Broadcasting Co., Inc., Dodge City, Kans.—Granted license to cover C. P.; 1340 kc., 250 watts, unlimited time.

WMT—Iowa Broadcasting Co., Cedar Rapids, Iowa.—Granted license to cover C. P.; 600 kc., 1 KW night, directional antenna; 5 KW day, unlimited.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Granted license to cover C. P.; 1280 kc., 500 watts night, 500 watts day, shares with WTNJ and WCAM.

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Granted modification of C. P. approving transmitter and studio sites.

KVI—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—Granted modification of C. P. approving new equipment.

KHQ—Louis Wasmer, Inc., Spokane, Wash.—Granted modification of C. P. approving transmitter site.

WSAR—Doughty & Welch Electric Co., Inc., Fall River, Mass.—Granted modification of C. P. extending completion date to 10-31-36.

KG CX—E. E. Krebsbach, Wolf Point, Mont.—Granted modification of C. P. to change type of transmitter to be installed.

WSAR—Doughty & Welch Electric Co., Inc., Fall River, Mass.—Granted C. P. approving new equipment.

KPRC—Houston Printing Co., Houston, Tex.—Granted modification of license to change name from Houston Printing Co. to Houston Printing Corp.

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted special experimental authority to operate with 5 KW from sunset at KPO to 11 p. m., EST, using directional antenna after sunset, for period ending February 1, 1937.

KWKH—International Broadcasting Corp., Shreveport, La.—Granted extension of special authority to operate on 1100 kc., unlimited, with directional antenna night, for period ending February 1, 1937.

WBAA—Purdue University, W. Lafayette, Ind.—Granted authority to install automatic frequency control.

KGFW—Central Nebraska Broadcasting Corp., Kearney, Nebr.—Granted authority to install automatic frequency control.

WCAM—City of Camden, Camden, N. J.—Granted authority to install automatic frequency control.

WRR—City of Dallas, Texas, Dallas, Tex.—Granted authority to use transmitter of KVPA as auxiliary transmitter; present assignment: 1280 kc., 500 watts, unlimited. Also granted authority to determine operating power by direct measurement of antenna for auxiliary transmitter.

KOOS—Pacific Radio Corp., Marshfield, Ore.—Granted authority to transfer control of corporation from Harry B. Read to Walter L. Read.

KSLM—Oregon Radio, Inc., Salem, Ore.—Granted authority to transfer control of corporation from Walter L. Read to H. B. Read.

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Granted renewal of license for the period September 1, 1936, to March 1, 1937.

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Same for auxiliary.

WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—Granted extension of license for a period of 3 months from October 1, 1936.

WRAX—WRAX Broadcasting Co., Philadelphia, Pa.—Granted renewal of license for the period 9-1-36 to 3-1-37.

WRAX—WRAX Broadcasting Co., Philadelphia, Pa.—Same for auxiliary.

NEW—Bamberger Broadcasting Service, Inc., Portable, Newark, N. J.—Granted C. P. for low frequency relay broadcast station to operate on frequencies 1622, 2058, 2150 and 2790 kc., 26.4 watts.

NEW—Bamberger Broadcasting Service, Inc., Portable, Newark, N. J.—Granted C. P. for low frequency relay broadcast station to operate on frequencies 1622, 2058, 2150 and 2790 kc., 26.4 watts.

NEW—WDZ Broadcasting Co., Portable (Tuscola, Ill.) (2 Appls.)—Granted C. P. for low frequency relay broadcast station to operate on frequencies 1622, 2058, 2150 and 2790 kc., 26.4 watts.

WDAE—Tampa Times Co., Tampa, Fla.—Granted extension of special experimental authority to operate with power of $2\frac{1}{2}$ KW LS, with equipment changes, for the period ending 4-1-37.

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Granted authority to operate simultaneously with Station WSMK, Dayton, Ohio, from 10 p. m. to 10:15 p. m., EST, September 30, October 7, 14, 21, 28, and November 4, 1936.

KDAL—Red River Broadcasting Co., Inc., Duluth, Minn.—Granted modification of C. P. correcting geographical location of transmitter, change in studio location, and changes in antenna.

NEW—Julio M. Conesa, Portable, Ponce, P. R.—Granted C. P. for low frequency relay broadcast station to operate on frequencies 1622, 2058, 2150, 2790 kc., 26.4 watts.

NEW—West Virginia Broadcasting Corp., Portable, Wheeling, W. Va.—Granted C. P. for low frequency relay broadcast station to operate on frequencies 1622, 2058, 2150, 2790 kc., 26.4 watts.

NEW—The Toledo Broadcasting Co., Portable (Toledo, Ohio).—Granted C. P. for low frequency relay broadcast station to operate on frequencies 1622, 2058, 2150 and 2790 kc., 26.4 watts.

NEW—WSOC, Inc., Portable (Charlotte, N. C.)—Granted C. P. for low frequency relay broadcast station to operate on frequencies 1622, 2058, 2150 and 2790 kc., 26.4 watts.

NEW—Fort Worth Broadcasters, Inc., Portable (Fort Worth, Tex.).—Granted C. P. for low frequency relay broadcast station to operate on frequencies 1622, 2058, 2150 and 2790 kc., 26.4 watts.

NEW—Intermountain Broadcasting Corp., Portable, Salt Lake City, Utah.—Granted C. P. for temporary broadcast pick-up station; frequencies 1622, 2058, 2150 and 2790 kc., 26.4 watts.

NEW—General Electric Co., Schenectady, N. Y.—Granted C. P. for new experimental broadcast station; frequency 790 kc., 250 watts, midnight to 6 a. m.

NEW—Honolulu Broadcasting Co., Ltd., Honolulu, T. H., Mobile.—Granted C. P. for high frequency relay broadcast station; frequencies 31100, 34600, 37600 and 40600 kc., 2 watts.

WTIC—Travelers Broadcasting Service Corp., Hartford, Conn.—Granted authority to rebroadcast over WTIC programs of station W1XEV (experimental broadcast station).

ACTION ON EXAMINERS' REPORTS

NEW—Ex. Rep. 1-214 (in part): Northern Broadcasting Co., Inc., Wausau, Wis.—Granted C. P. for new broadcast station to operate on 1370 kc., 100 watts day. Examiner Seward reversed. Order effective November 15, 1936.

WPAB—Ex. Rep. 1-215: Ohio Valley Broadcasting Corp., Parkersburg, W. Va.—Denied C. P. to make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts day. Examiner Bramhall sustained. Order effective December 1, 1936.

NEW—Ex. Rep. 1-217: C. G. Hill, Geo. D. Walker and Susan H. Walker, Winston-Salem, N. C.—Granted C. P. for new broadcast station to operate on 1250 kc., 250 watts, daytime (site to be determined subject to Commission's approval). Examiner R. L. Walker reversed. Order effective November 10, 1936.

NEW—Ex. Rep. 1-258: Jonas Weiland, Kinston, N. C.—Granted C. P. for new broadcast station to operate on 1200 kc., 100 watts night, 250 watts day, unlimited time (site to be determined subject to Commission's approval). Examiner R. L. Walker sustained. Order effective October 20, 1936.

NEW—Ex. Rep. 1-260: Navarro Broadcasting Assn., J. C. West, Pres., Corsicana, Tex.—Granted C. P. for new broadcast station to operate on 1310 kc., 100 watts, daytime. Ex-

aminer G. H. Hill sustained. Order effective October 20, 1936.

NEW—Ex. Rep. 1-263: Wilton Harvey Pollard, Huntsville, Ala.—Granted C. P. for new broadcast station to operate on 1200 kc., 100 watts, unlimited time. Examiner Seward sustained. Order effective October 27, 1936.

NEW—Jefferson Broadcasting Co., Ormond O. Black, Pres., Birmingham, Ala.—Denied C. P. for new broadcast station to operate on 1200 kc., 100 watts night, 250 watts day, unlimited time. Examiner Seward sustained.

KRLC—Ex. Rep. 1-265: H. E. Studebaker, Lewiston, Idaho.—Granted C. P. to install new equipment; move transmitter to site to be determined locally; change frequency from 1420 kc. to 1390 kc.; increase power from 100 watts to 250 watts, unlimited time. Examiner R. H. Hyde sustained. Order effective November 3, 1936.

KGFG—Ex. Rep. 1-270: Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Granted modification of license to change hours of operation from sharing with KCRC to unlimited; 1370 kc., 100 watts; also granted authority to transfer control of corporation from Hale V. Davis, controlling corporation, to Harold V. Hough, controlling corporation. Examiner Bramhall sustained. Order effective November 3, 1936.

APPLICATIONS DENIED

WHBB—Selma Broadcasting Co., Selma, Ala.—Denied authority to operate unlimited time beginning October 1, 1936, pending action on modification of license, requesting unlimited time.

WLEU—Leo J. Omelian, Erie, Pa.—Denied special authority to operate with increased night power of 250 watts for period of 45 days.

WIBW—Topeka Broadcasting Assn., Inc., Topeka, Kans.—Denied authority to operate with power of 5 KW from 12 midnight to 1 a. m., CST, for period beginning October 1 and ending October 30, 1936.

WSMK—WSMK, Inc., Dayton, Ohio; KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Denied authority to operate simultaneously from local sunset to midnight for period not exceeding 30 days.

WSPA—Virgil V. Evans, d/b as The Voice of South Carolina, Spartanburg, S. C.—Denied special authority to operate unlimited time with power of 500 watts night, 1 KW day, on frequency 1120 kc.

WEST—Associated Broadcasters, Inc., Easton, Pa.—Denied special temporary authority to operate simultaneously with station WKBO for a period not to exceed 30 days, in order to broadcast political matters.

WKBO—Keystone Broadcasting Corp., Harrisburg, Pa.—Denied special temporary authority to operate simultaneously with station WEST for a period not to exceed 30 days, in order to broadcast political matters.

APPLICATIONS DISMISSED

The following cases, heretofore set for hearing, were dismissed as in cases of default:

NEW—Joseph G. Morrow, Oakland, Calif.—Applied for C. P., 1150 kc., 250 watts LS, daytime.

NEW—KLA, Inc., LaGrande, Ore.—Applied for C. P., 1100 kc., 250 watts LS, daytime.

The following cases, heretofore set for hearing, were dismissed at the request of applicants:

WJBR—J. B. Roberts, Gastonia, N. C.—Voluntary assignment of license; 1420 kc., 100 watts, unlimited.

NEW—H. A. Hamilton, Asheville, N. C.—C. P. for new station, 1200 kc., 100 watts, unlimited.

NEW—Frank F. Airey, Twisp, Wash.—C. P., 1220 kc., 250 watts LS, daytime.

The following application, heretofore set for hearing, dismissed inasmuch as applicant for assignment of license to Virgil V. Evans requested the application be dismissed:

WJBR—Virgil V. Evans, Gastonia, N. C.—Modification of C. P., 1420 kc., 100 watts, unlimited.

SET FOR HEARING

NEW—Arthur H. Groghan, Minneapolis, Minn.—Application for C. P. for new station at Minneapolis, Minn., to operate on 1310 kc., 100 watts, daytime only. Transmitter and studio sites to be approved.

WLB—University of Minnesota, Minneapolis, Minn.—Application for C. P. to install new equipment; change antenna; change frequency from 1250 kc. to 760 kc.; increase power from 1 KW to 5 KW, time from S.H. to S-WCAL (2/3 daytime). Contingent upon B4-P-1293, WCAL, and B4-ML-326, WTCN.

WCAL—St. Olaf College, Northfield, Minn.—Application for C. P. to make changes in equipment and install new antenna; change frequency from 1250 kc. to 760 kc.; and change power from 1 KW night, 2.5 KW day, specified hours, to 5 KW day, sharing with WLB (1/3 daytime).

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—Application for modification of license to change hours of operation from specified to unlimited.

KWTN—Greater Kempeska Radio Corp., Watertown, S. Dak.—Application for C. P. to install vertical radiator, move transmitter site locally, install new equipment, increase night power to 250 watts and day power to 500 watts, change frequency to 1340 kc. from 1210 kc.

KGDY—Voice of South Dakota, Huron, S. Dak.—Application for C. P. to install vertical radiator; move transmitter and studio sites locally; change in equipment; change frequency from 1340 kc. to 1210 kc.; and change power from 250 watts daytime to 100 watts night, 250 watts day, unlimited time.

NEW—F. M. Gleason, d/b as North Georgia Broadcasting Co., Rossville, Ga.—Application for C. P. for new station to operate on 1200 kc., 100 watts, unlimited (amended 8-21-36 to omit name of Neil O. Davis).

KVOE—The Voice of the Orange Empire, Inc., Ltd., Santa Ana, Calif.—Application for modification of C. P. to make changes in authorized equipment; 1500 kc., 100 watts, unlimited.

WLMU—Lincoln Memorial University, Middlesboro, Ky.—Application for modification of C. P. to make changes in equipment and increase power from 100 watts to 100 watts, 250 watts LS.

NEW—C. S. Gooch, d/b as Amarillo Broadcasting Co., Amarillo, Tex.—Application for C. P. for new station to operate on 1500 kc., 100 watts, daytime only.

NEW—W. E. Whitmore, Hobbs, N. Mex.—Application for C. P. for new broadcast station at Hobbs, N. Mex., to authorize operation on 1500 kc., 100 watts, daytime only; amended 8-16-36 antenna changes, frequency from 1210 kc. to 1500 kc.—operation from unlimited to 100 watts day.

NEW—Virgil V. Evans, Gastonia, N. C.—Application for C. P. for new broadcast station at Gastonia, N. C., to operate on 1420 kc., 100 watts, unlimited (requests call WJBR).

NEW—The Schuylkill Broadcasting Co., Pottsville, Pa.—Application for C. P. for new station at Pottsville, Pa., to operate on 580 kc., 250 watts, daytime only.

NEW—Northwestern Publishing Co., Danville, Ill.—Application for C. P. for new broadcast station at Danville, Ill., to operate on 1500 kc., 250 watts, daytime.

NEW—Waldo Abbot, Ann Arbor, Mich.—Application for C. P. for new special broadcast station at Ann Arbor, Mich., to operate on 1550 kc., 1 KW, unlimited.

NEW—Central States Broadcasting Co., Council Bluffs, Iowa.—Application for C. P. for new broadcast station at Council Bluffs, Iowa, to operate on 1500 kc., 100 watts, unlimited time; transmitter site to be determined.

SPECIAL AUTHORIZATIONS

WABI—Community Broadcasting Service, Bangor, Maine.—Granted special temporary authority to operate between the hours of 2 p. m. and 6 p. m., EST, October 3, 10, 17, 24, and 31, 1936, in order to broadcast football games. (Conditional Clause)

KPAC—Port Arthur College, Port Arthur, Texas.—Granted special temporary authority to operate from 5:45 p. m. to 12:00 midnight, CST, on October 2 and 9, 1936, in order to broadcast football games.

WTBO—Associated Broadcasting Corp., Cumberland, Md.—Granted special temporary authority to operate from 9 p. m. to 9:30 p. m., EST, September 29, 1936, in order to broadcast speech by President Roosevelt.

WTBO—Associated Broadcasting Corp., Cumberland, Md.—Granted special temporary authority to operate from 8:30 p. m. to 9:30 p. m., EST, October 1, 1936, in order to broadcast speeches by President Roosevelt and Governor Earle.

WFOR—Forrest Broadcasting Co., Inc., Hattiesburg, Miss.—

Granted special temporary authority to operate station without an approved frequency monitor for period not to exceed 30 days.

WFBC—Greenville News-Piedmont Co., Greenville, S. C.—Granted special temporary authority to operate station without antenna ammeter for a period not to exceed 10 days from September 20, 1936, pending repair of that apparatus damaged by storm.

KSUN—Copper Electric Co., Inc., Lowell, Ariz.—Granted special temporary authority to operate without antenna and transmission line indicating instruments pending replacement for a period not to exceed 20 days.

WCPO—Continental Radio Company, Cincinnati, Ohio.—Granted special temporary authority to operate 100-watt portable test transmitter on 1200 kc. from midnight to 6 a. m., EST, for period not to exceed 10 days in order to determine new transmitter site, provided station remains silent during those hours prescribed for Commission monitoring schedule.

KGFF—KGFF Broadcasting Co., Inc., Shawnee, Okla.—Granted special temporary authority to use the equipment as specified in license dated June 12, 1936, located at 9th and Bell Sts., Shawnee, Okla., instead of operation under the terms of the C. P. as authorized by program tests on August 22, 1936, for period not to exceed 30 days.

KSEI—Radio Service Corp., Pocatello, Idaho.—Granted special temporary authority to operate station without an antenna ammeter for a period beginning September 16, 1936, and ending in no event later than October 1, 1936.

WLAK—Lake Region Broadcasting Co., Lakeland, Fla.—Granted extension of special temporary authority to operate station without an antenna ammeter for a period beginning September 20, 1936, and ending in no event later than October 4, 1936, in order to repair damage caused by lightning.

WHDF—The Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 12:30 p. m. to 3:30 p. m., CST, for period beginning September 30, 1936, and ending in no event later than the conclusion of the World Series Baseball Games.

WILL—University of Illinois, Urbana, Ill.—Granted special temporary authority to operate simultaneously with station KFNF from 1:45 p. m. to 4 p. m., CST, October 3 and 24, 1936, in order to broadcast football games, provided WBAA remains silent.

WAML—New Laurel Radio Station, Inc., Laurel, Miss.—Granted special temporary authority to operate from 2 p. m. to 4 p. m., CST, September 30, 1936, and from October 1 to October 6, 1936, inclusive, in order to broadcast the World Series.

KFNF—KFNF, Inc., Shenandoah, Iowa.—Granted special temporary authority to operate simultaneously with WILL from 8 a. m. to 11 a. m., CST, daily except Sundays during the month of October, 1936.

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted special temporary authority to operate simultaneously with WGN from 2:15 p. m. to 3 p. m., EST, on October 3, 24, 31, November 7 and 21, 1936, in order to broadcast football games.

KRNR—Southern Oregon Publishing Co., Roseburg, Ore.—Granted special temporary authority to operate 5:30 p. m. to 6 p. m., EST, on October 3, 10, 17, 24 and 31, 1936, in order to complete broadcast of football games.

KRNR—Southern Oregon Publishing Co., Roseburg, Ore.—Granted special temporary authority to operate from 4:45 p. m., PST, November 3, 1936, to 1 a. m., PST, November 4, 1936, in order to broadcast election returns.

KGCX—E. E. Krebsbach, Wolf Point, Mont.—Granted special temporary authority to operate from 3:30 p. m. to 6 p. m., MST, October 1, 1936, in order to broadcast football game between American League All Stars and Fort Peck team.

KFEQ—KFEQ, Inc., St. Joseph, Mo.—Granted special temporary authority to operate a portable (high frequency relay broadcast) transmitter on September 30 and October 1, 1936, for purpose of relaying KFEQ programs from St. Joseph Livestock Exposition; frequency 37600 kc.

WTRC—The Truth Publishing Co., Inc., Elkhart, Ind.—Granted special temporary authority to operate simultaneously with Station WLBC from 7:30 p. m. to 10:30 p. m., CST, on October 2, 9, 16, 23 and 30, 1936, in order to broadcast football games.

WSAJ—Grove City College, Grove City, Pa.—Granted special temporary authority to operate from 2 p. m. to 5:30 p. m.,

EST, on October 3, 10 and November 14, 1936, in order to broadcast football games.

The Farmers & Bankers Life Ins. Co., 715 Beacon Bldg., Wichita, Kans.—Granted special temporary authority to operate a portable (high frequency relay broadcast) transceiver on October 8 and 9, 1936, for the purpose of relaying the Big Fall Festival street parade in Salina, Kans.; frequency to be used in the band 86000 to 400000 kc.

MISCELLANEOUS

KDON—Monterey Peninsula Broadcasting Co., Monterey, Calif.—Denied petition asking Commission to reconsider and designate for hearing application of F. W. Atkinson for authority to erect and operate new broadcast station at Watsonville, Calif., to operate on 1310 kc., 250 watts, daytime only. This application was granted July 2, 1936.

WMEX—Northern Corporation, Boston, Mass.—Granted petition asking leave to intervene in hearing upon application of WCOP, Boston, for change of frequency from 1120 kc. to 1130 kc., and to increase hours of operation from daytime to local sunset at KSL, Salt Lake City, Utah.

NEW—Bay County Publishers, Inc., Panama City, Fla.—Denied petition requesting its application for authority to construct new broadcast station in Panama City, Fla., to operate on 1420 kc., 100 watts, unlimited time, designated for hearing April 14, 1936, be reconsidered and granted in part for daytime operation and leave the request for unlimited time on the hearing docket.

WHDL—Olean Broadcasting Co., Olean, N. Y.—Reconsidered and granted without hearing amended application so as to change frequency from 1420 kc. to 1400 kc., increase power from 100 watts to 250 watts daytime only, and to move transmitter locally.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Granted petition asking reconsideration and grant of application for modification of license so as to authorize operation between local sunset and 11 p. m., with power of 50 watts, on 1210 kc., on Tuesday, Thursday, Saturday and Sunday nights on a permanent basis, subject to Rule 131. This rule requires where new or additional facilities are requested, licensees shall specify a radiating system the efficiency of which complies with the requirements of good engineering practice for the class and power of the station.

KGMB—Honolulu Broadcasting Co., Honolulu, T. H.—Granted request that hearing on application for authority to transfer control of corporation from J. L. P. Robinson to Pacific Theatre & Supply Co., Ltd., scheduled for November 10, 1936, be postponed indefinitely.

NEW—Findlay Radio Broadcasting Co., Findlay, Ohio.—Granted permission, as respondents, to file answer, to be made part of record in re application of John C. Looney, d/b as High Fidelity Broadcasting Service, for new station at Milton, Mass., to operate on 1570 kc., 1 KW, unlimited and variable.

KGCU—Mandan Radio Association, Mandan, N. D.—Reconsidered action of September 17, 1935, and removed application for renewal of license from hearing docket. Granted regular renewal of license for the period October 1, 1936, to April 1, 1937.

WCKY—L. B. Wilson, Inc., Covington, Ky.—Denied petition asking Commission to reconsider action of May 1, 1936, in designating for hearing application for C. P. requesting authority to install new equipment and increase power from 5 KW to 50 KW, employing a non-directional antenna system and to grant the same in part without a hearing, increasing power to 10 KW night, 25 KW day, and to leave the request for 50 KW on hearing docket.

NEW—H. Wimpy, Thomasville, Ga.—Granted authority to file appearance and statement of desire to be heard, as part of record in re application for authority to erect a new station at Albany, Ga., on 1420 kc., 100 watts night, 250 watts LS, unlimited. Requests facilities of WGPC.

WMT—Iowa Broadcasting Co., Waterloo, Iowa.—Granted petition to intervene in hearing of application of Waterloo Times-Tribune Publishing Company for C. P. for establishment of a broadcast station at Waterloo, Iowa, to operate on 1370 kc., 100 watts, daytime only.

NEW—W. H. Hartman Company, Waterloo, Iowa.—Granted petition to intervene in the hearing of application of Waterloo Times-Tribune Publishing Company for C. P. to operate new station at Waterloo, Iowa, on 1370 kc., 100

watts, daytime only. Petitioner has pending application for establishment of new broadcast station at Waterloo to operate on 1420 kc., 100 watts.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KGBX, Springfield, Mo.; KMA, Shenandoah, Iowa; KOIL, Council Bluffs, Iowa; KTAT, Fort Worth, Texas; KVOA, Tucson, Ariz.; KWLC, Decorah, Iowa; WCAL, Northfield, Minn.; WCSH, Portland, Maine; WORC, Worcester, Mass.

WCAU—WCAU Broadcasting Co., Philadelphia, Pa.—Granted renewal of license for auxiliary transmitter for period ending February 1, 1937.

KUSD—University of South Dakota, Vermillion, S. Dak.—Granted renewal of license for the period ending March 1, 1937.

The following stations were granted renewals on a temporary basis subject to whatever action may be taken on their pending applications for renewals:

KFBB, Great Falls, Mont.; KTFI, Twin Falls, Idaho; WCAE and auxiliary, Pittsburgh, Pa.

WFAE—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Present license further extended on a temporary basis only to November 1, 1936, pending receipts and/or action on application for renewal.

KLPM—John E. Cooley, Minot, N. Dak.—Present license further extended on a temporary basis only to November 1, 1936, pending receipt and/or action on application for renewal.

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Present license further extended on a temporary basis only to November 1, 1936, pending receipt and/or action on application for renewal.

WHBI—May Radio Broadcast Corp., Newark, N. J.—Present license further extended on a temporary basis only to November 1, 1936, pending receipt and/or action on application for renewal.

WHBI—May Radio Broadcast Corp., Newark, N. J. (auxiliary)—Present license further extended on a temporary basis only to November 1, 1936, pending receipt and/or action on application for renewal.

WIBA—Badger Broadcasting Co., Inc., Madison, Wis.—Present license further extended on a temporary basis only to November 1, 1936, pending receipt and/or action on application for renewal.

KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska.—Present license extended on a temporary basis to November 1, 1936, subject to such action as may be taken upon pending application for renewal.

KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Present license extended on a temporary basis to November 1, 1936, subject to such action as may be taken upon application for renewal and upon application for modification of license as to hours of operation pending before it.

WATL—Atlanta Broadcasting Co., Atlanta, Ga.—Present license extended on a temporary basis only for the period October 1 to November 1, 1936, subject to such action as may be taken upon pending application for renewal.

WRDO—WRDO, Inc., Augusta, Maine.—Present license extended on a temporary basis only for the period ending November 1, 1936, pending receipt and/or action on application for renewal.

WNYC (auxiliary)—City of New York, Dept. of Plant and Structures, New York City.—Present license extended on a temporary basis only for the period ending November 1, 1936, pending receipt and/or action on application for renewal.

WWL—Loyola University, New Orleans, La.—Special experimental temporary authority extended on a temporary basis for the period ending November 1, 1936, subject to the same conditions as contained in the existing authority, pending consideration of pending petition of station WLWL and petitions in opposition thereto.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—Granted extension of special experimental authority from October 1, 1936, to April 1, 1937, on a temporary basis only, subject to a hearing and decision by the Commission.

ORAL ARGUMENTS

KSEI—Ex. Rep. 1-250: Radio Service Corp., Pocatello, Idaho.—Granted oral argument to be held December 10, 1936.

NEW—Ex. Rep. 1-287: C. A. Rowley, Ashtabula, Ohio.—Granted oral argument to be held December 17, 1937.

MISCELLANEOUS

WATR—The WATR Co., Inc., Waterbury, Conn.—Granted C. P. to change transmitter site locally to Baldwin Ave. and studio to 47 Grand T. Waterbury; make equipment changes; install directional antenna system for day and night operation; change frequency to 1290 kc.; and increase power from 100 watts, limited time, to 250 watts, unlimited time. (Present assignment: 1190 kc., 100 watts, limited.) (Action taken September 22, 1936.)

RATIFICATIONS

The Broadcast Division ratified the following actions taken on the dates shown:

WMT—Iowa Broadcasting Co., Des Moines, Iowa—Granted extension of program test period 30 days from September 22, 1936. (Action taken 9-23.)

W2XK—National Broadcasting Co., Inc., New York City—Granted extension test period 30 days from September 29, 1936. (Action taken 9-25.)

KGFL—KGFL, Inc., Roswell, N. Mex.—Granted authority to operate simultaneously with WICA from 7:30 to 10:30 p. m., MST, October 2, 9, 16 and 30, 1936, in order to broadcast night football games. (Action taken 9-25.)

WMBQ—Joseph Husid, Receiver, Metropolitan Broadcasting Corp., Brooklyn, N. Y.—Granted temporary authority to Joseph Husid to operate station WMBQ under terms of present license for period of 60 days. (Action taken 9-24.)

Detroit National League Football Club, Inc., Detroit, Mich.—Designated for hearing the application to transmit football game programs to station CKLW on September 27, October 11, 18, 25, November 1, 8, 15, 22, 26, 29 and December 6, 1936. (Action taken 9-26.)

APPLICATIONS RECEIVED

First Zone

WDEL—WDEL, Inc., Wilmington, Del.—Authority to make 1120 changes in automatic frequency control.

WSPR—Quincy A. Brackett, Lewis B. Breed and Edmund A. 1140 Laport, co-partners, d/b as Connecticut Valley Broadcasting Co., Springfield, Mass.—Modification of license to change hours of operation from limited local, sunset WAPI, to limited, local sunset, KVOO.

WCAX—Burlington Daily News, Inc., Burlington, Vt.—License 1200 to cover construction permit (B1-P-1237) to install new transmitter.

WGNV—Peter Goelet, Newburgh, N. Y.—Modification of construction permit (B1-P-1166) move studio and transmitter and new equipment, requesting approval of antenna, transmitter and studio sites and install new transmitter.

WNEW—Wodaam Corporation, Newark, N. J.—Modification of 1250 license to change studio location from 116 Market St., Newark, N. J., to 501 Madison Ave., New York, N. Y.

WMBO—WMBO, Inc., Auburn, N. Y.—Authority to transfer 1310 control of corporation from George I. Stevens to Roy L. Albertson, 150 shares of common stock.

WBNX—Standard Cahill Co., Inc., New York, N. Y.—License to 1350 cover construction permit (B1-P-608) as modified for new equipment, increase in power, move of transmitter and approval of directional antenna.

Second Zone

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Construction permit to move transmitter to site to be determined, Montgomery County, Pennsylvania; install new transmitter, vertical antenna; increase power from 100 watts to 5 KW, and change hours of operation from daytime to limited, Chicago sunset.

WEXL—Royal Oak Broadcasting Co., Royal Oak, Mich.—Construction permit to install new transmitter and make antenna changes. Amended to omit request for antenna changes.

WORK—York Broadcasting Co., York, Pa.—Authority to make 1320 changes in automatic frequency control.

NEW—John Stewart Bryan and Douglas Freeman, Tennant 1370 Bryan, co-partners, Petersburg, Va.—Construction permit to erect a new broadcast station to be operated on 1370 kc., 100 watts, daytime operation.

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—1370 Construction permit to install new transmitter.

NEW—Fayette Broadcasting Corp., Uniontown, Pa.—Construction permit for a new station to be operated on 1420 kc., 250 watts, daytime.

WLAP—American Broadcasting Corporation of Kentucky, Lexington, Ky.—Construction permit to move transmitter and studio from Main and Esplanade Sts., Lexington, Ky., to Phoenix Hotel, East Main St., Lexington, Ky., and install new equipment and antenna.

WAZL—Hazleton Broadcasting Service, Inc., Hazleton, Pa.—Authority to make changes in automatic frequency control.

NEW—The Crosley Radio Corp., Portable-Mobile.—Construction permit for a new high frequency relay broadcast station to be operated on 31100, 34600, 37600 and 40600 kc., 2 watts.

NEW—The Crosley Radio Corp., Portable-Mobile.—Construction permit for a new high frequency relay broadcast station to be operated on 31100, 34600, 37600 and 40600 kc., 2 watts.

Third Zone

WPTF—WPTF Radio Company, Raleigh, N. C.—Authority to 680 determine operating power by direct measurement of antenna (of main transmitter when using 1 KW power from local sunset to 11 p. m., EST.).

WMC—Memphis Commercial Appeal, Inc., Memphis, Tenn.—780 License to cover construction permit (B3-P-621) for changes in equipment, antenna, increase in power, and change in transmitter site.

NEW—World Publishing Co., Tulsa, Okla.—Construction permit to erect a new broadcast station to be operated on 940 kc., 1 KW power, unlimited time, to use directional antenna at night. Amended: Install new transmitter and change daytime power from 1 KW to 5 KW.

KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Arkansas.—Construction permit to install new transmitter and directional antenna for day and night use; change frequency from 1040 kc. to 1060 kc., time from S-KRLD to unlimited; move transmitter from Malvern Road, Hot Springs National Park, Arkansas, to U. S. Highway 67, McAlmont, Ark., and studio to be determined, Little Rock, Ark.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—1180 License to cover construction permit (B3-P-1041) to install auxiliary transmitter to operate on 500 watts power.

WRBL—WRBL Radio Station, Inc., Columbus, Ga.—Construction permit to install new transmitter and antenna, move transmitter and studio locally, and increase day power from 100 watts to 250 watts.

WJBY—Gadsden Broadcasting Company, Inc., Gadsden, Ala.—1210 Authority to make changes in automatic frequency control.

KTAT—Raymond E. Buck, Fort Worth, Tex.—Voluntary assignment of license from Raymond E. Buck to Tarrant Broadcasting Company.

KUOA—KUOA, Inc., Siloam Springs, Ark.—Modification of construction permit (B3-P-1070) to move transmitter and studio; make equipment changes; install new antenna; and increase in power, requesting further increase in power from 2½ KW to 5 KW; install new transmitter; and additional hours of operation from midnight to 6 a. m., using 5 KW; and extend commencement date to 30 days after grant and completion date to 150 days thereafter.

WSJS—Winston-Salem Journal Co., Winston-Salem, N. C.—1310 Construction permit to install new transmitter, new antenna (subject to approval); move transmitter to site to be determined, Winston-Salem, N. C.; change frequency from 1310 kc. to 1250 kc., and increase power from 100 watts to 1 KW.

KTSM—Tri-State Broadcasting Co., Inc., El Paso, Tex.—Construction permit to move transmitter to corner Mills and Oregon Sts., El Paso, Tex.; make equipment changes; install vertical antenna; increase day power from 100 to 250 watts; and request authority to carry WDAH schedule on KTSM transmitter.

KMAC—W. W. McAllister, San Antonio, Tex.—Construction permit to install new transmitter and vertical antenna; increase power from 100 watts to 100 watts night, 250 watts day; move transmitter locally. Amended: Equipment changes.

WAGF—John T. Hubbard and Julian C. Smith, d/b as Dothan 1370 Broadcasting Co., Dothan, Ala.—Assignment of license

from John T. Hubbard and Julian C. Smith, d/b as Dothan Broadcasting Co., to John T. Hubbard, Julian C. Smith and Fred C. Moseley, d/b as Dothan Broadcasting Co.

KABC—Alamo Broadcasting Co., Inc., San Antonio, Tex.—Construction permit to install a new transmitter.

WJBR—J. B. Roberts, Gastonia, N. C.—Modification of construction permit (B3-P-744) for new station on 1420 kc., 100 watts, unlimited time, requesting authority to extend commencement date from 12-15-35 to 10-1-36 and completion date from 6-15-36 to 1-1-37.

WGPC—Americus Broadcast Corp., Albany, Ga.—Modification of construction permit (B3-P-1077) for new equipment, move studio and transmitter, further requesting authority to install new transmitter, make antenna changes, increase day power from 100 watts to 250 watts, and move studio from 127½ N. Jackson St. and transmitter from corner Pine and Jackson Sts., to 125½ N. Jackson St., Albany, Ga., and extend commencement and completion dates to 30 days after grant and 60 days thereafter.

KPLC—Calcasieu Broadcasting Co. (T. B. Lanford, R. M. Dean, L. M. Sepaugh), Lake Charles, La.—Construction permit to make equipment changes, install vertical antenna, increase in day power from 100 to 250 watts, move transmitter to site to be determined, Lake Charles, La.

KGKB—East Texas Broadcasting Co., Tyler, Tex.—License to cover construction permit (B3-P-1028) to make changes in equipment and move transmitter.

Fourth Zone

KFYR—Meyer Broadcasting Co., Bismarck, N. Dak.—Construction permit to make equipment changes, install vertical antenna, and move transmitter one-half mile.

NEW—The Journal Company (The Milwaukee Journal), Waukesha, Wis.—Application for license for a new facsimile broadcast station to be operated on 620 kc., 500 watts, 12, midnight to 6 a. m. (WTMJ broadcast transmitter to be used).

KFEQ—KFEQ, Inc., St. Joseph, Mo.—Construction permit to install new transmitter and antenna, and move transmitter from Pauline and Elwood Sts., St. Joseph, Mo., to the South 15 acres of E. 40 acres of NW ¼ of Sec. 33-57-36, St. Joseph, Mo. Amended to omit request for move of transmitter.

WEW—The St. Louis University, St. Louis, Mo.—License to cover construction permit (B4-P-967) for equipment changes.

NEW—Charles J. Pettinger, Indianapolis, Ind.—Construction permit for a new station to be operated on 1050 kc., 5 KW, daytime.

WOWO—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—Construction permit to make equipment changes, increase power from 10 KW to 25 KW night, 10 KW day. Amended to change name to Westinghouse Radio Stations, Inc.

WJBC—Arthur Malcolm McGregor and Dorothy Charlotte McGregor, a partnership, Bloomington, Ill.—Authority to make changes in automatic frequency control.

WTRC—The Truth Publishing Co., Inc., Elkhart, Ind.—License to cover construction permit (B4-P-412) for equipment changes, increase in power, move transmitter, and antenna changes.

KSCJ—Perkins Bros. Co. (The Sioux City Journal), Sioux City, Iowa.—Construction permit to install new transmitter and increase power from 1 KW night, 2½ KW day, to 1 KW night, 5 KW day.

NEW—W. H. Hartman Co., Publisher of Waterloo Daily Courier, Waterloo, Iowa.—Construction permit for a new station to be operated on 1420 kc., 100 watts, unlimited time.

KOVC—George B. Bairey, Valley City, N. Dak.—Voluntary assignment of construction permit from George B. Bairey to KOVC, Inc.

Fifth Zone

KGO—National Broadcasting Co., Inc., San Francisco, Calif.—Authority to install automatic frequency control in auxiliary equipment.

NEW—George H. Payne, San Jose, Calif.—Construction permit to erect a new broadcast station to be operated on 1010 kc., 1 KW power, unlimited time, facilities of KQW.

KFXD—Frank E. Hurt, Nampa, Idaho.—Construction permit to install a new transmitter.

KROY—Royal Miller, Sacramento, Calif.—Modification of construction permit (B5-P-713) for a new station on 1210 kc., 100 watts, daytime, to further request authority to install new transmitter and vertical antenna, change frequency from 1210 kc. to 1340 kc., power from 100 watts to 250 watts night, 1 KW day, time from daytime to unlimited, and studio to site to be determined.

NEW—D. L. Thornton, Centralia and Chehalis, Wash.—Construction permit for a new station to be operated on 1500 kc., 100 watts night, 250 watts day, unlimited time.

The National Association of Broadcasters

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FCC ALLOCATION HEARING BEGINS

Nearly 300 representatives of all phases of the broadcast industry were present today at the opening of the allocation hearings called by the Federal Communications Commission. Judge Eugene O. Sykes, chairman of the Broadcast Division, acted as chairman. During part of the sessions today all of the members of the Commission participated.

Today officials of the Commission, representatives of educational broadcasters and the clear channel group presented their testimony. The latter group had not concluded as the hearings adjourned until Tuesday.

Judge Sykes as chairman opened the hearing with a short statement in which he outlined the procedure and spoke of the general subjects which the Commission desired to have discussed.

Judge Sykes said:

"On behalf of the Broadcast Division, permit me to express to you our appreciation for your interest in and presence at this hearing. The notice of appearances indicates that the educational interests, radio engineering associations, station organizations, individual stations, and others interested in broadcasting are well represented. We are, therefore, assured of the presentation of thorough and extensive testimony on the subject of broadcasting.

"The notice of this informal hearing (Docket 4063) was sent to all broadcast licensees, various manufacturers of radio equipment, trade organizations and associations, and government departments. It has also been given wide publicity by the press and by magazines which are read by persons and organizations interested in broadcasting.

"In calling this conference, the Broadcast Division of the Commission desires to obtain from the industry the most complete information available with respect to their view of this broad subject of allocation, not only in its engineering phases but also the social and economic phases to the end that such regulations and standards as it may retain or adopt will provide maximum service (both transmission and reception) in the public interest. The improvements in, and the increased knowledge of, the engineering aspects of broadcasting since the inauguration of the present allocation system in 1928 will be taken into consideration; also the amendment of June 5, 1936, to the Communications Act of 1934, repealing Section 302 and modifying Section 307 (h).

"There have been no basic changes in the plan of allocation adopted by the Radio Commission in 1928 but since that time there have been many important developments in radio engineering as well as in the social and economic phases of broadcasting. It was felt that opportunity should be given to the industry to present to the Commission at an informal hearing of this type the facts concerning broadcasting as it sees it today.

"The general subjects on which it was desired that the respondents give testimony are outlined as follows:

- "1. Classification of broadcast stations.
- "2. Allocation of frequencies to different classes of stations.
- "3. Standards to be applied in determining coverage and the presence or absence of objectionable interference.
- "4. Geographic distribution of broadcast facilities.

"5. Standards and methods of measurements with respect to essential engineering phases of operation of broadcast stations.

"6. Apparatus performance requirements to be imposed on broadcast stations.

"7. Effect of any proposals regarding the foregoing subjects.

"This outline in general covers the scope of the hearing, however, testimony along other lines may be presented by respondents, but individual applications, individual assignments, and requests for allocation of broadcast facilities to particular groups or organizations will not be considered.

"The procedure to be followed at this hearing is that persons desiring to be heard may either present statements, which may be read if desired, or they may have their attorneys read such statements or ask questions to which the person may reply. Since this

is a fact-developing hearing, rather than one whereby it is sought to prove or disprove some preconceived idea, persons will not be sworn, and no one will be compelled to answer questions which he may indicate he does not desire to answer.

"Cross-examination of witnesses appearing in behalf of respondents will be limited to questions by the Commissioners and other members of the Commission's staff. If others desire to ask questions of witnesses,

this should be done by submitting the questions, in writing, to the Chairman or any other member of the Commission's staff present. If deemed desirable, the questions will be asked of the witnesses.

"Upon the completion of cross-examination, the witness, with or without the aid of counsel, may amplify or explain any of his statements. At the close of the hearing, counsel representing the various groups will be permitted a summation or argument of not more than 30 minutes duration for each group appearing on the calendar.

"Doctor Wheeler and Mr. Ring of the Commission's Engineering Staff will present testimony concerning factual data on the allocation survey. These two witnesses may be cross-examined directly by any respondents on questions of fact only.

"There has been distributed for the convenience of those attending this hearing a mimeographed copy of the order in which persons or organizations will be heard. This list contains only those who have notified the Commission of their intention to present evidence at the hearing. However, anyone desiring to be heard who does not appear on the list of respondents should notify the Chairman, in writing, stating the subject on which he wishes to speak and the approximate time required.

"The ushers will pass registration cards to those present. It is requested that you complete these cards to assist the Commission in determining the attendance and to assist in locating persons when inquiries are received. After completing the cards, they may be passed to the end of the row on your left where the ushers will collect them.

"The Chief Engineer will now present his statement on broadcast allocation and engineering."

T. A. M. CRAVEN

T. A. M. Craven, chief engineer of the Commission, made a statement in connection with broadcast allocation and engineering

During the course of the allocation hearings by the Federal Communications Commission, NAB Reports will be published daily.

in which he called attention, among other things, to the fact that he is of the opinion that the time has arrived for cooperation between radio manufacturers and the governmental regulating agency in an effort to render and plan for efficient engineering in the public's broadcasting system.

Mr. Craven said:

The Chairman of the Broadcast Division has already indicated to you that this hearing is for the purpose of securing facts with respect to the engineering principles of allocation within the broadcast band 550-1600 kc, and facts and opinions concerning the social and economic consequences of any proposed changes in the existing regulations of this Commission with reference to the engineering principles of allocation within the frequency band 550-1600 kc.

I might add that the conception of the hearing was pervaded with the spirit of reviewing the progress that has been made in the art of broadcasting since 1928, securing from the industry a practical interpretation of this progress and cooperating with the industry in an intelligent planning in the application of this progress to the betterment of broadcasting service to the public.

Broadly speaking, technical progress should be inevitable and cannot be stopped by artificial measures engendered by fear of the results. To attempt to retard progress by artificial measures is unsound, and leads only to confusion. On the other hand, an intelligent survey of new developments and a logical evolutionary application, by practical people, of new principles resulting from such new developments should be beneficial to all.

This hearing commencing today gives an opportunity to all concerned, to both government and to private individuals, groups and organizations, to discuss publicly a phase of the national broadcasting problem in a cooperative and orderly manner. Such an opportunity has not existed for several years, and we are certain that we shall benefit from the hearing, even though it should result merely in a clarification of thought on controversial subjects.

Some persons have expressed to me the view that the issues at this hearing are not sufficiently specific, and that we should have a definite set of issues upon which several schools of thought could give expressions of opinion. Perhaps the present would be premature for such a procedure, because from the information I can secure, there is still not a unity of engineering thought with respect to practicable standards of service and interference. Until we can secure at this hearing such an expression from the practical engineers of the country, it would appear to me that the reduction to a few isolated issues might not be entirely beneficial.

Growing out of the vast experience, both in engineering and in the economics of broadcasting, which has been gained since 1928, the year in which the present principles were established, there have been certain developments which may enable progressive steps to be taken if the evidence at this hearing should show a need therefor. And, certainly today we are in a position more clearly to distinguish between the effects of the depression and the effects of engineering and other economic factors upon the broadcasting industry, and hence we are in a better position to attempt progressive steps than we have been at any time heretofore since the establishment of the existing allocation system.

The industry in the past few years has learned much with respect to broadcasting. For example, much data have been collected with respect to the performance of radio stations and their ability to render service under various conditions. From this we are able more clearly to understand the difference in value between various frequencies in various parts of the country. Also much data have been secured with respect to the sky wave propagation characteristics of stations, and while factual information with respect to this phase of engineering may not enable us to deal with the question in a precise manner, we have, however, secured sufficient information to be very useful as a guide in determining questions of both service and interference.

Next, by reason of practical studies made by the engineers of various stations, we should be in a position to understand better today than heretofore the relation between signal intensity and useful service under various conditions of interference, both man-made and natural.

In addition, much information has been obtained in the design of receivers, a most essential factor in any engineering plan of allocation of radio broadcasting frequencies. And in this connection, we have an opportunity to accomplish something today which was not accomplished in 1928 because of the lack of facts at that time. In my opinion the receiver, its manufacture, its performance and its distribution to the public, has a most important relationship to the problems of broadcasting, both from an eco-

NAB WILL NOT PARTICIPATE IN ALLOCATION HEARING

The Board of Directors of the NAB, at a meeting held in Washington October 2, decided that by reason of the character of the allocation hearing as described in the Commission's notice, the NAB should not participate in it.

nomic and an engineering standpoint. In a sense, it is the other end of the circuit, since both transmitters and receivers are required to complete the service to the public. Therefore, unless we thoroughly understand the relationship between the receiver and transmitter, and in turn, their coordination in a system of allocation, we have not provided properly for a sound engineering system of allocation.

It seems to me that the time has now arrived for an effective cooperation and coordination between the receiver manufacturers, the manufacturers of transmitters, and the government regulating agency, in a cooperative effort to render and plan for efficient engineering in the public's broadcasting system. It is hoped that evidence with reference to this phase of the problem will be presented at this hearing.

Naturally, with the experience gained since 1928 in the economics of broadcasting, whether operated by commercial concerns, social groups, or by any other method, we should be in a position to know better today the relationship between the engineering of allocation and the economics of allocation. Having had some personal experience in the practical end of broadcasting, it appears to me that possibly there is a definite relationship between economics and engineering of radio broadcasting, and therefore it appears that if we are to have a sound system of allocation in the future, the Commission should receive facts with reference to this phase of the broad problem which confronts us today. The notice of hearing comprehends this part of the problem and it is hoped that we shall hear some constructive evidence with reference to the subject.

Another factor which should be considered with reference to the hearing is, first, that persons in the practical operation, particularly engineers, are concerned with practical operation from perhaps a local viewpoint, while others are concerned from a national viewpoint, but by reason of their very closeness to the practical business affairs of everyday life, they may sometimes not appreciate the difficulties of administering the regulation of such a vast organization in the public interest.

On the other hand, the engineers of the Commission, as a result of unavoidable limitations, are unable to secure continuous practical experience in the field in the actual operation of stations, and therefore may be somewhat handicapped, through no fault of their own, in sensing a relationship between engineering and the economics of a broadcasting station. However, they do have expert knowledge with respect to the problems of administration and regulation. This hearing thus affords the engineers of the Commission an opportunity more thoroughly to understand the problems confronting the engineer engaged in practical operation.

I have faith in the engineer of the country, and in his desire to render, broadly speaking, a service. I have faith in his honesty and sincerity of purpose, and therefore it seems to me that here today, through the process of this hearing, we can perhaps secure the unity of engineering opinion with respect to the problems of broadcasting which may be of the utmost service to the country as a whole, and particularly to the individual members of this Commission in their daily problems with respect to regulation. If this can be accompanied with data from experienced persons with reference to the economic phases of broadcasting, it seems to me that the Commission will have a most excellent and thorough background upon which to base the fundamental regulations dealing with the engineering problems of allocation in the future.

Before concluding, I believe it desirable to inform the industry that as a result of the June 15 hearing, the Interdepartment Radio Advisory Committee is making progress in its study of the allocation of frequencies above 30,000 kc to government services. It is my opinion that we may expect with confidence the allocation of sufficient frequencies above 30,000 kc to accommodate aural, facsimile and television broadcasting in the future on an initial experimental basis. In my opinion, the date when these new services will cease to be experimental depends upon many factors, and in particular, upon the rate of progress in development.

It is our understanding that the industry has given great effort and incurred much expense in preparation for this hearing. I know the Commission appreciates this, and feels that constructive results will be obtained thereby.

A. D. RING

The next two witnesses included A. D. Ring, assistant chief engineer of the Commission and Dr. L. P. Wheeler, chief of the technical information section. They presented statements concerning the procedure and the factual data on the allocation survey of the Commission made public some time ago.

Mr. Ring also summarized the post card allocation survey by the Commission and its results and he gave some evidence as to the weight to be given to this particular survey.

In discussing this survey Mr. Ring pointed out that the results as published were not sufficient to be of value in competitive commercial broadcasting.

L. P. WHEELER

Dr. Wheeler spoke of the establishment of his section and the assignment which he was given of analyzing the technical data accumulated in the allocation survey.

"There are," said Dr. Wheeler "now upwards of eighty paths throughout the continental United States for which reliable ground conductivities are available. It is believed "that the method of computation used is a most satisfactory and accurate way of determining ground conductivity. It is theoretically sound, provided care is taken to include no field intensity measurements at distances where diffraction effects complicate the problem, and the results are in gratifying agreement with the work of other investigators." In concluding his remarks Dr. Wheeler said that "it is my personal belief that the material already accumulated, including that of this survey, affords the basis for a very considerable extension of the theory of sky-wave propagation in the desired direction, any such theoretical discussion lies beyond the scope of this statement, which is merely to place before you the facts developed by the allocation survey from which we are all free to draw our own conclusions."

S. HOWARD EVANS

S. Howard Evans, speaking on behalf of the National Committee on Education by Radio, took up both the economic and social uses of radio.

"In broadcasting," said Mr. Evans "two rather distinct and mutually exclusive formulas have developed. One is strictly education. It largely makes its appeal to specialized minority groups. Its purpose is to supply special kinds of information, to elevate the cultural and intellectual level of the nation, and to stimulate individuals in their powers of discrimination and critical analysis. It gets its support from some public or at least non-commercial source."

"The other formula is commercial," he said. "It is financed by advertising. It makes its appeal to a mass audience. It tries to attract people through entertainment and to hold their attention for advertising announcements which, if successful, repay the sponsors and make them willing to continue financing commercial programs. It has to supply variety and interest as the only means of holding an audience for its purpose."

Mr. Evans told the committee that "the situation in which education finds itself under the commercial broadcasting formula has been outlined for the single purpose of showing the inherent capacity of that formula to make a proper place for education or to fulfill the responsibility of public service broadcasting which commercial broadcasters have undertaken in accordance with the terms of their federal licenses." In concluding his statement Mr. Evans said "the only conclusion which can be drawn from this failure of the present broadcasting structure to supply a service which is socially sound and economically fair is that the Federal Communications Commission has a responsibility to see that this condition is corrected. I believe that the place to make such a correction is in connection with the reallocation of facilities. If there is to be a classification of services in the 1936 allocation as there was in the 1928 allocation the considerations I have outlined should be taken into account in making up that classification."

A. G. CRAIN

Dr. A. G. Crain of the University of Wyoming, chairman of the National Committee on Education by Radio and also chairman

of the sub-committee on Conflicts and Cooperation of the Federal Radio Education Committee, also made a statement on behalf of the National Committee.

Dr. Crain explained that he is not a technician and claimed no competence as a radio engineer. He called attention to the fact that radio is a great influence for education in the United States. The plan for broadcasting educational matters, however, is not now satisfactory to the educators of the country. A further plan must be evolved he said for enlightenment of the people by radio and he urged the Commission to look beyond the technical question to the social consequences of its decisions.

Dr. Crain complained that education is being subordinated to advertising and he said that this creates inescapable trouble. The Commission, Dr. Crain said, must be the umpire in connection with educational facilities. He called attention to the fact that many educational stations have been forced off the air and it is difficult for many of them to remain operating. The few remaining educational stations he told the Commission should be protected.

The stations he testified should not be forced to defend themselves against commercial inroads. He referred to the educational stations as demonstrational laboratories and called the Commission's attention to the fact that they have a regional service to perform.

Dr. Crain told the Commission also that the educational stations have made good and they have thousands of satisfied listeners.

Radio, said Dr. Crain, is a potent influence in education in the schools as a supplemental teacher. He stated that in his opinion these stations should have a fair and equitable use of radio. The school programs and advertisers cannot be synchronized and there should be no free sponsored educational programs by radio.

Dr. Crain stated that reservation should be made in the high frequency band of certain frequencies for educational stations and this has been endorsed by the Commissioner of Education, he stated. The educators of the country should have a chance to prove they can operate broadcasting Dr. Crain said. In closing he urged the protection and expansion of educational stations and said that the educators have more hope in the high frequency band than they have in the present broadcast band.

EDWARD BENNETT

Dr. Edward Bennett, engineer of the University of Wisconsin and instructor in the electrical engineering division of that University, testified on behalf of the national association of educational broadcasters.

He stated that one of the fundamental problems of the Commission is to establish non-monopolistic rights in radio. He said that ninety per cent of the radio facilities of the country are in the hands of commercial broadcasters with only three per cent in the hands of educational stations. He told the Commission that radio must be safeguarded against centralized radio ownership.

Dr. Bennett spoke of the factions in control of time and told the Commission that it should uphold non-centralized and non-monopolized rights in radio. He testified that in his opinion the Commission should draw plans to facilitate the handing over of certain radio facilities to public bodies such as state and federal authorities. This he said will certainly be in the public interest.

His purpose, Dr. Bennett said, was not to destroy commercial broadcasters nor to supplant them but merely to give additional facilities for educational purposes. There should be competition, he stated, between those having radio stations in public use and commercial stations. He had no specific recommendations to make relative to a general engineering plan for public agencies and he stated that he too hoped that new high frequencies may help in the educational situation.

H. B. MCCARTHY

H. B. McCarthy, president of the National Association of Educational Broadcasters, told the Commission of the shrinkage of educational stations in the United States and called their attention to the fact that that group has now dwindled from 100 stations to some 25 or 30.

He told the Commission that it should plan now for the future of educators. Many of the educational stations of the old days, he said, were not educational stations in the true sense. Many of these early stations, he said, really blazed the trail in radio developments. Many of them have been crowded off the air by commercial stations.

Mr. McCarthy told the Commission of the operation of the two

broadcast stations in Wisconsin with which he is familiar; one being that of the State University and the other of the State Agricultural Department. In this connection he spoke of the broadcast made directly from the class rooms of the University and told in some detail of the experiments of both of these stations which, however, he said, are limited to daylight hours.

Many people, Mr. McCarthy said, want some education at night as well as listening to entertainment. Education by Radio, he contended, should be done by state and federal authorities and not by commercial interests. He complained of the restricted hours, the low power and the poor frequencies now in the hands of the educational stations.

Mr. McCarthy pointed out in his testimony the success rather than the failures of the educational stations. He told the Commission that in his opinion it should plan wisely for the educational stations of the future as it has planned for experimental stations in the past.

Mr. McCarthy also read into the record a statement on behalf of the Ohio State University which has operated a station for over 14 years.

"The Commission," says the Ohio University statement, "we are sure recognizes the importance of making suitable provision for educational radio services, as evidenced by the education hearing in May, 1935, and the subsequent appointment of the Federal Radio Education Committee. We in Ohio regard radio broadcasting channels as a valuable natural resource that can effectively be used in the state educational system and trust that the favorable attitude of the Commission in continuing channel assignments for state services will be continued."

The University's statement said further that "it is practically possible to provide a state radio educational service in the majority of the states through the proper application of allocation principles which it is our intention to point out. While it is true that in some few states geographical and physical conditions make such a service impossible at a cost which can be justified, such cases are few and represent a small proportion of the population of the United States. We believe that it should be possible for those states favorably situated, and which are in the majority, to have such a service through the proper assignment of radio broadcast channels, economically suited to their use.

EDWIN W. CRAIG

Edwin W. Craig of Nashville, Tennessee, licensee of broadcasting station WSM, made a statement on behalf of the clear channel group to the Commission as follows:

My name is Edwin W. Craig, residing in Nashville, Tenn. I am vice-president of the National Life and Accident Insurance Company, licensee of broadcasting station WSM of Nashville, Tenn. I appear at this hearing in the capacity of chairman of what has come to be known as the Clear Channel Group.

The Clear Channel Group is an informal organization composed of the licensees of thirteen independently-owned clear channel broadcast stations. They are, in the order of their frequencies, as follows:

Licensee	Location	Call letters	Frequency	Power
Earle C. Anthony, Inc.	Los Angeles, Cal.	KFI	640 kc.	50 kw.
Nat'l Life & Accident Ins. Co.	Nashville, Tenn.	WSM	650 kc.	50 kw.
Crosley Radio Corp.	Cincinnati, Ohio	WLW	700 kc.	50 kw.
WGN, Inc.	Chicago, Illinois	WGN	720 kc.	50 kw.
Atlanta Journal Co.	Atlanta, Georgia	WSB	740 kc.	50 kw.
Carter Publications, Inc.	Ft. Worth, Texas	WBAP	800 kc.	50 kw.
A. H. Belo Corp.	Dallas, Texas	WFAA	800 kc.	50 kw.
The Courier-Journal Co. & The Louisville Times Co.	Louisville, Ky.	WHAS	820 kc.	50 kw.
WWL Development Co.	New Orleans, La.	WWL	850 kc.	10 kw.
	(Application for 50 kw. pending)			
Agricultural Broadcasting Co.	Chicago, Illinois	WLS	870 kc.	50 kw.
Central Broadcasting Co.	Des Moines, Iowa	WHO	1000 kc.	50 kw.
Stromberg-Carlson Tel. Mfg. Co.	Rochester, N. Y.	WHAM	1150 kc.	50 kw.
Southland Industries, Inc.	San Antonio, Tex.	WOAI	1190 kc.	50 kw.

In only one instance is a city represented by more than one station in our Group; this is Chicago where two members are located. In only two instances is a state represented by more than one station, Illinois and Texas. Our member stations are located at ten widely separated points scattered over the country, each station in an important centre of population in the midst of a large agricultural, rural and small-town area. Let me name these cities from east to west: Rochester, N. Y.; Atlanta, Georgia; Cincinnati, Ohio; Louisville, Kentucky; Nashville, Tennessee; Chicago, Illinois; New Orleans, Louisiana; Des Moines, Iowa; Dallas, Fort Worth and San Antonio, Texas; and Los Angeles, California.

Our membership comprises most of the clear channel stations which are independently owned and whose channels have not already been subjected to duplication. In terms of frequencies we represent twelve out of the forty designated as clear channels under the Commission's regulations, although one of the twelve is shared between one of our members and a national network company, and therefore technically we represent eleven and a half. Of the remaining clear channels, twenty and one-half are occupied by stations owned, leased, operated or managed by one or the other of the two major networks or (in two instances) owned by a network and leased to others. Six and three-quarters of these network channels are already subject to duplication. The remaining eight channels are occupied by independently-owned stations but only four and three-quarters of these are free from duplication at present. To summarize, there are only thirty channels which are now actually clear; of these, thirteen and three-quarters are occupied by network-owned or-controlled stations; eleven and one-half by stations owned by members of our Group, and four and three-quarters by stations owned by others.

My role in the presentation of the case in behalf of the Clear Channel Group is not, strictly speaking, that of a witness testifying to technical or economic facts. I am neither engineer, lawyer nor economist, but merely an executive official of a company which owns and operates a clear channel station. Our members have felt, however, that it would be helpful to a correct understanding of the contentions that will be urged in their behalf, and that will be supported by the testimony of later witnesses, if one of us should first provide you with a background from a layman's point of view which would tell you of the origin and purposes of the Group, a history of its allocation problems, and, in broad outline, its position on the principal issues to be determined at this hearing. It is unnecessary to tell you that I have had the assistance of our lawyers and engineers, and of several of the members of our Group, in gathering the information that has gone into this statement and in actually preparing it.

ORIGIN OF THE CLEAR CHANNEL GROUP

The Group originated somewhat over two years ago, in a meeting which it was my privilege to call, early in May 1934, at Chicago, and which was attended by a majority of the present members. Our common interest arose out of the fact that we were all representatives of clear channel stations and that we, together with others, were greatly disturbed by the danger of duplication and loss of rural service areas which seemed to threaten the channels to which our stations were assigned.

I think it important that you understand the reasons for our apprehension; they are as valid today as they were in 1934. To explain them requires an excursion into the history of broadcast station allocation, particularly as it affects clear channels. To find myself talking about "history" in connection with the broadcasting industry gives me somewhat of a shock as I realize that it is less than sixteen years since radio waves were first harnessed for the broadcasting of a program and that, as an industry, broadcasting has hardly lived more than a decade. Nevertheless, short as has been this history in terms of years, it has been crowded with events that can be matched by most other industries only in terms of centuries. I am reminded of that oft-quoted remark of a well-known broadcaster, made several years ago, that "broadcasting is the only industry that wakes up to a new crisis every morning."

What I am about to relate is an old story to Commissioner Sykes who, alone of the present members of the Federal Communications Commission, was a member of the original Federal Radio Commission appointed under the Radio Act of 1927, and who is a veteran of all the major allocation battles since the first meeting of that Commission on March 15, 1927. Commissioner Brown lived through some of these events; also so did Lieutenant-Commander Craven, the Commission's chief engineer, Mr. Ring, the Commission's assistant chief engineer, and undoubtedly other

members of the Commission's staff who are here today. I must ask the indulgence of all these as I review historical matters. After all, the allocation in effect today, which you will preserve or change depending on the evidence and the arguments presented to you in this hearing, is, in essence, the allocation of November 11, 1928. There are, it is true, improvements here and there and, I am afraid, also some scar tissue and evidences of corrosion, but on the whole the principles have remained the same. The allocation of November 11, 1928, was, in turn, the culmination of earlier events to which I now invite your attention, because of the lessons they teach and the evidence they furnish on the issues raised in this hearing.

CLEAR CHANNEL ALLOCATION UNDER THE DEPARTMENT OF COMMERCE, PRIOR TO FEBRUARY 23, 1927

For present purposes it is unnecessary to go as far back as the prehistoric era when people talked about wave-lengths and meters instead of frequencies and kilocycles, and when 550 broadcast stations in the United States were nominally all assigned to two wave-lengths, 360 meters and 400 meters (833 kc., and 750 kc.), the former for low power stations and the latter for "high power" stations, having an output from 500 to 1000 watts. In the list of these early stations you will find all but two of the thirteen of our Group, and at least nine of them had the same call letters and were under the same ownership as at present. Most of their stations began their career with small haywire outfits of 50 watts or less.

This primitive age came to an end on May 15, 1923, when, as a result of recommendations by the Second National Radio Conference, regulations were put into effect which to a remarkable extent have been the foundation of broadcast allocation ever since. These regulations made available the band 550-1350 kc. for broadcasting, a total of 81 channels, and inaugurated the principle of 10 kc. separation between channels; and divided this band into three parts for use by different classes of broadcast stations, one of which was the class we now know as clear channel stations.

The Second National Radio Conference had presented a plan under which a band of fifty 10 kc. channels at the lower end of the band was set aside, and proposed that those channels

"be distributed over five zones throughout the country, such that no stations in adjacent zones are closer together in frequency than 20 kilocycles, and that within each zone there be 10 stations separated by 50 kilocycles."

and "that only one wave frequency be assigned to" such a station "which should transmit exclusively on the wave frequency designated and reserved exclusively for that station."

The plan referred to these channels as "territorial wave frequencies" and expressly recognized that a different quality and purpose of program was expected of stations assigned to these channels than of lower powered stations assigned to duplicated channels.

The Department of Commerce adopted the principal features of this plan, calling the three different classes, Class A, Class B and Class C. Class B broadcast stations were, in general, the "high power" stations (500 to 1000 watts) most of which had previously been operated on the nominal frequency of 750 kc. They were assigned to the bands 550-800 kc. and 870-1000 kc. They were required to maintain high standards with regard to character of program and quality of transmission.

Thus the new régime began with forty Class B channels. It was not long, however, before it became obvious that forty was not enough, and by the time the Third National Radio Conference was convened in October, 1924, there were 44, which had been obtained by extending the upper limit of the Class B band from 1000 kc. to 1040 kc. In his opening address, Mr. Herbert Hoover, Secretary of Commerce, said:

"Our chief trouble is with the Class B situation. They are all assigned within the band 288 to 545 meters (1040 to 550 kc.), within which there are, under the present system of allocation and excluding the Class C band, only 44 available wave bands and only 33 that seem desirable at present. To assign these among the 57 stations necessarily means duplication, although it was the theory of the last conference that individual wave-lengths could be assigned to each."

The pressure for duplication on clear channels is, therefore, not a new phenomenon. As a result of that Conference the upper limit of the broadcast band was extended from 1350 to 1500 kc., and the band from 550 to 1070 kc. became the Class B band. This created a total of 53 Class B channels.

In the meantime, however, just complaint has been voiced by our neighbor to the north that in 1923 the United States had allotted to its own licensees practically every channel in the broadcast band and in so doing had duplicated the channels already in use by the Canadian stations, causing severe interference to the latter. To remedy this state of affairs, at the time of this Third Conference our Department of Commerce agreed to regard six of the Class B channels as belonging exclusively to Canada, and that Canada might also use the channels occupied by the southern United States stations which were sufficiently removed from Canada to lessen the possibility of interference. Here, we have the origin of the so-called Canadian-exclusive and Canadian-shared channels.

The six Canadian exclusive channels, instead of being treated on the bloc principle and grouped either into one series of six adjacent channels or into two series of three adjacent channels, were scattered throughout the Class B band. As a result of this historical accident, they now present potential problems for twelve adjacent channels in the United States when only two need to have been involved; nine of those adjacent channels are designated as clear channel under the Commission's regulations and three as regional.

What are now called Canadian regional channels grew, in large measure, out of the even greater historical accident as to the chance location of certain of our Class B stations in the southern part of the United States. Of the eleven such channels, six still have formal recognition in the Commission's regulations; these six are likewise scattered without reference to the bloc principle, and create potential problems for six adjacent channels designated as clear in this country.

To return to the Third National Radio Conference, its fruits were a net of 47 Class B channels, some of them not clear because of joint occupancy with Canada. In fact, there was already some duplication on Class B channels within the United States. Because of the ever-increasing pressure on the part of new applicants, because of the limitations imposed on the authority of the Secretary of Commerce by decisions of the Court of Appeals of the District of Columbia construing the Radio Act of 1912, and because of the congestion of broadcast stations in some sections of the country, the Department of Commerce was unable to carry out completely the plan proposed at the Second Conference. Channel separations set up for stations in the same and contiguous zones had to be reduced in some cases and a few channels were, with reluctance, assigned in duplicate to widely separate zones.

It is interesting and instructive to note the sequel of such duplication. Remember that until the Third Conference in October, 1924, the maximum power of Class B stations was 1000 watts, that most of them had only 500 watts, and that, judged by present-day standards, very few if any of them really had a power output corresponding to their authorizations. Yet even with coast-to-coast duplication at this power trouble occurred. For example, one of our Group, KFI, Los Angeles, operated (as it still does) on 640 kc.; WRC at Washington was assigned to the same frequency. The resulting interference in intervening areas, and the public complaint, necessitated a shift between the two stations so that WRC remained on 640 kc. and KFI was assigned a frequency intermediate between 640 kc. and 650 kc. Such were the early lessons in the need for clear channels.

POWER REGULATION UNDER THE DEPARTMENT OF COMMERCE PRIOR TO FEBRUARY 23, 1927

Now let us retrace our steps to follow the history of power regulation of Class B stations. Here also the past is eloquent with lessons for the present. The First National Radio Conference, held in May, 1922, when most stations were using 50 watts or less, adopted recommendations that

"broadcasting stations should not be allowed to use unlimited power."

and that

"The Secretary of Commerce assign to each radio telephone broadcasting station a permissible power based on the normal range of the station."

Let me digress to note that this First Conference took the optimistic view that the average value for the normal range of "public broadcasting stations" was 250 miles. I am told that in some quarters the leap in power from 50 to 500 watts was viewed with fully as much alarm as any increase proposed since then.

As I have already told you, the Second Conference of March, 1923, classified stations of 500 and 1000 watts as high power stations and, in its regulations effective May 15, 1923, prescribed the maximum power of 1000 watts for such stations. It remained for the Third Conference, in October, 1924, to provide the dramatic climax of debate on the issue of high power, a debate which reached heights that have not been touched before or since and which I believe (and hope) will not be equalled at this hearing.

Before the Conference opened it became generally known throughout the country that the owners of certain stations were seeking and preparing to increase their power to the high peak of 5000 watts. These included, I believe, a gentleman named Earle C. Anthony of Los Angeles, California, another named Powel Crosley of Cincinnati, Ohio, and what is now the Central Broadcasting Company, now of Des Moines and then of Davenport, Iowa. Perhaps there were others from our Group; I am not sure. There were also stations owned by General Electric, Westinghouse, and American Telephone & Telegraph Company with somewhat the same plans. There was talk that some of the latter desired to go beyond 5000 watts and as high as 50,000 watts. It was even said that some of them had gone so far as actually to order or to build 5-kilowatt transmitters in anticipation of a change in the Department of Commerce regulations.

During the ten days prior to the Conference, the Secretary of Commerce, to quote his own words, had

"received thousands of letters from men, women, and children all over the country protesting against what they honestly believe would result in depriving them of the chance to listen to the local stations or to use their will in selecting the ones they want to hear. They fear a monopoly of the air."

Mr. Hoover's approach to the question in his opening address was not exactly violently on one side of the issue or the other. He recommended the subject for the conferees' most careful consideration and hoped that they might be able to reach a satisfactory conclusion. The Conference referred the matter to a sub-committee which had some points of resemblance to the group in this room, although much smaller in size. Among those who spoke in favor of increasing the maximum power limitation were Earle C. Anthony and Powel Crosley. To show how history repeats itself, among those opposing the increase was our good friend John Shepard, 3rd, of Boston.

I should like to read into the record all that Mr. Shepard said in October, 1924, twelve years ago, for I suspect that his reasons for opposing higher power now will not differ materially from his reasons then. The same is true of those who argued in favor of increasing the power maximum; their reasons will not differ greatly from those that we shall urge. Time will not permit me to read at length from this earlier testimony but I cannot resist the temptation to read some of what Mr. Shepard said, as follows:

"Station WGY, Schenectady, N. Y., has been testing late at night on a power of five thousand watts or more, and when they conduct these tests they come into Boston, which is over 150 air miles from Schenectady, with the following result on the average selective set: They are heard with good volume fifty kilocycles on either side of their wave length; and when I say the average selective set, I am not talking about a broad single circuit receiver, nor am I talking about a super heterodyne or other loop set.

* * *

"If the power is increased without any limitation of hours or season, it will result in less enjoyment to millions of people, and for that reason it should not be done at this time.

"With the wire connections that can be made, I can not see that the public need be deprived of any programs of a national character because of an increase in power not being allowed. It has been stated that those opposed to the increase were standing in the way of progress. I don't feel that I am, because I feel that the experiments should be continued and proof submitted to the people by actual demonstration as to just what a super power station can do, and proof that it will not blanket other stations. (Applause.)"

I also must yield to the temptation to give you one short excerpt from a statement made by Mr. Crosley, because of its prophetic character. He said:

"To crystallize my thoughts in a few words, in conclusion, the higher power station should come. The limit I do not know, but the limit should be controlled by the distance from any thickly populated district; and if there is such a station

as two hundred kilowatts some time in the future,—perhaps it will come,—it should perhaps be located in the wilds of Maine, or perhaps down on the great American desert, (Laughter) or some other point where it will cause the minimum of interference. But it's bound to come, just as they are building such stations abroad . . ."

The Department of Commerce proceeded immediately to announce regulations pursuant to the recommendations of the Conference. It declared that it would issue licenses for power up to 5000 watts on a gradual and purely experimental basis.

It was not long, however, before the increased power amply demonstrated its advantages. By the time the Fourth National Radio Conference convened, in November, 1925, the apprehension had disappeared and we find the Secretary of Commerce, Mr. Hoover, saying the following in his opening address:

"A year ago we were fearful of the effect of greater power. We were told by some that the use of anything more than 1,000 watts would mean excessive blanketing, the blotting out of smaller competitors, the creation of large areas into which no other signals could enter. Some of the most pessimistic even warned us that our tubes would explode under the impact of this tremendous force. But our experience so far leads to the opinion that high power is not only harmless in these respects but advantageous. Power increase has meant a general rise in broadcasting efficiency; it has meant clearer reception; it has helped greatly to overcome static and other difficulties inherent in summer broadcasting, so as to give us improved all-year service. Whatever the limit may be, I believe that substantial power increase has come to stay, and the public is the gainer from it."

This time the Conference Committee having to do with the subject reported the following on "high-power broadcasting Stations."

"The fear which was felt a year ago that high power would adversely affect the reception of a large number of listeners has been shown to be without foundation. The increase of power by transmitting stations has improved general conditions of reception. It is recommended that the present attitude of the Department of Commerce of authorizing experimental development of high-power broadcasting stations be continued."

In the meantime, experimentation with the use of fifty kilowatts was, with the approval of the Department of Commerce, being carried on. The trend of progress under the administration of radio regulation of the Department of Commerce was definitely in the direction of high power on clear channels, so far as the limitations imposed by an inadequate law permitted it to give effect to these objectives.

THE CHAOS OF 1926

We come now to the great disaster in the history of American Broadcasting, the imprint of which still remains on some portions of our allocation structure. I refer to what is commonly known as the breakdown of the law which occurred in the period beginning July 9, 1926. Within a few months some two hundred new broadcast stations crowded into the already over-congested ether, while existing stations "jumped" their wave-lengths and increased their power. By the time the Radio Act of 1927 became law, there was not a clear channel left and, consequently, there was no radio reception in the rural sections of the country or, indeed, anywhere except in the immediate vicinity of those cities that had broadcast stations. If ever the necessity for clear channels was demonstrated it was in this lawless period when, for the rural listener, the broadcast band became a radio desert inhabited only by shrieks, howls, whistles and a Babel of unintelligible cross-talk.

In a radio sense, civilization based on law and regulation had broken down and the savage tribes had swarmed in. For almost six years the Department of Commerce had, with fair success, resisted the repeated assaults on the part of those who would break down the allocation so as to provide for new stations. How great this pressure was became all too apparent when the resistance disappeared. This mediaeval era in the history of broadcasting came to an end with the enactment of a new radio statute on February 23, 1927, and the creation of the Federal Radio Commission, the chief and immediate mission of which was to bring order out of chaos.

CLEAR CHANNEL AND POWER REGULATION UNDER THE FEDERAL RADIO COMMISSION

The period between the first meeting of the Federal Radio Commission on March 15, 1927, and the allocation of November 11, 1928, may be called the revival of learning in the history of broadcasting. The events of this period are so recent and are so familiar to all of you that I would be imposing on your good nature and your patience were I to discuss it at length. There are, however, mile posts which must be mentioned briefly.

One of the first important actions of the Federal Radio Commission was to arrange a public hearing, very much of the same character as that in which we are now engaged, to which all interested parties were invited to appear and make known their views. At this public hearing the Commission was strongly urged to re-establish the system of two classes of stations, the former to be of low power to serve local areas and the latter to be of high power to serve large territories, including remote points and rural areas. This was urged, for example, by the Committee on Radio Broadcasting of the American Engineering Council. The Committee recommended that the broadcast band be divided at any chosen point into two bands for the two classes of stations, suggesting that from 550 to 1250 kc. be assigned to national stations and from 1250 to 1500 kc. to local stations. Excluding the six Canadian exclusive channels, this would have provided 64 so-called national channels for the United States. Because of the interference range of this class of stations, the Committee stated that

"the repetition of assignment of these frequencies is not feasible, except if the power used is not greater than 5 kilowatts and the stations in question are not less than 2,000 miles apart."

With respect to power, the Committee stated:

"It is not necessary nor desirable to impose power limits on the national stations (except as above-noted for frequency duplication for stations more than 2,000 miles apart). They will more effectively serve all listeners the greater the power they use."

Later on, the report says:

"Any plan which provides for a greater number of stations will evidently diminish rather than increase the actual radio service to the several communities of the United States."

In the main, as most of you will remember, the Commission did not give effect to these recommendations in its first re-allocation, which went into effect on June 15, 1927. Stations were not classified with respect to power, frequency or area to be served. No recognition was given to the necessity for clear channels, and no channel was left clear. The results of this allocation appear in the Commission's Second Annual Report, as follows:

"Radio-reception conditions were far from satisfactory as the result of the Commission's re-allocation of June 15, 1927. The re-allocation had succeeded to a marked extent in reducing interference arising from congestion in the larger metropolitan centers, where the stations had been crowded together without adequate frequency separation; it had not, however, succeeded in remedying the heterodyne interference (resulting from two or more stations operating simultaneously on the same channel), which was ruining reception in rural areas, and indeed in all parts of the country. The complaints which deluged the commission immediately made it apparent that changes would have to be effected.

* * *

"With the approach of winter conditions in the fall of 1927 the widespread development of heterodyne interference, in rural areas particularly, made immediate action imperative. On November 14, 1927, the commission, in an effort to ameliorate the situation, issued its General Order No. 19."

In the light of the Commission's present rather definite regulations on the subject, General Order No. 19 must necessarily appear as a curiosity. It designated the band 600-1000 kc.

"as frequencies to be maintained free from heterodynes or other interference."

and then proceeded to order all stations operating on the frequencies designated "to clear these channels of heterodyning during the present license period." Obviously, the Commission did not know broadcasters as well as it now knows them. Simultaneously, however, the Commission ordered a number of changes in station assignments, and further changes were made during

the early months of 1928. Some improvement resulted but the situation still was very bad; very few channels were actually clear, and good rural reception was almost non-existent in a large part of the country.

The next important event was the enactment of the late lamented Davis Amendment by Congress on March 24, 1928. I should like to skip this unpleasant chapter of allocation history entirely, when Joshua commanded the sun to stand still and Congress attempted to prescribe by law how radio waves should perform. It must be mentioned, however, because it was the prelude to another very interesting and important series of conferences and a public hearing of the same general character as this, in which the Commission sought information as to the principles which should govern it in applying the Davis Amendment and in effecting a re-allocation so as to improve reception. Various plans were submitted to the Commission. That which was ultimately adopted was based in large measure on a plan presented by a group of experts, consisting of well-known radio engineers, to whom the Commission had submitted the problem. It "proposed to allocate 50 channels for rural as well as urban service, each channel to be exclusive."

On April 23, 1928, Dr. Dellinger, who was acting chief engineer of the Commission, published a statement discussing certain proposals which had been made to the Commission by other groups that were opposed to this plan. Among the opponents, incidentally, was the Congressman from Tennessee who insisted that there should be only 25 clear channels. Dr. Dellinger said:

"Perhaps the chief point of the engineers' recommendations which has been overlooked is the outstanding importance of providing not less than 50 exclusive channels, together with the fact that very much more power can be used on exclusive channels than on shared channels. It is only on exclusive channels that listeners at a distance can receive service. The rural population of the country will be heavily discriminated against unless a large number of exclusive channels are provided. Furthermore, when channels are exclusive there is no necessity of holding their power down to any particular limit. While the engineers' recommendations stated that the limit for the exclusive channels might be 50 kilowatts at the present time, the only power limit need be that fixed by the production of interchannel interference. In other words, it is contemplated that with improvements in the radio art the power used on the exclusive channels may be increased without limit, thus increasing service to the rural population."

These and other statements of Dr. Dellinger, published at that time, are valuable because they afford unmistakable evidence of the original purpose for which clear channels were established and the need they were intended to fill. In these statements, incidentally, Dr. Dellinger made several references to the then-chaotic condition of reception and the fact that the rural listener was receiving no service at all. In other words, away from the urban centres of population, the broadcast band was still a radio desert.

Passing over events not directly related to the history of clear channels, we come now to that memorable event, the adoption of General Order No. 40 on August 30, 1928, and the far-reaching re-allocation effective November 11th of that year. As you all know, the difference of opinion as to the desirable number of clear channels was resolved by a compromise, and the total was fixed at forty. In the light of the almost insuperable difficulties which faced the Commission at the time, this number seems to have been a sensible compromise. Instead of beginning at the low frequency end of the broadcast band as had been regularly advocated by the engineers since 1923, the forty clear channels were all contained in the band from 640 kc. to 1190 kc., again a compromise. Instead of being all in one *bloc*, they were interspersed with the six Canadian exclusive channels, a bloc of regional channels, and isolated regionals which were also Canadian-shared, a third compromise.

In a statement which accompanied and explained General Order No. 40, the Commission said:

"On these 40 channels only one station will be permitted to operate at any time during night hours, thus insuring clear reception of the station's program, up to the extreme limit of its service range."

In describing General Order No. 40 in its Second Annual Report, the Commission said:

"Forty channels were set apart for stations of sufficient power on cleared channels to give good service to rural and remote listeners."

In a published analysis of the Order and of the proposed re-allocation on September 14, 1928, Dr. Dellinger said:

"It is only when a station has exclusive use of its channel that program service free from interference can be furnished at great distances."

With this re-allocation, the Renaissance period was over and our modern era began. Not all that had been lost during the dark days of chaos was recovered but enough was, and the advances of science and particularly the use of better apparatus and better operating methods, together with higher power, have helped to make up for the losses. The rural listener was restored to his seat at the radio show at least in the evening and when the static was not too great. In some parts of the country, his feat was (and is) still pretty much in the back row, particularly in the daytime but it is better than the worse-than-nothing which came out of his radio set during the nightmare period of radio history.

That conditions were still far from the millenium was, of course, obvious. In its report to the United States Senate on January 1, 1932, the Federal Radio Commission stated that only 46 per cent of the total area of the continental United States had consistent radio reception at night and only 56.2 per cent in the daytime. A large portion of the area and population receiving consistent service was served only by clear channel stations, and the remaining area and population receiving an intermittent service obtained that service only from clear channel stations. One attempt was made, late in 1929, to persuade the Commission to increase the number of clear channels from 40 to 50 in a *bloc*, beginning at 550 kc. and extending to 1140 kc. (including the six Canadian exclusive channels). The attempt took the form of a petition in behalf of several clear channel stations which were dividing time on clear channels. This petition was denied. It probably could not have been granted without undue hardship on the many regional and local stations affected.

During the spring and summer of 1929, the Commission itself endeavored to ascertain the nature and extent of the improvements brought about by the re-allocation. To this end, it sent out thousands of questionnaires to amateurs and farmers. Some 4,200 replied. Of these, 72 per cent listed a clear channel station as their first choice, and most of the remaining 28 per cent came from listeners in the comparatively immediate vicinity of particular regional stations. Seventy-one per cent of the replies listed clear channel stations as the first four stations preferred. These results were imposed on maps of the United States. These maps showed that over the greater part of the country, in terms of area, listeners relied upon clear channel stations for broadcasting service. The percentages I have given are strikingly close to those which resulted six years later from the clear channel survey. Remember that no 500 kilowatt station was in operation in 1929, and that only a handful of stations were licensed to use 50 kilowatts. Most of them were using 5 kilowatts.

Shortly afterwards the Commission solicited and received from the Department of Commerce supervisors in the several districts, reports on the same subject. These reports left no room for doubt. For example, the Radio Supervisor at Detroit reported:

"The use of high power on clear channels is the only factor at this time which makes possible any degree of good radio reception to the rural broadcast listener. . . . It would be of far greater benefit to the radio industry and to the public if the number of cleared channels were increased to provide still more diversified reception. . . . When it is remembered that most broadcast listeners, especially those in the country, rely on their radio set entirely for weather reports, time signals, news, education, information and entertainment, it will be appreciated that they should have the best receiving conditions which it is possible from an engineering point of view to furnish, and to impair their reception by abandoning the use of cleared channels is very comparable to placing their radio service on a 1920 basis when it was a plaything and not a public necessity."

If further evidence were desired, I could cite later reports and decisions of the Commission, but surely it is unnecessary to prove the obvious.

It remains only to bring the account of the Commission's regulation of maximum and minimum power on clear channels up to date. Until the re-allocation of November 11, 1928, no power restrictions were composed by any regulation. In General Order No. 42, promulgated in connection with the re-allocation, the Commission imposed a limitation of 50 kilowatts, of which 25

kilowatts was experimental. On June 16, 1930, the Commission amended this order so as to provide that not more than four out of the eight clear channels assigned to each zone should be authorized to use 50 kilowatts, and it was because of this amendment that the extended so-called high-power hearings took place in the fall of 1930. At that time ten 50-kilowatt stations were in operation and five were under construction on a total of 13 clear channels. Later on, the Commission removed this restriction and opened all clear channels to the use of 50 kilowatts. Nearly all clear channel stations have availed themselves of this privilege, with a vast improvement in service to the listening public in both urban and rural areas, an increase in the rural areas provided with service, and no substantial complaint based either on interference or economic considerations. In 1932, the Commission granted a construction permit to one of the members of our Group (WLW) to construct a 500 kilowatt station. This station was first placed in operation in the closing days of 1933, and beginning with the spring of 1934 it was licensed continuously thereafter to use 50 kilowatts regularly and an additional 450 kilowatts experimentally.

This brings my story of the modern civilized era in broadcast allocation regulation up to the present date. What, now, are the dangers that threaten this civilization? Are there any signs that it is crumbling?

THE BREAKDOWN OF CERTAIN CLEAR CHANNELS

With knowledge of the historical background which I have related at some length, you will readily appreciate the concern with which most licensees of clear channel stations regard any effort to subject clear channels to duplication. The members of our Group, who for the most part have been broadcasters since the prehistoric days, have seen the tides of pressure for duplication ebb and flow for thirteen years. They saw the flood break through the dikes in 1926. They know the havoc which was wrought, not merely from technical theory but from actual experience, as they watched their rural audiences cut off from all broadcast service and submerged with interference, and as complaints poured in from all directions. They know that the havoc resulted from the pressure for new stations, and for improved facilities for existing stations. It was with growing apprehension, therefore, that they watched holes appear here and there in the dikes during the period from November 11, 1928, to the time when they met in Chicago in May, 1934.

These holes in the dikes consisted in duplication which, in one form or another, the Commission had authorized on ten clear channels. The first of these was not of the Commission's doing; it resulted from a court decision rendered shortly after the re-allocation went into effect. The next duplication to occur was in 1931, almost three years later. Two more duplications occurred in 1933 and five more in the early part of 1934. In addition, under an agreement dated May 5, 1932, between the United States and Canada, two clear channels were made available for use in Canada by proposed 50-kilowatt stations; one of these channels, however, is included among the five subjected to duplication in the United States in 1934. These two channels are now described as "Canadian-shared" in the Commission's allocation lists and as "clear" in its regulations. The net result was that by July 1, 1934, there were actually 30 and not 40 clear channels in the United States.

In and of itself, these duplications, while a cause for regret among the members of our Group because of their effect on rural broadcasting service, would not necessarily have occasioned apprehension over the fate of the clear channels on which our members' stations were operating. Except for the two duplications brought about by the Canadian Agreement, they were all based on the consent of the dominant clear channel stations.

Let me digress at this point to say that our Group hopes and urges that this Commission shall never again give recognition to the principle that the licensee of a clear channel station has the right to bargain away the rights of the listening public by a so-called consent, whether given for a consideration or gratuitously, and whether given for an evening or for a whole license period. It seems to us that nothing could be more inconsistent with the fundamental meaning of public interest as applied to clear channels than this. As I say this, I realize, of course, that there were peculiar circumstances of hardship which led to several of the ten duplications referred to, particularly in cases where two dominant clear channel stations divided time in widely separated cities, and where formidable economic factors were present. Such duplications seem excusable.

The example set by these "consents" has, however, proved con-

tagious. Every one of our members whose station is on a channel inhabited by one or more daytime or limited time stations is subjected to constant direct and indirect pressure from the owners of those stations for "consent" to the destruction of its rural service, sometimes permanently and sometimes only for a single evening or a small portion of an evening. Needless to say, those requests for duplication often involve hours and programs when it is most important that the channel be kept clear so that the rural public may listen to events or talks of national interest. In any event, unnecessary embarrassment and ill-feeling are all too frequently engendered by a refusal of the requests.

More significant than any of these factors in our minds, perhaps, was the increasing pressure for new stations, or for better facilities for existing stations, at the expense of clear channels. This was evidenced in a mounting number of applications filed with the Commission in the first few months in 1934, totalling some very large number of which I have no record. Still others were openly threatened. One of the most persistent of these applicants was our friend John Shepard who applied for full time on two clear channels (640 kc. and 830 kc.) and, with the aid of Dr. Pickard as his technical counsel, forced the licensees of the dominant stations on those channels through two long and expensive hearings in the latter part of 1934 and the early part of 1935. Several of us were the object of every conceivable sort of pressure to consent to the granting of such applications, sometimes proceeding from Senators, Congressmen and other public officials who had been somehow enlisted in the cause of the applicant for a new station and who understood neither the purpose of clear channels nor the technical facts which make them a necessity. That this should be possible in the face of the Commission's regulations can be explained only by the widespread feeling at the time that, in view of the duplications which had already taken place by consent, the Commission might authorize duplication without consent, and in spite of its regulations to the contrary. The uncertainty persisted until the spring of 1936, when Shepard's applications were denied, only to be renewed a few weeks later when he began to rally an incredibly large number of regional station licensees to his cause of breaking down clear channels, of destroying rural reception, and of thus increasing the number of regional stations in the United States.

It is one thing to prepare for a hearing in which some question is raised as to the coverage of your station in its immediate vicinity; it is quite another to prepare for a hearing in which you must defend your secondary or clear channel coverage extending perhaps over several hundred thousand square miles and produce field intensity measurements over this wide area. Yet all of this effort and expense had to be borne by the licensee of each clear channel station that was subjected to such an attack,—and to prove what? Merely what was common knowledge and obvious but had not been proved by actual measurements taken in approved legal and technical fashion—something that was known at the time of the Second National Radio Conference in 1923 and recognized at each succeeding Conference, something that was given effect in the re-allocation of November 11, 1928, something about which there could be no reasonable doubt, namely, that the listening public in rural and remote areas is dependent on clear channel stations for broadcasting service!

Such were the thoughts that were in our minds when we met in Chicago in May, 1934.

THE CLEAR CHANNEL PETITION AND THE SECONDARY COVERAGE SURVEY

Prior to our meeting I had discussed the matter with our counsel, Mr. Louis G. Caldwell, and had asked him to prepare for us a plan of defense for the remaining clear channels. The plan he suggested was unanimously approved by those present. It was incorporated in the petition which he prepared and filed with the newly created Federal Communications Commission on August 7, 1934.

The licensees of thirteen clear channel stations joined in that petition. Eleven of the thirteen are still members of the Group, one of the others having since then sold its station to a network company and the other having dropped out for other reasons. Two new members have been added. Before the petition was filed, the few remaining independently owned clear channel stations were invited to join. You will be interested to know the reasons which some of them (or their attorneys) gave for not joining; it was that the proposed survey might furnish an excuse to the Commission for a drastic reallocation!

We did not invite the network companies to join. One reason was that both of them had been parties to several of the duplica-

tions by "consent" which had already been authorized. Another reason was that to our minds it was, and is, important to preserve as much independent ownership of clear channel stations as possible. I shall return to this point later. In fairness, let me say, however, that both of the networks, and I think, two regional broadcasters (one of which was Mr. Shepard) cooperated in the survey, both financially and with the generous use of their technical staffs.

The contents of our petition is familiar to all of you and need not be stated. It recited the importance of and purpose served by clear channels, the apprehensions felt by our members and others as to their preservation, and the need for a technical study and investigation of clear channels to determine, among other things,

"the extent to which the people of the United States, and particularly those located in rural areas, are dependent upon clear channel stations for broadcast reception. * * *

and

"the extent to which such service should be protected from interference."

The Group proposed that the Commission authorize and direct the undertaking of such a survey

"under the supervision of a radio engineer of recognized ability, integrity and independence and preferably a member of the Commission's technical staff, and with the cooperation of all broadcasters and radio laboratories willing to give such cooperation."

In reply to those who, I understand, are complaining that the survey does not cover a sufficient period of time, let me point out that the petition stated that the survey

"should be carried on for a period of not less than a year so as to permit a proper study of the varying conditions due to the seasons as well as the care and completeness which should attend such a report."

The petition asked that upon the conclusion of the survey

"the Commission adopt and promulgate such new regulations, or such clarifications and amendments of existing regulations, regarding clear channels, as will accurately reflect and give effect to the scientific facts and principles thereby developed, and thereafter rigidly and uniformly apply and enforce such regulations unless and until formally amended."

The principal request in our petition, for a survey, was granted by the Commission in October, 1934, although the survey authorized was not for as long a period as requested. The story of this survey and of its results has been related by the Commission's witnesses. Some \$30,000 was expended on apparatus alone, and the contributions in the form of continuous services by technical experts over a period of several months cannot be even approximately stated.

It may be that this survey is incomplete because it did not cover all hours of the day, all the seasons of the year, and all the eleven years of the sunspot cycle. It may be that it has other defects and imperfections. We know, and even if we did not, we have learned in the course of this study, that information is still lacking or inadequate on many questions that may have a bearing on broadcast allocation problems. Our technical witnesses will undoubtedly refer to some of these questions. Whatever may be the degree of perfection or imperfection ascribed to the survey, the fact remains that it furnishes us with coordinated facts collected on a systematic basis under trustworthy auspices where we had nothing before but scattered measurements and technical theory. Furthermore, it checks so closely with what was already known from other sources that it cannot be much in error.

The survey is a splendid demonstration of the ability of representatives of Government and of private industry to cooperate in the quest for information on which to build regulation. The Clear Channel Group takes a pardonable pride in having originated the project and in having participated in its carrying out, and it feels that both the industry and the public are deeply indebted to the Commission for having authorized it, and to the Commission's technical staff for the capable and efficient manner in which they conducted it.

Let me say in passing that to me as a layman it is little short of remarkable how closely the various sources of information agree with each other. The questionnaires sent out to farmers and amateurs in the summer of 1929, when there was no 500 kilowatt

station and there were only a few 50 kilowatt stations, showed, as I have already told you, that 72 per cent of the replies listed clear channel stations as first choice and 71 per cent listed them as the first four choices. The recent questionnaire survey showed a 76.3 per cent preference for clear channel stations, and the data obtained by the inspectors showed a 75.1 per cent first choice of such stations, together with an overall 73.3 per cent selection of clear channel stations for the first three choices, win, place and show. An examination of the questionnaires shows, I am told, that where regional stations were chosen it was almost invariably within their expected normal service areas, and in any event within a comparatively short distance of the transmitters. When such evidence is combined with what the engineers tell us as to scientific facts and principles, which have enabled them to forecast substantially what the surveys have proved, it seems to us that little remains to be said.

In this connection let me say one thing more. I am authorized by our Group to say that should it appear from this hearing that there is need for further study and investigation, whether along the lines of the survey of 1935 or along different lines, our members tender to the Commission their full and complete cooperation, and offer to place their technical staffs and apparatus at the disposal of such person as the Commission may select to supervise and direct the undertaking. We believe that other groups would gladly make the same tender. It would be little short of a tragedy if, simply for lack of information that can be secured, unsound regulations leading to an impairment of rural service should be adopted. For making such studies the United States enjoys an advantage over all other countries in the world, because of its large area under a single flag and its many stations equipped to assist. Whatever may be the result of this hearing, let us continue this cooperation between Government and industry.

CONTENTIONS OF THE CLEAR CHANNEL GROUP AT THIS HEARING

The Commission's notice of this hearing sent out last July is a formidable and somewhat disconcerting document. The issues indicated by the long list of headings and subheadings reveal how varied and complicated are the factors that enter into the Commission's allocation problems. Obviously, most of these subjects are of a technical character and detailed discussion of them must be left to technical experts. I am told that really to furnish answers to all the issues raised, we should have to employ a university full of experts and set them to work for eleven years or so, and that even then there would be more to do. I am confident the Commission will forgive me, therefore, if I refrain from stating my views on such matters as sunspots and the Heaviside layer.

The fundamental issues, however, at least so far as they concern clear channels, may, I think, be understood and discussed even by a layman broadcaster. These issues, as I see them, are two in number; first, to what extent shall the Commission preserve and protect clear channels, and second, what shall be the minimum and maximum power permitted on those channels. Mind you, I do not say that there are not other important issues. In fact, there are a number of them, as you will hear presently, from our technical experts, although most of them are subordinate aspects of the two major problems.

With the indulgence of the Commission, therefore, I propose to depart from the order of subjects set forth in the Commission's notice and to proceed straightway to give you as clear a picture as I can, in a preliminary way, of the position of our Group on these fundamental issues.

In approaching these, and all other issues raised by the notice, I hope that we shall be able to distinguish carefully between three entirely different sets of questions. They have not always been treated separately, and not a few of our allocation difficulties, past and present, are traceable to the confusion. The first set of questions is the one in which, I take it, you are primarily interested at this hearing; they are primarily of a technical engineering character, and are concerned with how best to divide up and regulate the use of the broadcast band so as to provide a maximum of tracks of good reception over the area and for the people of the United States. The second set has to do with regulation of what programs shall be transported to the people over those tracks. The third set has to do with a determination of what persons shall be licensed to use those tracks.

If I were limited to contributing but one thought to this discussion it would be to urge that you treat the first set of questions separately and on their merits, on the basis of sound technical facts and principles, and that you do not allow the cause of good radio reception to suffer because of considerations arising out of

the second and third sets. The latter can be treated and regulated separately on their own merits. In the words of one of the original members of the Federal Radio Commission:

"Having laid the tracks for good reception, one can then decide what is going to be supplied on those tracks. But the first thing is to get the tracks laid."

I need not tell you why I am giving emphasis to this thought. There are two bogey-men that have their perennial abode in the second and third sets of questions, and that invariably sally forth at the mention of either clear channels or high power. One of these bogey-men is the so-called duplication of network programs. The other is the closely related cry of monopoly dating back to the early national radio conferences.

Neither I, nor, I venture to say, anyone in this room is in a position to say that there is too much duplication of network programs or that there is *not* too much. The necessary study and investigation simply have not been made. The answer lies not in loose assertions but in technical data, showing the actual coverage of stations in terms of field strength and showing the signal intensities necessary to give service in city, residential and rural areas throughout the country. I do not envy the task of anyone who attempts to find out how much duplication is going on, what with the multitude of variations in programs that obtain as between affiliate stations and even over a given affiliate station from time to time. Chain connections come and go, particularly if a station is kept under independent ownership; some of our members have had affiliations first with one network and then another, and, subject to contracts for specified periods of time, they are all free to change these affiliations in the future.

No expert is needed to see that *some* duplication is unavoidable, once you grant that the rural population of this country is entitled to reception and at the same time that the dwellers in cities and towns are entitled to a sufficient signal intensity to overcome local electrical noise levels. To say that all net work programs should be broadcast by regional stations is simply to say that our farmers and the inhabitants of our sparsely settled areas have no right to listen to the programs of music, entertainment, education, religious services and news that, on the whole, are available in far better quality and much greater quantity in a few large populous and cultural centres than in the smaller centres. I know of no more effective way in which to destroy one of the greatest advantages which radio has brought to our civilization.

To say that not more than three clear channel stations, or five, or some other small number, whatever their power, may broadcast the same program differs only in degree from the contention that I have just answered. It means that extensive areas and much of our population must be satisfied with a very low signal strength which will frequently or regularly not be sufficient to overcome static and electrical noise.

We have progressed far since the days of the Third National Radio Conference in 1924 when we find Mr. Hoover and the Conference bending effort to encourage and bring about what is now so lightly condemned. He declared that a station

"must be able to bring to its listeners the greatest music and entertainment of the Nation, but far beyond this it must be able to deliver important pronouncements of public men; it must bring instantly to our people a hundred and one matters of national interest. To this it must add its matters of local interest. This can only be accomplished by regularly organized interconnection on a national basis with nationally organized and directed programs for some part of the day in supplement to local material."

The Conference adopted a report expressing belief that network broadcasting "deserves every encouragement and stimulation." By 1925, Mr. Hoover was able to report to the Fourth Conference that network broadcasting now "is commonplace," and said:

"The number of people who throbbed with joys and sorrows at the dramatic presentation of minute-to-minute events of the world's series is one of the most astonishing landmarks in radio broadcasting."

Now, such programs have become so much of a commonplace that we sometimes forget what they really mean to broadcasting and to the listening public.

Please note that I do not say that program duplication is not a matter deserving the careful attention of the Commission. Somewhere, undoubtedly, there is a limit. Somewhere a decision must be made between the comparative advantages of giv-

ing a certain percentage of our area and population a choice of, say, three programs delivered with satisfactory signal strength, and of giving a smaller percentage of our area and population a choice of four programs with the same signal strength; or perhaps the decision must be made between four and five, or five and six. I do not pretend to know the answer. There are some programs with regard to which I suspect you will not prohibit duplication but welcome it, such as an address by the President during a national crisis.

Most of us who are in the business of broadcasting feel sure that, so far as commercial programs are concerned, the man who will effectively prevent excessive duplication is the advertiser. In fact, we think we have detected signs of his unwillingness to pay for double coverage for a long time. If we are wrong in this belief, the Commission has ample power to settle the matter under the Communications Act of 1934 which specifically authorizes it

"to make special regulations applicable to radio stations engaged in chain broadcasting."

This power holds good whether there are fifty clear channels or five, and the fact that it has not been exercised should not, in our opinion, affect the Commission's decision as to whether the number of clear channels should be fifty or five.

From what quarters does this charge of excessive duplication of programs emanate? It seems to us that this question should be answered before the complaint is taken too seriously. If the complaint comes in substantial volume from the listening public, uninspired by any broadcaster or interested party, it must give us concern. If it comes from persons who have a direct interest in breaking down clear channels, it should be scrutinized carefully before it is made the basis for any drastic action.

The third set of questions has to do with what persons should be licensed to operate on clear channel stations. The cry of "monopoly" is occasionally raised, usually based on an indiscriminate confusion of network-owned stations and independently-owned stations that take a certain amount of network programs, and some vaguely conceived relationship between that factor and the alleged excessive duplication of programs. Frankly, I have no idea whether too many broadcasting stations, on clear channels or otherwise, have been allowed to fall into the hands of either network company. I believe that there is a point beyond which the acquisition of further stations would be unhealthy. I know that the Commission has ample power under the statute to prevent such a state of affairs by refusing to approve assignments, transfers of control and the like. Surely we all agree it would be unfortunate if the control of broadcasting should come under the arbitrary power of any person or group of persons.

It is important, we believe, tremendously important, to give due recognition to the principle of independent ownership in the licensing of broadcast stations. By "independent" I mean not merely absence of network ownership but the presence of ownership by people who are in and of the community or region in which the station is located and which it primarily serves, as contrasted with absentee ownership or control. Stations that are independently owned in this sense can best render the service needed or desired by their listeners; they can also best meet the needs of the community or region for an outlet on the air. They can best make the choice, which they should always be free to make, between programs of national, regional and local interest, and the proportion to observe between these classes of programs, just as publishers choose the contents of newspapers from material furnished by a national press association, a city news bureau and their own reporters. Underlying this principle of independent ownership there is something very fundamental. In one aspect it is the time-honored principle of competition; under another aspect it is closely akin to freedom of speech and liberty of expression. There is no more effective method of protecting this country against any danger of monopoly, actual or threatened, than by preserving and strengthening the position of the independently-owned clear channel station.

The first of the two fundamental issues I have mentioned is raised by the very first item of your notice dealing with the desirability of establishing new classes of broadcast stations, or of abolishing any existing class. The Clear Channel Group has no new class of station to suggest or to add to the four existing classes, clear channel, high power, regional and local. Needless to say, it vigorously opposes abolishing the clear channel class, as is proposed by at least one group appearing at this hearing. The question as to what should be a proper definition for this class, I shall return to later.

What has happened since the spring of 1923 or the fall of 1928 to make the exclusive use of a channel after sunset less necessary to provide broadcast reception to rural and remote areas? Sometimes I hear, in answer to my inquiry, that certain technical improvements have changed the picture. Our technical experts will show you, I think, that these improvements, valuable though they may be for some purposes, have not made clear channels any the less vitally necessary. The problem of rendering rural service remains the same. Furthermore, whatever be the entering wedge by which duplication comes, the result is the same for the future, whatever may be the case for the transient present. A barrier which may prove insuperable has been thrown up on the duplicated frequency against progress toward better rural service through higher power. We cannot afford this gamble.

You have asked for views as to the number of channels in the broadcast band to be assigned to each class of station. In answering we shall confine ourselves to the clear channel class. Our answer to this question cannot, in the very nature of things, be categorical. So much depends on what you want to accomplish. Our country has an area over 3,000,000 square miles, a population of 130,000,000 very unevenly distributed over this area, with a large concentration in the northeast. To add to the complication, the locations of our centres of population, our metropolitan areas, cities and larger towns follow no pattern whatsoever. Their contours and boundaries defy analysis or classification. Some are so large or so irregular in size that no regional station under present conditions, power limitations, and regulations on regional channels can deliver a sufficient, interference-free signal, day and night, to all their population, and many are of such size that no local station under present conditions and regulations on local channels can deliver such service.

It is interesting, of course, but not particularly profitable, to speculate on what could be done if our cities and towns were symmetrically dotted on the map, and all the ninety broadcast channels were clear channels on the one hand, or regional and local channels on the other. Out of curiosity, on the first theory, I have checked to see which is the ninety-first city in population, the largest that would not get a clear channel station. I find that if you count all the separate municipalities, the empty honor would fall to Tampa, Florida, with a population of 101,161 under the 1930 census; if you count the metropolitan areas, then the honor falls to Manchester, New Hampshire, with a population of 76,834. Then I have checked on the other theory to see how many cities and towns there are that would probably want at least one station, not to mention a choice of three, four or a dozen programs. I find that there are 467 cities and towns with population in excess of 20,000 and 1849 with population in excess of 5000.

Manifestly, such speculations only lead up blind alleys. Neither extreme fits in with any reasonable conception of public interest or with the needs and desires of the listening public. Neither fits in with the law which requires the Commission to make such a distribution of broadcast facilities among the several States and communities "as to provide a fair, efficient and equitable distribution of radio service to each of the same." This means fair, efficient and equitable to rural communities just as much as to urban communities. We do not want to be unfair to either the city-dweller or the farmer. Nor do we want to limit either of them to one program if we can help it; we would like to give him a choice of several. Some balance between many different considerations must be found. The matter is, of course, complicated by a multitude of bewildering technical factors. One is strongly tempted to say: Let us not make any rule or regulations at all; let us leave the matter to the process of evolution, to the old method of trial-and-error, fit in a station here and another there.

This temptation is, I think, a great danger to good broadcast reception. The human animal is so constituted that he needs rules, in other words, laws, to guide him. This is true both of the citizen and the government official. It is always possible for an individual to drive on the left hand side of the road without danger to anyone, if no one else is on the road or likely to come on the road. There is the space and it is not being used. So, also, it is possible, with an ingenious array of directional antennas and an elaborate showing of statistics on field strength and conductivity, and under peculiar circumstances, to show that there are a tiny number of instances where clear channels can be duplicated in this country—if you assume that the future hold forth no hope of progress and that, unlike every other agency of communication, the clear channel broadcast station is condemned to remain at a standstill with respect to power and coverage. Once you have yielded to this assumption, the result is somewhat like

what happens when an unexpected pedestrian steps in front of the automobile speeding on the wrong side of the road. The damage is done and cannot usually be remedied. What happens without rules, strictly and uniformly applied and enforced, is all too clearly shown by the radio anarchy of 1926.

I am stressing this thought because there is at least one group that will appear before you, the National Association of Regional Broadcast Stations, that will urge you to abandon any semblance of a rule protecting clear channels and keeping them clear. That group's proposal, on file with the Commission, is that you delete the word "clear" wherever it appears in your regulations and substitute the word "high-power"; that you delete every other expression in your regulations that indicates that these channels are to be used by only one station after sunset; and that you close the door to any increase of power on these channels so that this aim of duplication may be easier to accomplish. Thus, the last line of defense of the rights of the rural listening public in the Commission's regulations would be torn down; a bait is dangled before the eyes of every applicant who wants a new station or better facilities for an existing station while every clear channel station must defend its rural coverage and even its nearby coverage, over and over again, against any and all comers without help from the regulations. Oh, I know that it is easy to take a map of the United States and to impose lines on it showing that two five-kilowatt stations or even two fifty-kilowatt stations can be placed on opposite coasts, with directional antennas wasting electrical energy out over the two oceans, and that it is easy to take the census book and to show that the two areas covered contain more people than one of these stations can cover with a given signal. But to do this you have to say to yourself that the copperminer in Arizona or the rancher in Idaho is not entitled to service, or that he is getting too much and that some coastal city which may already have a choice of six, eight or ten programs is entitled to still another. This matter of clear channel protection cannot be decided from case to case and from channel to channel, depending on the evidence introduced in each case by interested parties and on the ingenuity of lawyers and engineers employed by those parties. It should be decided by regulation, scrupulously adhered to until repealed or amended. We urge, therefore, that whatever may be the number of clear channels that you decide upon, you at least continue to provide in your regulations that they shall be *clear*, and that you class the channels on which you permit duplication for what they are, high power regional.

How many frequencies should be allotted to the clear channel classification? Our Group believes that the original number of forty established in 1928 represented a sensible compromise between the conflicting objectives and the complicated factors that had to be considered. It regrets, for the sake of the future as well as the present interests of rural and remote listeners, that ten of them have been deteriorated into high-power regionals. It does not, however, advocate that these duplicated channels be restored to their virgin condition. We recognize that there may be practical obstacles to such a step. Representatives of a number of those stations will appear before you at this hearing and we have no desire to prejudge or prejudice their cases. In any event, that is a question for the Commission to decide and it would be presumptuous for us to intervene in it.

We do earnestly urge that the present *actual* number, thirty, be maintained inviolate and that they be kept clear not only within the confines of the United States but also, so far as possible under existing and future international treaties and agreements, they be kept clear throughout the continent of North America and the West Indies.

We would be burying our heads in the sand, however, if we did not recognize the formidable character of the pressure which is being exercised on this Commission to permit duplication and the impressive character of the considerations that are being urged in support of such duplication in a few particular cases. This pressure, it seems to me, falls into three classes.

Some of it may come, as it has in the past, from the licensees of clear channel stations themselves who are in peculiar and difficult situations. Such, for example, is the case where two clear channel stations are dividing time and are located at substantial distances from each other. We can readily appreciate and sympathize with the economic hardship imposed on them. Some of them, I understand, will appear before you at this hearing; what they will propose I do not know. Again, we do not want to be so presumptuous as to attempt to tell them or the Commission what public interest and justice require in such cases.

The second kind of pressure for duplication seems to arise

because of instances, of which unfortunately there are a few, where the clear channel licensee is not making the best use of his channel for the purposes for which it was intended. The deficiency may be with respect to power, or antenna efficiency, or some other aspect of the technical side of station operation. Let us consider the matter of power. With one exception, all of our members' stations are using 50 kilowatts, the maximum permitted under the Commission's regulations, and one member's station is using an additional 450 kilowatts experimentally. The one exception involves a station now operating with 10 kilowatts; it has an application for 50 kilowatts pending.

There are, however, several other stations using only five or ten kilowatts on clear channels that are still clear. I have heard it argued that the licensees of these stations have failed to make proper use of their channels, that there is no serious obstacle to duplication at their present power, and that they should, so to speak, be punished for their neglect of duty, by introducing one or more other stations on the channel. Who, I may ask, is being punished? The rural public, of course, which is receiving at least some service on such channels and may look forward to a future when it will receive a much better service. The way to discipline such licensees, it seems to me, is to require them to make proper use of their channels, to install 50-kilowatt transmitters with efficient antennas, and to take any other steps that will *remedy* the defect and not to make the defect permanent. The rural public wherever such stations are located has the right to look forward to the same quality of broadcast reception as is made possible in the rest of the country under the Commission's regulations.

The third kind of pressure comes, needless to say, from applicants who want new stations or better facilities for their existing stations. In this respect the problem is not very different from what it was in 1923 and in every succeeding year. It is not only interesting, but very important, to note in what localities this pressure arises. If it comes from cities that have no service either of their own or from contiguous cities, that is one thing. If it comes from cities like Boston, New York, and Los Angeles that already have several stations, it is quite another. Perhaps a listener who already has a choice of anywhere from six to twelve programs and who also has access to the original sources of entertainment and instruction, such as theatres, movies, the lecture hall and the concert auditorium needs another program; for myself, I do not believe his need is great enough to compensate for any impairment, no matter how slight, to the meagre measure of reception that the rural listener now has and that is his only contact with the talent of this nation.

In the notice of this hearing, the Commission has asked for discussion of the social and economic effects upon the public and the industry of any proposals that are made at this hearing. If it is true, however, as I believe it is, that the breaking down of clear channels simply means a lot of new regional stations in communities that already have stations, the economic effects of the proposals on existing regionals in those communities seems more or less obvious. I can understand the point of view of the man who hopes to pluck a better assignment out of the wreckage. I cannot understand how other regional broadcasters expect to gain any advantage from having such a proposal adopted. What, incidentally, is the significance of the tendency, which has been so manifest during recent years, to move regional stations from the medium-sized and smaller cities and towns into the larger cities? Is it not more and more to concentrate regional stations in the larger cities and to leave the others to be served by clear channel stations?

Our Group hopes, therefore, that you will not effect any reduction in the present actual number of clear channels and that in no event will you effect any reduction beyond what may be necessary to meet the isolated cases of extreme hardship that I have referred to. If we are to be disappointed in this hope and you are persuaded to make even a further reduction, then I want to leave one more thought with you. We implore that you do not make such a reduction at the expense of any independently owned clear channel station. This thought is not uttered in any spirit of antagonism to either network or with any desire to see their clear channels destroyed. I think I have made it clear that our position is the very opposite of such a desire. The thought is based on the same fundamental principle which I have already dwelt on at length—the importance of keeping the independently owned station strong and healthy and in a position of bargaining equality with the most powerful broadcasting organization that may arise. We all agree—and I am sure the networks agree with this as heartily as anyone else in this room—that monopoly is not to be

tolerated in broadcasting. If all the high-power clear channel stations, or too many of them, should fall into the hands of two organizations with headquarters in New York we shall have gone a long way toward what we all agree is bad. There will be at least a partial monopoly of that very important part of the radio audience that lives in rural areas.

Our Group's fundamental position on the preservation of clear channels does not require or call for any amendment to the Commission's regulations, unless and to the extent that you change or reduce the number of clear channels. In the latter event, the amendment would consist of simply making appropriate changes in the lists of frequencies appearing under your Rules 116 and 119, transferring to the list of high-power regional channels those frequencies on which you permit duplication. You may even want to subdivide these high-power regionals, and provide a special subclassification for frequencies on which real synchronization is being carried on in good faith. But do not call such frequencies clear channels.

You have also asked for definitions. Frankly it has puzzled us to know how to meet this request. In certain respects it may be said that your present regulations are ambiguous and that they really do not define clear channels. Rule 72 says that:

"The term 'clear channel' station means a station licensed to operate on a frequency designated as a clear channel. (See par. 116)"

Rule 116 simply designates and lists the clear channels. Taken by themselves these rules seem incomplete in that they do not say, in so many words, that the channel is to be used exclusively by one station after sunset. On the other hand, this essential feature is manifestly implied in the word "clear" and no doubt on the subject is left when the definitions of limited time and daytime stations are examined. Furthermore, the term "clear channel" has been frequently given its correct meaning in decisions and other pronouncements of the Commission, and this meaning is generally accepted and understood. We do not, therefore, believe any amendment is necessary to denote that a clear channel is exclusively used by one station after sunset and that its purpose is to provide broadcast service over large areas to the rural and remote public.

This matter of sunset, limited time stations and daytime stations is a more difficult matter. Really the only difference between these two classes under the Commission's regulations is that a limited time station is authorized to operate "during night hours, if any, not used by the dominant clear channel station". Thus the limited time station is of a class which, by its very definition, will be found only on clear channels. I do not know whether there are still any instances of limited time stations using this additional privilege. If there are, they must be only a handful in number, in view of the constant tendency of all stations, including clear channel stations, to use the early morning hours, and to extend broadcast service throughout the night. It seems to us that there is no longer any occasion for this classification and that its continuance simply means eventual hardship for the licensee of the limited time station who may have built up an audience and a business in part on the unused hours when the time comes for the clear channel station to reclaim those hours. It also means embarrassment to the clear channel licensee, and probably litigation. We, therefore, propose that either the classification of limited time stations be abolished by repeal of Rule 77, or that the rule be amended by adding a sentence somewhat as follows:

"On and after October . . . , 1936, no application for the construction or operation of a new limited time station will be granted."

We have no desire to work any hardship on any existing limited time station licensee. Limited time stations that are not using any nighttime hours should be changed over to the daytime station classification.

Daytime stations present a number of serious problems for clear channel service. There are, of course, positions on clear channels that can be occupied by daytime stations without interference to anyone, not, however, as many as sometimes thought or claimed. There are certain problems of interference which will be discussed by our technical expert, particularly due to the advancing curtain of sunset in different time zones. In addition, there is a very practical problem that is constantly raised for the dominant clear channel station by requests for consent to evening operation on the part of the daytime station and by pressure for duplication on the plea that daytime operation is uneconomic. To express

our thoughts frankly, we could wish that there were no daytime stations but we realize that a proposal to this end would be impracticable and would work injustice to established stations. We are, therefore, contenting ourselves with asking no amendment to the regulations and instead we are, through our technical expert, suggesting standards of protection that should be applied to insure protection from interference.

The second of the two fundamental issues in which the Clear Channel Group is interested at this hearing is the matter of the minimum and maximum power to be required on clear channels. I can best introduce my statement of our position on this question by reading the exact amendment which we propose to your regulations. Your Rule 117 now reads as follows:

"The authorized power of a dominant clear channel station shall be not less than 5 kilowatts nor more than 50 kilowatts."

We request that you amend it to read:

"The authorized power of a dominant clear channel station shall be not less than 50 kilowatts."

This proposal has, of course, two aspects, the increase of minimum power from 5 to 50 kilowatts and the removal of any limitation on maximum power.

With respect to the increase of minimum power there is little to be added to what I have already said. The charge that the use of 5 kilowatts on a clear channel is not an efficient use of that power for the purpose for which it is intended, can hardly be denied. It gives *some* rural service, and at times a great deal, but not what it should. Of the few clear channel stations that still use less than 50 kilowatts, several have applications pending to go to that amount and, so far as I know, all would be willing to take the step.

The minimum should not, however, be increased above 50 kilowatts for the present. I mention this because it was rumored last fall that the Commission might require a minimum of 500 kilowatts of every clear channel station. I think practically every clear channel licensee, and certainly everyone in our Group, would be willing to meet such a requirement if in no other way could he keep the channel clear of duplication. But the economic side of the question must be frankly faced. The cities in which clear channel stations are located, and the surrounding rural areas which rely on those stations for service, differ vastly in their ability to support the necessary outlay. These differences are reflected in statistics as to population, receiving-sets per capita, and purchasing power, not to mention other factors. It is not alone the city which must be considered but the large territory which may be tributary to it in a trade sense.

Some cities and regions are able to support 500-kilowatt stations immediately. With the present trend toward prosperity, others may be expected to acquire this ability in the very near future, in one, two or three years. A few others may take a little longer. Some owners of these stations are dismayed at the original cost without realizing that, once the outlay is made, the increased cost of operation does not account for a very large proportion of the total expense of operating a station. Some have peculiar problems of their own, such as those whose stations divide time with others and who may need more time in which to resolve their problems.

It would, therefore, be unfair and unjust to such clear channel licensees to impose a minimum requirement of 500 kilowatts, at least at this time. That can be left for the future. It would be even more unfair and unjust to the rural audiences of such stations, however, if the way were blocked to the future use of this power by any restriction in the Commission's regulations which would leave the door open to some and closed to others. We urge that all clear channel stations be treated on equal terms in this regard.

What, now, are our reasons for urging that you remove the maximum limitation? We have little that is not an old story, a story that was told by Mr. Crosley, Mr. Anthony and others in support of increases in the maximum from one kilowatt to five kilowatts in October, 1924, and that was told again throughout those memorable five weeks of 50-kilowatt hearings in the fall of 1930. It is the story of improved rural coverage, both in quality and extent, and of improved urban coverage as well, made possible by the advance of applied science to the point where 500-kilowatt transmitters are available, have been tried, and have demonstrated their merits. Demonstration of these merits is a matter of proof in terms of field intensity contour maps and the like, which will be presented to you by our technical expert. I am told, and I believe it is true, that from an engineering point of view there is no valid reason against, and there is every reason for, the installation of such transmitters on clear channels.

Thirteen years ago one kilowatt was the highest power permitted on a clear channel; now a clear channel station operating with such power is a museum-piece. Generally speaking, in 1928 five kilowatts was the highest power used by any broadcast station; a clear channel station using such power now has all but become an extinct species. Now, when we are ready to advance forward another step, which after all is of exactly the same order and the same proportionate effect as the leap from five to fifty kilowatts, why should there be opposition?

Part of the opposition is, I suppose, psychological. Five hundred thousand watts sounds like a lot of electricity. It is, however, the equivalent of only 675 horse-power, or less than one-third of the power it takes to drive a new Douglas airplane.

Some of the opposition, I gather, comes from those who are apprehensive of interference, whether through blanketing or adjacent channel interference. Our technical experts will show that these apprehensions are unfounded. Let me digress at this point, however, to point out the perfectly obvious fact that an increase in the power of a regional station from five hundred watts to five thousand watts is exactly the same relative increase, with exactly the same relative effect as an increase in the power of a clear channel station from fifty to five hundred kilowatts. The relative difference in signal strengths resulting from the increases contemplated by one-kilowatt regional stations to five kilowatts and by 50-kilowatt clear channel stations to 500 kilowatts is one that is imperceptible to the human ear when translated into sound in the loudspeaker of a receiving set.

A third type of opposition is, I am told, based on so-called economic considerations. I confess that I am more puzzled by the various meanings that are attributed to this word "economic" in this era of modern thought. It seems to cover all thoughts that cannot be classified under some other heading, and to bob up, like a woman's last word, when all other arguments have been demolished. I find no help in the classic treatises of Adam Smith or John Stuart Mill and must take comfort in the thought that all is not economics that is called economics. This much I say without fear of challenge from any reasonable man; no theory, whether tagged as economics or with any other imposing label, can possibly be sound that blocks progress or that says that because a scattered few may be apprehensive of some imaginary injury the people of the country must be denied the benefits of advancing civilization.

Apparently, those who use the word in opposition to increased power on clear channels are pursuing one or both of two lines of thought. One of these has to do with the ability of the higher power station to support itself. The other has to do with the commercial welfare of other stations that may lie within the orbit of its service. There is much I should like to say on both subjects but, since they are in charge of another of our witnesses, I shall confine myself to a few words of a general character.

Whether a man is wise or foolish in making an investment which he believes will improve his ability to serve is often a very difficult question to answer. The advance of civilization would have been at an immeasurably slower pace if men had not been free to hazard their fortunes on the uncertain and the unforeseeable. I do not think, however, that a hearing of this character can possibly be the proper forum for deciding such a question. In a way, this hearing is legislative in character. You are deciding what regulations to adopt, not what applications to grant. The removal of the maximum power limitation does not mean that you will permit any and all clear channel licensees to increase the power of their stations to 500 kilowatts. You are free to do so; on the other hand, you are free to deny any application or to grant it only in part, depending upon the evidence heard in each case. It is at such a hearing that consideration of a particular applicant's ability or the community's ability to bear and support the increased financial burden is a legitimate issue, not here. Nevertheless, we have assembled some information of a general character that may have a bearing on the issue which a later witness will summarize.

On the other line of thought, namely, the effect of a 500-kilowatt station on the economic welfare of other stations, the same later witness will, I think, demonstrate that any apprehensions on this subject are perfectly groundless, and I shall not try to anticipate his testimony, which is the fruit of a very earnest and intensive study of the question. The apprehension seems to be, not so much that regional and local stations serving the same community will suffer; almost the exact contrary seems more likely. It is rather that such stations in other cities and towns may lose their audiences or their advertising. The answer to this is found partly in technical facts, that is, the actual increase in signal strengths

involved. It is also found in the psychology of listeners who turn to the station located where they live in preference to the station of another city, if the program service is of equal interest. If the program service is not of equal interest, is it a sound principle of economics that the listener should be deprived of the better program so as not to cause any loss of listening public or revenue to the broadcaster of the inferior program? Does public interest mean the interest of the broadcaster or of the public? Should an air transport company be forbidden to place a new and improved model of plane in use because it may attract passengers from a competing line? Where would civilization be if we had followed such a philosophy? Finally, the conclusive answer is found in the actual financial record, present and past, of regional and local stations located within areas served by clear channel stations.

While we have temporarily been halted on the 50-kilowatt line, our neighbors to the south have already advanced the ball to the 100 and 150 kilowatt lines. In Europe, some 23 broadcast stations have power in excess of 50 kilowatts and 19 use 100 kilowatts or more. There are two 500-kilowatt stations.

So far I have spoken as if the proposed change in the regulations contemplated an increase in the maximum to 500 kilowatts. As you know, our proposal is that the maximum be not fixed at any limit. There are convincing reasons for this, of an engineering character, to be discussed by our technical expert. In lay language, there are no valid reasons that can be urged against unlimited increases in the power used on a clear channel, subject, of course, to such questions as adjacent-channel interference and economic obstacles, if any, which may arise and can best be disposed of in hearings on individual applications. Each increase means an improvement in rural coverage, advantageous at nighttime and vitally necessary in the daytime, if the entire country is to have some measure of broadcasting service. It is perfectly possible, that the future may bring forth as the next step forward in power an increase to 5 megawatts. At least we should take such a possibility into consideration in building the present frame-work of regulations. Consequently, we have asked our technical experts to prepare a showing of the rural broadcasting service that may be expected when the five-megawatt era arrives. Without attempting to play the rôle either of a Jules Verne or a Buck Rogers, we cannot avoid the responsibility of taking the future into account and of trying to forecast the shape of things to come.

Whatever may be your decision as to the proper maximum power, we urge you to make the privilege available to *all* clear channel stations. I do not mean that on a particular application, heard and decided at a later date, you may not find adequate reasons for refusing to withhold the privilege, but rather that the regulation leave the way open to all. The claims of particular applicants cannot be heard at this hearing and an advance decision should not be made against them by limiting the number of clear channels eligible for the higher power. If you are not anxious to encourage such applications, it seems to me that the experience of the Federal Radio Commission with the 50-kilowatt hearings in 1930 demonstrates that the most effective way to encourage them is to give the impression through your regulations that the privileges will be limited in number and consequently to the first-comers, and that some dire consequence such as duplication may descend upon those who do not come immediately to the box-office for seats on the 500 yard line.

We have no quarrel with the claims that will be made in behalf of the regional stations for an amendment in the regulations so as to permit a horizontal nighttime power increase to five kilowatts. We believe it is reasonable, based on sound engineering facts and principles, and should be granted. So far as we have any knowledge, we have no quarrel with the claims to be made by any other group at this hearing for improvement in the regulations governing their channels. Our interest is solely in the two major issues which I have discussed.

Underlying these two issues, as well as some of the issues that will arise from the claims of other groups, there are international problems which we all must recognize. There are steps that might well be taken in the field of international and diplomatic negotiations which would simplify solution of the allocation problems in this country. There are contentions that might well be made by the delegations from the United States to the next C. C. I. R. meeting at Bucharest and the next International Telecommunications Conference at Cairo in 1938 to the same end. I have in mind, of course, difficulties such as were faced by one of our members because of the fact that the channel used by his station is adjacent to a Canadian exclusive channel and such as are

faced, I understand, by several stations, particularly in the regional group, in the United States because of interference from high power Mexican stations. This does not seem the proper time or place to discuss such problems or to offer any proposals for their solution. This much can be said, however. If, by reason of any change in the regulations, provision is made for additional facilities that can be used in Mexico, then those facilities should not be consumed in establishing additional stations in the United States until the needs of Mexico, so far as they prove well-founded, are met. Any other course of action would be a deep injustice to the broadcasting industry in this country, which stands to suffer as a whole from interference borne in from the south.

You have asked for discussion of the matter of geographical distribution of broadcast facilities, and of the desirability of establishing a quota system. We see no need or occasion for establishing a quota system or any other yardstick method, so far as clear channels are concerned. The Commission's re-allocation of November 11, 1928 accomplished a remarkably fair distribution of clear channel stations, with due regard to such factors as area, population and economic support. The first four zones, which are of very unequal size, were approximately equal in population. The fifth zone, with about two-fifths the area of the United States, had only about half the population of each of the other zones. Within the zones, the distribution was also fair. The principal centers of population, which were also in most cases the principal sources of talent for broadcast programs, received more than one clear channel station, thus automatically assuring the rural public of a choice of programs. The lesser centers, strategically located over the country, received one each. You have only to consider the scattered locations of the stations belonging to our Group to realize that a very sensible pattern was laid down. If there is to be another quota system, we suggest that you avoid one injustice that was inherent in the one recently abandoned. The state in which a clear channel station is located

should not be exclusively charged with the units represented by that station, since reception from such a station may be shared by several states. Otherwise, the state is disabled from having its fair share of regional and local facilities that it might otherwise easily accommodate.

We feel confident that the Commission does not, as a result of this hearing, contemplate any drastic or radical changes in the existing allocation. We believe that its statement made public on July 25th last was intended as an assurance to this effect. Certainly it would be unfortunate if the industry had to undergo a major operation such as was performed on it in 1928, or if the great industry which has been built upon the present state of affairs and the immense public which has attuned its listening habits to it should awake tomorrow to find many stations changed in frequency or curtailed in hours of operation or cut off from the listener by interference. Opening the door to higher power, such as is proposed by our Group, the Regional Group and perhaps by other groups, is necessary to keep abreast of the technical art in the public interest. It comes within the description of evolution and voluntary action. As to other proposals that may be urged upon you in the name of "evolution," we know that you will scrutinize them carefully to see if they are not really throwbacks, attempts to have you surrender ground gained in the past, reversions to the dark ages in the history of broadcasting.

In conclusion, I take pleasure in expressing to the Commission the feeling shared by all members of the Clear Channel Group that a hearing such as this is of great benefit to the cause of good radio broadcasting. There is no better route to the adoption of sound regulations than the hearing of evidence and arguments from those who may be affected. We are all deeply indebted to the Commission and its Chief Engineer and his staff for having conceived and carried out this method approach to the important problems with which both the Commission and the industry are faced.

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FCC Allocation Hearing Continues

On the second day of the allocation hearings before the Federal Communications Commission the Radio Manufacturers Association, the Institute of Radio Engineers and the Columbia Broadcasting System were given an opportunity to present their case. Also the clear channel group which made an extended statement yesterday as reported in NAB REPORTS made a full statement from the engineering standpoint.

Most of the members of the Commission whether they belonged to the Broadcast Division or not were in attendance at today's hearing as well as apparently the 300 persons who registered with the Commission.

William S. Paley, President of the Columbia Broadcasting System, made a statement to the Commission on "The Direction of Progress in Radio Broadcasting."

Mr. Paley's complete statement follows:

Mr. Chairman, Members of the Federal Communications Commission: Less than four months ago I stood in this same place, before this same official body, and, I would say, before very much this same audience. And reviewing the program of speakers who have appeared and those still to appear in this hearing, it strikes me forcibly that I am one of much the same group of spokesmen for radio broadcasting who presented their views and offered their counsel to you at that time.

Then we dealt with an adventurous future. Now we are dealing with the practical present. Then we were scanning the newest miracles of the laboratory—weighing the imponderables of television—of aural broadcasting in frequencies so high they are barely within the ken of engineers—of facsimile printing of magazines and newspapers with invisible ink through the air.

Today we are faced with the problems of today—and of a visible tomorrow. We are dealing with practical but far-reaching questions of change in the domain in which we live and work and solve our daily problems—the present band of American broadcasting.

You, the members and the counsel of the Commission, and we, the broadcasters, "are at it again"—restlessly striving to improve the standards and service of American broadcasting, jointly seeking, as your announcement of this hearing phrased it, "to secure maximum service in the public interest" from the use of the frequency band of 550 to 1600 kilocycles.

I believe any thoughtful observer who has attended both the June hearing and this one must realize how striking in itself is the fact of our being re-gathered here now, to attack with fresh impact a wholly different set of problems, re-focussing all the resources of the broadcasting industry on a new field of possibilities and advancements—while the ink is barely dry on the reports of evidence submitted in that recent exploration.

I find, in this sequence, a real significance. I believe it is a tribute to the energy and ideals of both the industry and the Commission. But in it I find something else. I find proof of a grave need for great wisdom.

Searching ourselves, I find an instinctive impatience to be done with the old and on with the new. That is typical. I believe it is wholesome. But, by our very impatience, I believe we are throwing upon you—as stewards of this public domain—a heavier load, a more serious responsibility for wise and far-sighted guidance than we have ever thrown before. I believe that the last few years in the laboratory and the next few years in the field will long be viewed, in subsequent perspective, as the catalytic period of broadcasting in which its ultimate form and function will have been most largely crystallized. I believe that we are forming, in a sense, the present fulcrum of a future lever "long enough to move the world." We must move wisely.

A Triple Approach

Our study of the field of proposed changes in the regulations governing the allocation and use of frequencies in the present broadcast band has followed three lines of approach. One is represented by our technical staff, which has analyzed the engineering facts which bear upon part or all of the contemplated modifications. A second approach has been made by our Market Research Division, which has related the known and the implied effects of this engineering data to population distribution and to the coverage and service of market areas, attempting to orient its conclusions to the economic life of America and to the constructive service that broadcasting renders to American industry.

Our third approach to the problem, while it depended for facts on both the other two, expressly freed itself from the limitations of both. This third approach was, in a sense, a social approach, or a public service approach, and represented the sum of what we feel the Columbia Broadcasting System is and should be—with all the serious responsibilities which it embraces in our network relations with more than a hundred separate broadcasting stations—and with more than eighty million radio listeners. Subsequently, our thinking moved on to still another plane, but I will come to that later.

What I want to say now is that the Columbia Broadcasting System appears at this hearing not as a technical organization, although our technicians will present certain exhibits which I believe the Commission will find to be original and helpful contributions. Nor does Columbia appear here primarily as a business organization, except to the extent that economics are a necessary means to any social end. Surely any stress of economics as an end in themselves would betray a lack of understanding of the vital role which broadcasting plays on every plane of American life. I should therefore like to emphasize the point that further exhibits which will be presented by our Market Research Division are not offered as ends in themselves, but as additional data which may be of assistance to the Commission in its complex problem of interrelating the parts to the whole.

Columbia is appearing at this hearing primarily as a service organization—because our record in broadcasting, and our proper role, is one of service to the public. Only to the extent that we have rendered such a service—broadly and well—have we grown and progressed.

One Star Is Fixed

Of the many suggested topics and sub-topics outlined by the Commission for discussion in this hearing, I have therefore felt free to select only those basic proposals which we believe contain the greatest potential effect on public service. And because we are fundamentally committed to this concept, I should like to say at once that any modification in the Commission's rules, any change in its regulations which will advance the public service which the Columbia Network or the broadcasting industry as a whole can render, must and will receive our enthusiastic support. By the same unvarying compass, any changes which threaten to lower present standards of public service we must as resolutely oppose.

From this viewpoint it seems to me that the most important topics which lie within the scope of this hearing are the increases in power above fifty kilowatts—presumably to five hundred kilowatts—on clear channels, the duplicated use of other clear channel frequencies by two 50-kilowatt stations, and the horizontal increases in power applicable to regional stations and permitting many of them now limited to one thousand watts to operate simultaneously with five thousand watts at night. I do not mean to minimize the

importance of many of the other topics named for consideration in this hearing. But I believe their importance is relative and, in many instances, corollary to or parallel to these three basic shifts of standards.

What Is Public Service In Broadcasting?

I have promised to view these changes from the standpoint of public service. I should now like further to clear the ground by defining what we of the Columbia Broadcasting System believe service to the radio listening public must essentially involve. Stripped of all controversial questions, reduced to the bare essentials which we believe command universal agreement, we define it as two things: a signal service and a program service.

These, we feel, are the two basic dimensions of public service in radio broadcasting—the delivery of a clear signal to radio receiving sets, and the use of that signal to bring to listeners programs of the highest standards of creative art in the field of entertainment, the highest standards of intellectual integrity in the field of education and public affairs, the highest standards of honesty and good taste in the fields of merchandising and advertising. I call these two things—radio programs and radio signals—the two dimensions of *a single thing*, public service, because it is self-evident that public service in broadcasting cannot exist with only one of them. They are related to each other as length and breadth, as form and substance.

It is the essential indivisibility of these two factors which forms the keynote of our thinking about contemplated changes in the present broadcast structure. We have *made* it a keynote because we believe there may be a danger, which I will touch on more fully later, of seeing too clearly the advantages in signal service which more and more power promises, without seeing as clearly the need for searching analysis of any threat to program service which might be the ultimate result.

This note of caution may seem a strange approach to what I am going to say next.

Because I am prepared to state that, subject only to variables which do not permit too specific a prediction, we believe the public service offered by the Columbia Broadcasting System, judged in terms of rendering the greatest good to the largest number, will not be conspicuously affected by the general advent of super-power, of duplicated 50-kilowatt stations, or of horizontal increases in power by regional stations.

That is our best judgment of the changes and counter-changes, the additions and subtractions, the adjustments and readjustments, which we believe would result from those three basic changes in the broadcast structure.

Let me touch separately on our attitude, as a network, toward each of the three moves, because our conclusions as to their combined effect are, of course, based on the separate effects of each. I shall do this briefly, at this point, only to pave the way for a more detailed analysis, which I wish to offer from a fresh and different viewpoint shortly.

Super-power and the Network

First, super-power. To protect our thinking in terms of super-power, it was necessary to make certain assumptions. Since the effect of super-power would naturally vary in degree with the number and location of 500-kilowatt stations, we assumed what seemed to be a probable outside limit for the development of super-power stations. In other words, we asked ourselves the question, "How would the public service which Columbia renders be affected if a *maximum* number of super-power stations were built?" We estimated that maximum, under any general ruling which encouraged super-power on unimpaired clear channels, to permit as many as twenty-five 500-kilowatt stations in the United States.

We then further assumed—although I think I would be justified in calling this "expert opinion", rather than mere assumption—that we would be forced to drop from our network any stations which lay within the primary service area of each new super-power station. Conversely, we assumed that we would *not* be forced to drop any stations in fair-sized or larger cities which lay outside that primary area, but which did lie in the secondary area of the super-power stations—that is, in the area of their distant night-time coverage.

When I say "forced to drop certain stations", I mean simply this: we owe certain things to each station on the Columbia Network. Chief among these things are programs. They are of two kinds, commercial and non-commercial programs. Whichever they

are, they are aimed at so high a standard of entertainment or education or information that they will build and maintain for that network station a large and steady audience. This audience must be large enough and dependable enough to permit the station profitably to render a corresponding local service in its own community.

I am not unmindful of the striking examples of distinguished programs which these stations, out of their own local resources, have frequently originated—some of them so worthwhile that we have been proud to carry them over the coast-to-coast CBS Network. But this in no way alters the fact that the network station depends—and has a right to depend—on the fullest support of network programs. This is a creative, competitive, constructive kind of support and lies at the base of much that is vital to American radio.

I say we *owe* that support to each station on our network. Now it would be obviously unfair for us to undermine the very stations to whom we have pledged that support by providing the same programs to several stations that lay in each other's primary service area. Instead of building audience for each, this would divide it. That is true of both sponsored and non-sponsored network programs, and lest it be overlooked, let me point out that today many of the most popular programs from the audience standpoint, as well as many of the finest musical and educational programs, are sponsored programs.

Need I add, that even were we willing as a network, to supply the same sustaining programs to stations that lie in each other's primary service area, the sponsor of commercial programs would not make the same mistake. He would not and could not buy wasteful duplication. The smaller stations in the primary area of super-power stations, even were they kept nominally on the network, would thus fail to receive the strong schedule of sponsored network programs and would fight a losing battle.

In short, so far as we can estimate its effect on Columbia as a network, it is our reasoned conclusion that super-power would result in the substitution by advertisers of one super-power station for several of the smaller stations now on the network in the area encircling any new super-power station. The net result should increase our service to remote rural areas at night—at the possible expense of providing parts of certain cities with a remote signal wholly satisfactory for reception, but of lower level than the present signal of the network stations now within those cities. So much, for the moment, about super-power.

50,000-Watt Duplication and the Network

Our network viewpoint of the second of the three possible moves I am discussing can be summarized almost in a sentence. In the duplicate use of certain clear channels by two 50-kilowatt stations, we see a real improvement in public service, particularly on those clear channels already impaired by the presence of two stations sharing time, and thereby limiting the over-all public service rendered by each in its area. But here, too, I must point out that any corresponding gain in *our network service* would be reduced by two interlocking factors. (Although we know of no probable area in which both of these factors are apt to occur, we must admit their possibility and be prepared to cope with it.) On the one hand, any such 50-kilowatt stations which lay within the primary area of new 500-kilowatt stations would, like lower power stations, *tend* to be dropped from the network. On the other hand, the gain in service from any station remaining on the network which increased its power to 50 kilowatts under this move would sooner or later force us to drop regional or local stations which lay, in turn, within the enlarged primary service area of the 50-kilowatt station.

5000-Watt Regional Stations and the Network

The third contemplated move is negligible in its effect on network service, compared to the two I have touched on. In the increase of power for many regional stations from 1000 to 5000 watts, we see gains for each station in signal service. It must be remembered, however, that to the extent such stations were forced off the networks by the other two moves, these gains in coverage would not be reflected in the service rendered by the networks themselves.

Revised Network Structure

Broadly then, and still speaking from the viewpoint of the service which we of the Columbia are rendering as a network, we believe that all three moves toward super-power, toward duplication and toward 5000-watt regional stations, combine to force a new pattern of network coverage—a pattern involving the use of fewer stations

of greater power . . . with a stronger signal service in rural areas . . . with a satisfactory, if sometimes lesser signal service in cities where stations must be dropped from the network to maintain a balance of economics and of public service. We foresee no material effect upon our *program service*, in such a network structure. We believe that it is salable, perhaps at somewhat higher cost, to those leaders of American industry whose use of broadcasting as a medium for nation-wide advertising has provided the economic base for the finest program service of any country in the world.

Under the present broadcast structure, \$10,000,000 annually for talent alone is poured into sixteen hours a day of Columbia programs. Under the possible new structure I have outlined, we believe this generous endowment would not be threatened. It is upon this kind of reasoning, based on innumerable maps and charts and work-sheets which I have gone over in the past few weeks, that I venture the statement which I have made that Columbia's service to the public, super-power or no super-power, will be steadfastly maintained.

Another Viewpoint

Up to this point in my comments, I have discussed the contemplated changes in the broadcast structure solely from the viewpoint of the Columbia Network. I have done this deliberately. I have tried to do it dispassionately. I think that it would be less than honest not to admit that this viewpoint must be our first viewpoint. More than that, I believe that the program service Columbia is rendering to the nation is a sufficiently important part of the total public service in radio broadcasting to constitute, if it *did* hang in the balance, a factor to be weighed by the Commission in its review of the entire problem. That we find it does *not* hang in the balance, that we find no *vital* issue involved, from our own standpoint, is the focal point of everything else that I have to say.

I mentioned at the outset of this talk that our thinking moved from one plane onto another, as we progressed in our analysis of the problems. The first plane was the one I have described—the interests of Columbia as a network, in terms of the public service which we render. The second plane was that of Columbia, not as a whole, but as the various parts of that whole.

Our identity is, in reality, the identity of 105 stations which compose our network. Those 105 stations include clear channel stations, regional stations, and local stations. And because we found that Columbia as a whole could view with essential neutrality all or any of the proposed changes, we were placed in a position to study impartially and sympathetically the effect of these changes on our member stations in each classification.

These stations are not, to us, mere kilocycle numbers on the wave-band or power ratings at transmitters. They are station owners and managers. They are people and groups of people who have grown with us and worked with us through the last eight years of broadcasting. They have helped us solve our problems and we have been able to help them with theirs. And I propose to outline briefly here the specific effects, the disadvantages and the advantages, which we believe super-power, as the most drastic single change under consideration, promises to each of these three groups of stations.

In this effort to divide ourselves into the identities of our affiliated stations, I believe we have at once projected our thinking beyond even those boundaries. I mean that our inferences in behalf of Columbia stations on clear, regional and local channels, have necessarily been extended to stations in these classifications regardless of what their network affiliation may be.

A Broader Evaluation

I hope that such a listing of the pros and cons of super-power, from a source within the industry which numbers affiliates in each class of station, will add something of sound perspective to the evidence submitted at this hearing. I should like to offer it without the presumption that we know any station's individual problems as well as it knows its own, but only with the assumption that we are in a unique position to attempt this broad evaluation.

Some of the advantages and disadvantages which we see will be stated as conclusions, some will be stated as questions, either because we believe that more searching and complete data are needed than are now available, or because regardless of data only the play and counter-play of practical experience can write the final answers.

If I seem, in this further analysis, to refer more frequently to the economics of broadcasting from the standpoint of individual

stations, I think you will find, before I have concluded, that again we have given thought to these considerations only as essential strands in the fibers and cross-fibers of the service to listeners which these stations render.

Effects of Super-power on Super-power Stations

First, what are the benefits and dangers of super-power to the super-power stations themselves? Are there pitfalls in the path of those stations which hope to benefit most from super-power?

The *advantages* of super-power to the super-power station itself are self-evident. A stronger signal throughout its entire area, an extension of that area of service, an increase in rural audience, a greater theoretical revenue because its time should be more valuable.

The *disadvantages* are, on one hand, less specific, on the other hand, more numerous. First, if the station's own program standards are not to suffer, its greater theoretical sales revenue must carry the load of an investment in the neighborhood of half a million dollars and an operating cost estimated to be \$150,000 higher annually than that of even a 50,000-watt station. This presumes no profit whatever on the additional investment or operating cost. If its increased sales fail to provide all of this differential, then funds now going into program service and management must be taken out of programs and management and put into transmitter operation.

A second disadvantage emphasizes the first: Except in the largest cities, and except for the largest merchants, the increased card rate necessary to a 500-kilowatt station will tend to make it a prohibitive medium for local advertisers. Single exceptions notwithstanding, the record of local advertising media whose circulation has grown well beyond their trading areas reveals that they have been forced to lose local retail advertising, or to offer it at a special and lowered rate. This is feasible for a newspaper, for instance, which can sell its city circulation at a lowered rate, because it can exclude the local merchants' advertising from its state-wide or inter-state editions. That, however, is impossible for a super-power radio station. If it does lower its rate to local advertisers, while delivering the same coverage as it delivers to national advertisers, the net result is apt to be an actual operating loss on the sale of local advertising, which must be compensated by an artificially high rate to national advertisers. An economic paradox results which makes the super-power station's problems harder.

The third disadvantage for the super-power station lies in the multiplication of its numbers. Here I should like to fall back upon questions. Can twenty or twenty-five super-power stations be as successful as one? Will the existence of many 500-kilowatt stations tend to equalize and nullify the advantages of each, although it does nothing to nullify the heavy investment and operating cost of each? In other words, isn't it dangerous to project the phenomenon of one superpower station into the commonplace of many?

Defensive Necessity

And now I should like to abandon, for a moment, these pros and cons, to make a point which I think is essential to all our thinking about super-power. I said in the first part of this report that in our analysis, we had assumed a maximum number of super-power stations—as many as twenty-five. We assumed this because we believe it is exactly what will happen if super-power is once admitted by new regulations. There has been, I think, some belief that super-power would limit itself, by reason of common sense and economics, to a few of our largest markets. I do not believe this is so. I believe that once the bars are let down, no one can stop it. Stations which do not want it and cannot support it will be driven defensively to apply for it and build it—either to protect their own service areas from invasion or to maintain their competitive position in prestige and sales. I think we must face honestly the almost certain fact that if super-power is generally admitted under the rules, it will appear in cities and in markets that have little possibility of supporting it without detriment to local program service, and will extend so widely that it becomes a commonplace.

Effects of Super-power on Regional Network Stations

Turning now to the effect which super-power stations are likely to exert on regional stations throughout the United States, we find the likelihood of strong repercussions. There appear to us to be definite advantages which should accrue to certain regional stations. It is our belief that regional stations located in the same cities as new super-power stations may well strengthen rather than weaken their competitive position. These regional stations are now competing locally with clear channel stations whose present maximum power is 50,000 watts. For the most part, it is a successful competition. In the field of retail advertising by local merchants, com-

petition with a super-power station should favor the regional station. It will remain a lower-cost medium for reaching the metropolitan market without waste, and should "inherit" the advertising accounts of many local merchants who find super-power prohibitive in cost and wasteful in circulation.

Again, however, the disadvantages of super-power in its effect upon regional stations are more numerous, and, in this class of station, more specific. For instance, the one *advantage* I have just cited in behalf of regional stations in large cities becomes a serious *disadvantage* when we move out of those metropolitan markets. Let's look at the problems of regional stations in medium-size and smaller cities, in which an outside super-power station will deliver a strong signal. Such regional stations have no local business to *gain* from the distant super-power station, but they have a substantial amount of national business to *lose*. The national advertiser who has used these stations for transcriptions or spot announcements will be able to reach the regional station's market satisfactorily with super-power. He will tend, just as the network advertiser will tend, to pay a higher price for fewer stations. How can such regional stations expect to stay on his list?

But perhaps the most serious problem which confronts these regional stations which are now on one of the networks, and which lie within the future service area of a super-power station, is the fact that they must face the probable loss of their network affiliation. Without trying to glorify the importance of network service to regional stations, but looking at this service realistically, its loss is apt to prove a serious detriment to the survival of such stations, or at least to the standard of public service which they now render. This loss is of three kinds. First, a loss of audience, and on this point we need not rely upon theory or opinion. Authentic and authoritative data are available, running back over a six-year period, to show what difference in a station's audience network programs make. Our data cover the addition and subtraction of stations to and from both the Columbia and NBC Networks. The addition of network programs seldom fails to double the habitual audience of a station, even within its own city. The subtraction of network programs seldom fails to reduce that audience by half. I need hardly add that when a station's audience is cut in half, many consequences follow. Its time is substantially less salable, its revenues are threatened, it is faced with the choice, usually, of accepting undesirable business not in the public interest, or for foregoing that business and stinting its own program service.

The second loss involved in dropping a station from the network is the station's loss of actual revenue from the network for its time. This loss in turn has two aspects, a positive and a negative aspect. The positive aspect represents the amount of money which the station no longer receives from the network. The negative aspect is the consequent additional cost to the station in building its own programs to fill the hours previously filled by sponsored network programs, except to the extent that it can sell those hours locally.

The third loss which such a station faces is the loss of many hours a day of non-commercial network programs available to it now, representing many of the high points of station prestige and of audience appeal. It must find the funds, out of a diminishing return, to fill those hours, too, with its own programs.

I have dwelt on these three losses separately, not with any wish to dramatize them, but because they reflect the essential nature of the relationship between the network and the stations which it serves.

Effect of Super-power on Local Network Stations

As to the effect of super-power on *local stations*, we find only disadvantages and dangers. All of the disadvantages which I have mentioned in behalf of regional stations will hit first and hardest at local stations. Obviously, those which lie within the service areas of super-power stations will be the first to be forced out of the networks. Because they tend to lie in still smaller communities, their task of finding both local revenue and programs to maintain their service to the public will be still harder.

As an example of the specific effect of super-power in two cities on the present Columbia Network, we found that seven stations would, in all probability, have to be dropped from the network. This was determined by the simple yardstick which I mentioned earlier. We mapped conservative contours of the primary service area of a theoretical 500-kilowatt station in each of these two cities. These contours were based upon careful engineering research, upon carefully chosen transmitter sites, upon detailed knowledge of terrain, soil conductivity, and attenuation. The seven stations of which I speak, both regional and local, fell clearly within the primary service areas of the two super-power stations. May I add that we would have no *desire* to drop these or any

other stations, but that it is our inescapable conclusion, for reasons already set forth, that we should be forced to do so.

Effect of Super-power on Non-Network Stations

It was inevitable that our thinking along these lines, once it was freed from any threat to the service Columbia renders as a network, should go one step further. All of the stations I have considered up to this point are network stations. There remains another group of stations upon whom the effect of super-power would be considerable. These are stations not on any network, nor within the primary service area of any present network station. They are stations, for the larger part, located in cities with populations ranging from less than 1000 to over 100,000. Their average population is 26,173. These stations range in power from 5,000 watts down to 50 watts. Most of them are 500-watt, 250-watt and 100-watt stations. There are 203 such stations in the United States. They are stations which, for the most part, have established a balance, even though a precarious balance, in the economic life of their communities. Taking the broadcasting day as a whole, they rarely command a sizable portion of the audience within their limited trading areas, because in practically all of them they are competing with the distant signal of more powerful stations, carrying outstanding programs. But they enjoy sufficient audience for the local sale of time at modest rates. And for perhaps an hour in the morning, or a half-hour at noon, or in some period early or late in the evening, they do a giant's job for their communities, because they reflect the life and express the pulse of their own people. They deliver, to those communities, a signal which is at least good enough to compete with present signals from outside stations. Moreover, many of these smaller stations render a regular service to outlying farms—a service keyed to the special crops and the special soil of the community, to county agricultural problems, to community blight problems—a service, in other words, which no remote station can render. What will happen to most of these 203 stations if the signal from distant stations sweeps through their communities with three and four times its present strength, and if the number of distant stations now competing with these local stations in their own towns is also substantially increased? Can they continue to hold an average audience large enough for them to preserve their modest revenues from the sale of time? Are we threatening, by means of super-power, the actual existence of these stations, these "innocent bystanders" of super-power—and the splendid role they play in the social and civic life of their communities?

The Strong Will Grow Stronger

I think it will be clear from what I have said that, in contrast with our interests as a network, we are seriously concerned with the many problems super-power raises outside the network field, in the interests of radio broadcasting as a whole. I am not trying to plead two sides of a case, but all the evidence at our disposal and all the logic we can bring to bear on the issue of super-power tends to show simply this: super-power, if awarded to anyone, can only be awarded to the stations which today have the highest power. Its threat lies against the stations with lower power, its worst threat against those of lowest power. In effect, it will make the big fellow stronger, it will make the little fellow weaker.

Unless some way can be found to check or counteract this tendency, it would seem destined to hurt, not to help, the complex local, regional and national service which radio broadcasting now renders, if *all* of America's audience is given equal consideration. In attempting to give farm areas themselves a better national service, it might well undermine the valuable local service which many of those farms now depend on.

In fact, I wonder if there has been any clear evaluation of the *degree* of improvement in signal service throughout the nation generally—and in farm areas specifically—which super-power would, in reality, achieve. I wonder if advocates of super-power have been thinking in terms of black and white, in which the black is too black and the white is too white. If we consider super-power not in terms of the stations which would benefit by it or the stations which would suffer from it, but in terms of *the listening public*, what do we find? We find that the difference between 500 kilowatts and 50 kilowatts is clearly *not* the difference between good service and bad service. Even in deep rural areas, it is rarely the difference between a usable and a non-usable signal. The Commission's own study of farm reception showed that practically every farm home actually listened to three or four stations, and named them as *favorite* stations. Perhaps in one-half of one percent of the radio homes of the United States, and there only

at night, super-power, as such, would make the difference between an adequate and an inadequate signal. And in about half of these homes, the replacement of obsolete sets with new sets could effect an equal improvement, since they are preponderantly farm homes, the only class of homes in which the replacement of old sets has lagged behind.

I believe we should cling, in shaping the direction of progress in radio broadcasting, to the sound principle of providing "the greatest good for the largest number." If, to achieve merely "a moderate good for the smallest number", super-power threatens the full and varied service now rendered to all radio homes in the United States, including the farm homes it is most meant to benefit, it is self-indicted at the outset.

A Familiar Cross-roads

Let me diverge for a moment from the hard ground of cause and effect I have been treading to make a more general observation. Too often in the history of scientific or inventive achievement, the physical development of an invention is allowed to eclipse its proper place in human life. Too often the machine runs away with itself, as it were, instead of keeping pace with the social needs it was created to serve.

I believe that in the indiscriminate use of super-power in radio broadcasting, we may well face the same kind of threat. I hope and believe that, in this enlightened day and in this enlightened industry, we can avoid so needless a mistake. For the progress of radio is already marked by a striking change in interest—a qualitative change from *mechanical* interest to *social and mental and human interest*. Eight years ago we maintained a complete department to answer radio listeners in remote sections of the country who sent in records of the stations they had heard, the call letters of the stations, the wave-length on the dial, the hour at which they tuned it in. These correspondents asked just one thing—that we verify the fact that such a station did broadcast such and such a program on such and such a wave-length at the stated hour. The listener was interested in the mechanical phenomenon as such.

Today that department is no longer in existence. Today listeners write about the significance of a broadcast message they have heard, the validity of a talk they have tuned in, the arrangement of music, the character of a performer, the spiritual quality of a sermon, the performance of a symphony.

Dynamic Equilibrium

That shift from radio's domination by the machines which transmit it—that shift to radio's liberation as an art—typifies not only the listening audience. It typifies the actual work of the broadcasters. Our own energies have found new outlets. Today we are in the middle of a quarter-million dollar program of research into new studio techniques, new acoustical principles for broadcasting, new dimensions of sound to create symphonies which composers of the past could not have dreamed of. We have endowed a group of contemporary composers to do something they have never tried to do before: to write serious music expressly for radio broadcasting, music freed from the intrinsic limitations of the instruments which will play it, by virtue of the microphone and sound control. Instruments of such delicate tone that they could be heard only in the hush of small drawing-rooms of the past may reappear to dominate brasses and drums in great orchestras of the air. New experiments are going on in surges of creative zeal. A dozen young men are seeking new forms of the dramatic art in Columbia's Dramatic Workshop. Millions of children are finding history brought to life through the new artistic forms of Columbia's School of the Air. I may seem to draw too heavily on our own creative work. But I am sure it is typical of the broadcasting field. I am sure it represents the true purpose of radio. I do not mean to infer that vigilance has been relaxed, or should be relaxed, from the physical facilities of radio, but that preoccupation with those physical facilities should not subtract from our contributions in other fields. We have, I am sincerely convinced, struck what might be called a dynamic equilibrium between the physical resources of radio—and the vital and moving forces which promise its fullest social usefulness. Let us not upset that equilibrium. Above all, let us not reverse the nature and direction of the progress broadcasting has made.

Coming back from this foray into the abstract truths which, I believe, lie behind our concrete problems, I should like to urge upon the Commission and the industry one basic consideration on the subject of super-power:

Study it.

I do not believe any of us knows enough about the immediate effects and the subsequent effects of super-power, both in itself and in relation to the progress and welfare of radio broadcasting and radio listening in American life. Many of the doubts I have raised have been, expressly, doubts. Many of them have been questions, not answers. *We* need those answers. I believe the Commission needs those answers before altering the basic structure of broadcasting. I believe that a dozen studies of the most exhaustive sort are in order. Studies which will tell us more than we know now about listening and signals in rural areas. Studies which will tell us more about super-power as it bounds and rebounds against itself and against regional and local stations. Studies which will tell us whether super-power, held within rigid geographical and numerical limits, might render a service free from the threats of widespread super-power. Studies which will determine if it has a sphere of real usefulness.

We need specific facts to answer such questions as these: Can a 500-kilowatt station located on either seaboard be as efficient as one located in the center of the country? Isn't half the coverage of a super-power station which is squandered on an ocean a proof of self-evident waste? By barring super-power, at least from east and west coasts, how many more channels would be open for duplicated 50-kilowatt stations? Might not these additional 50-kilowatt stations, strategically placed, produce a greater total public service?

Members of our Market Research Division will outline, at this hearing, the specific nature of the further research which we hope may precede any change in the Commission's regulations on this score.

There is one final point which I wish to throw into the balance against any drastic change in the broadcast structure at the present time. That is the threshold of new pioneering into other fields upon which the broadcasters stand. I spoke of the June hearing at the opening of this talk. I would like to close with the same reference—put into more definite terms. The industry as a whole is faced with capital expenditures that many individual broadcasters may still have no conception of. In television alone, it is my opinion, after a study of European developments and a knowledge of television's status here, that the broadcasters are less than two years away from commitments of many millions of dollars. Columbia's budget alone is over \$2,000,000—for experimental broadcasting work in this new field. Many more millions must follow, in the public interest, before there is any hope of return.

Now what about the cost of super-power? Our careful estimates of the cost of 500-kilowatt stations indicate a burden of over \$10,000,000 of capital investment by the broadcasters—with an additional operating cost of between \$3,000,000 and \$4,000,000 per year. These are not guesses, but careful estimates by engineers and accountants. Knowing the economics of broadcasting as well as we do, I feel justified in saying that if the burden of cost of super-power is thrown upon the industry at almost the same time it is faced with costly developmental work in new fields, one or the other is very apt to suffer.

Meanwhile, the Columbia Broadcasting System stands ready to accept its share of the load, if super-power is admitted as a full-fledged member of the broadcast family. If the Commission sees fit, in the light of all the evidence, to sanction super-power, Columbia will apply for its full quota. Three of our affiliate stations, WJR, Detroit, WHAS, Louisville, and KSL, Salt Lake City, have already applied. Certain of our other affiliate stations *will* apply. Six more of the clear channel stations on the Columbia Network, six stations which we own ourselves, will similarly file applications for five hundred kilowatts in New York, Chicago, Charlotte, Minneapolis, St. Louis, and Los Angeles. We have, in fact, no other choice. If the individual station, to protect its own signal from disparity or to protect its signal area from invasion, is forced to build super-power in its *own* market, this is still more true of the network. Because *all* markets are the markets of the network. *All* areas are its service areas. *All* listeners, in a constant creative bidding for their interest, are its listeners. Therefore, if super-power is to come we will build and operate 500 kilowatt stations wherever the Commission will sanction them at strategic points on the Columbia Network.

The engineering conception of the clear channel, Dr. Alan Hazeltine, President of the Institute of Radio Engineers told the Commission, "has always been the absolute absence of duplication of assignments in the North American region during night hours. If more than one station is assigned for night operation on a given channel that channel automatically becomes shared and it is believed that it should be so classified by the Commission."

Dr. Hazeltine said that the Institute recognizes that engineering

problems involved in broadcast allocation are intimately interwoven with problems of social, legal and economic character.

Dr. Hazeltine continued:

In the announcement of this hearing the Commission has outlined in considerable detail the topics on which discussion is desired. Many of these items are essentially technical and quite fundamental in their nature. It has been felt, therefore, that comment by a purely engineering group, such as the Institute of Radio Engineers, should be helpful and would be welcomed. Accordingly, the statement which follows has been prepared by the Institute's Broadcast Committee and is presented to you with the approval of its Board of Directors.

Engineering Problems

At the outset, the Institute of Radio Engineers recognizes that the engineering problems involved in broadcast allocation are intimately interwoven with problems of social, legal and economic character. Such latter problems are inherently less capable of precise formulation than engineering problems; and their tentative solutions are best described under the term general policy.

Among the matters of general policy lies that of maintaining both reasonable stability in the broadcast structure and its healthy growth. On the one hand, no sudden and drastic change, regardless of its technical merits, would be possible from a practical standpoint. For we have a great body of listeners who collectively have an investment in over 25,000,000 radio receivers and behind them a well established industry employing tens of thousands of people and representing a large capital outlay. Thus for the time being at least the country will look to the 550-1600 kilocycle band for the bulk of its broadcast service. On the other hand, provision is needed for the application in service of technical advances, both in improving conditions in the 550-1600 kilocycle band and in making use of other portions of the spectrum that may be found suitable and available for broadcasting. Thus the present policy of granting experimental licenses to qualified applicants for exploratory work is sound and should be continued. The questions that must be answered before a decision can be reached on the establishment of a broadcast service at frequencies remote from the present broadcast band are so wide in scope and so involved that, in general, only actual operation over a reasonable period of time will afford adequate information. The pioneering work that is now being done in the high frequency and very high frequency bands is thought to be particularly worthy of encouragement. It is firmly believed to be in the public interest that such changes as are found desirable in methods of operation or in the bands allocated to broadcasting should be made on an evolutionary basis after experimental trial.

Clear Channels

An important matter of policy is the establishment of *clear channels* and the determination of their number and their geographical and frequency distributions. The engineering conception of the clear channel has always been the absolute absence of duplication of assignments in the North American region during night hours. If more than one station is assigned for night operation on a given channel, that channel automatically becomes *shared*; and it is believed that it should be so classified by the Commission.

Some three years ago, the Institute's Broadcast Committee prepared a statement dealing with the question of the relative number of clear and shared channels. This statement was transmitted to the Radio Commission and subsequently published in the IRE Proceedings (vol. 21, p. 331, March, 1933) under the title "The Clear Channel in American Broadcasting." Subsequent developments have not affected the validity of the conclusions; and the following quotations from it may serve to indicate more clearly the existing situation with regard to such matters and to point out the direction in which remedial measures should be applied.

Statement

The statement first points out that:

1. "The field of the shared channel is to afford broadcasting service to important detached centers of population, such as our cities and larger towns.
2. "The field of the clear channel is to afford service to those vast intervening areas in which the density of population is so low that a broadcast service could not otherwise be supported, and in addition to a single large center."

From these definitions it is concluded that:

1. "Decreasing the number of clear channels by assigning additional stations (for nighttime operation) to channels now used by only one station at a time would have the effect of affording additional services to certain localized urban groups but at the expense of decreasing the service to rural listeners and to those at remote points.
2. "Increasing the number of clear channels at the expense of the shared channels would have the opposite effect, assuming that assignments for the stations thus displaced could not be provided for on the remaining shared channels."

And finally the situation is summarized in the final paragraph as follows:

"Assuming that service to distant listeners is to be maintained it is evident that continued provision must be made for an adequate number of clear channels. Whether the number should be forty, or more, or less, however, is a matter that can be determined only by careful study. The balance of service between the rural listener and the urban listener is determined in considerable measure by the relative number of allocated clear and shared channels. Decision as to the correct balance point is a matter of general policy."

Adequate Channels

From the engineering standpoint, it is believed that the continuance of an adequate number of clear channels is the only economic way of extending broadcast service worthy of the name to the scattered populations of the nation's farms and country towns and thus to comply with the provision of the law that "the Commission shall make such distribution of licenses, frequencies, hours of operation and of power among the several States and communities as to provide a fair, efficient and equitable distribution of radio service to each of the same" (recent revision of the Communications Act, Section 307 (b)). If there were ever any doubt concerning the extent to which rural listeners depend upon clear channel stations for their service, the results of the Allocation Survey recently published by the Commission should serve to remove it.

Define Clear Channels

It is believed that, to avoid confusion of thought and action, it would be helpful to include in the Commission's regulations a definition of a clear channel station as one adapted to serve a substantial portion of the whole country. Essential elements in achieving this purpose are recognized in the "empirical standards" employed by the Engineering Department of the Commission. The incorporation of standards of this character into the regulations is also recommended.

The exclusive nature of the clear channel assignment can only be justified by the night-time service to remote points which is made possible thereby. Such an exclusive assignment, therefore, carries with it a responsibility for extended rural service that should be fully recognized by all concerned. Of prime importance in this connection is the matter of power. After sixteen years of experience there is certainly ample technical evidence with regard to the dependence of satisfactory service on adequate power. Under the circumstances, it seems only logical and consistent to require on channels that are set aside at some sacrifice to serve the more distant rural sections of the country the use of the highest power that is technically and economically feasible. In view of the great success of the experiments with high power at WLW, which is strikingly confirmed by the results of the Allocation Survey, it is evident that a desirable power for at least some clear channel stations is 500 kilowatts or more. Many of the reputed limitations of clear channel coverage which have come up for discussion in recent years are undoubtedly merely the inevitable consequences of inadequate power for this type of assignment.

Allocations

Turning now to the *shared channel allocations*, we are fortunate in having available for guidance the principle embodied in the distance tables of the Commission of affording protection against interference to the good service area of a station. Here the Institute recognizes the policies necessitated by other than engineering considerations of classifying stations in accordance with the different degrees of protection afforded and of modifying the degree of protection in specific instances when this appears to be in the public interest. However, it is felt that distance tables, revised from time to time as the radio art advances and as more transmission data become available, constitute a valuable general guide, and it is

recommended that they be given formal recognition in the Commission's regulations. In applying and in revising these distance tables, the Institute invites attention to the engineering factors outlined in the following paragraphs.

Distance Tables

In applying the distance tables, the data which should determine whether or not a particular assignment is satisfactory from the interference standpoint should preferably not be average values computed to be reasonably representative of conditions throughout the whole country, but actual measurements made within the area under consideration, whenever these are available. The wide variations in earth conductivity known to exist in the country, and the recognized change of attenuation with frequency, combine to produce wide departures from the national average in particular cases. Under the circumstances, it is believed that better balance within the allocations structure and increased capacity for service within the broadcast band will be promoted by allowing the distance tables to be superseded in specific instances by an adequate showing of fact.

In revising the distance tables, it is recommended that the most recent transmission data be employed. In particular, the transmission data resulting from the Allocation Survey is evidently based upon a much greater number of observations and should be much more complete and reliable than those previously available.

Service Area

The good service area of a station is bounded by a contour at which its field intensity has some specified value, as one millivolt per meter, and within which the listeners to that station are protected against interference from other stations. The proper value or values to be selected for the limiting intensities are associated with the general power level of the stations. Engineering considerations call for adequate power as the primary means for minimizing natural and man-made noise. The noise background is an extremely important factor in determining the entertainment value of a reproduced program. This has been very clearly demonstrated in the experience of the radio industry during the past few years with high fidelity receivers. It has been shown that in urban areas under many conditions even the local stations do not establish sufficiently strong fields to bring out the inherent qualities of the apparatus and the artistic excellence of the programs. On the shared channels, for obvious reasons, higher night-time power cannot be regarded as a measure for reaching a larger group of listeners, but rather as a desirable step to improve the service being received by the audience which already exists. It is believed that in many cases 1 kilowatt is wholly inadequate for affording the grade of service which the local communities served by regional stations have a right to expect at the present stage of the art. Doubling the limiting field intensity, as from 1 to 2 millivolts per meter, would permit quadrupling the powers of a group of stations without altering their mutual interference.

Limiting Ratio

The assumed limiting ratio of 20:1 between wanted and unwanted signals is thought to be a fairly representative figure and it is recommended that it be retained as a minimum. A 20:1 ratio represents a fair grade of service when the relatively low fields to which it is applied and the correspondingly high noise levels due to natural and man-made disturbances are kept in mind. To attempt to apply a much higher ratio generally under existing conditions is undoubtedly impractical. It is also recommended that the 20:1 ratio be understood to apply for 90% of the time, or in other words, intermittent interference that does not exceed the specified value more than 10% of the time should be taken to indicate compliance. This procedure is consistent, it is believed, with the practice now being followed by the Commission's engineers.

Receiver Selectivity

There is considerable evidence to the effect that the receiver selectivity curve assumed for the present distance tables is appreciably below the capabilities of modern receivers. It is understood that the Radio Manufacturers Association will present data on this point. In undertaking to establish a new average curve for regulatory purposes, it is felt that the Commission is justified in setting a reasonably high standard in fairness to the owners of the better classes of modern receivers. It seems neither logical nor equitable to base the service for the entire country on the poorest receivers now being bought, nor on receivers that were

bought so long ago that they are effectively obsolete. Since good selectivity must necessarily be reflected in the purchase price, it is practically certain that receivers below any reasonable standard adopted by the Commission will continue to be sold for some time to come. There are undoubtedly locations in which such receivers will give very acceptable service, and, in any event, the listener should be permitted to choose his own price and obtain a curtailed service if he so desires. In so far as obsolescence is concerned, the receiver data resulting from the Allocation Survey are most interesting and seem to indicate that consideration for early types of receivers is not as important as has sometimes been assumed.

Allocation Factor

In recomputing the distance tables, it is believed that special consideration should be given to the "allocation factor." This factor was evidently employed in the original calculations because the data then available were relatively meager and empirical methods were necessary. Since the factor employed in evaluating adjacent channel interference varies over a range of several hundred per cent, however, it is thought to play an unjustifiably prominent part in fixing the minimum geographical spacings. With more adequate information on transmission and on receiver characteristics, it should now be possible to employ more accurate methods and unless its use can be shown to be essential, the avoidance of any arbitrary factor of this character is recommended.

Service Conditions

In the course of its work, the Commission is undoubtedly confronted at relatively frequent intervals with the necessity of deciding upon an appropriate course of action in the absence of adequate information with regard to actual service conditions. There is evidently need for a much more detailed and accurate engineering survey of radio service throughout the entire country than is now available. Such a survey should not only chart the service areas of individual stations but should also endeavor to integrate the service available to listeners in various sections so that some picture may be obtained of the structure as a whole. This is obviously an undertaking of large magnitude which will require the slow and painstaking assembly and analysis of a mass of engineering data relating to conditions at numerous points in the country. It will undoubtedly take years for its completion and will have to be started as a skeleton structure, to be supplemented, clarified and developed in greater detail as further information becomes available. It is firmly believed, however, that this is the course that the Commission and its engineers must follow to make fully effective the provisions of Section 307(h). Radio transmission over a large heterogeneous area such as the North American continent is too complex a phenomenon and is subject to too many exceptions and variations to be fully represented by so rudimentary a concept as the distance tables, useful as these are for obtaining a first approximation to the minimum geographical spacing between stations. No amount of measuring and averaging of conditions throughout the entire country, however, will give a simple formula which can hope to express in the same terms the results achieved by a low-frequency station on the plains of Texas and a high-frequency station in New England. In our efforts to make intensive use of the broadcast band, we have passed the point where nation-wide averages will afford adequate guidance and it is only by recognizing the fact that the phenomena with which we have to deal are subject to wide variations in various sections of the country that we can hope to rectify the service deficiencies which now exist and to effect further improvements.

In conclusion, the Institute of Radio Engineers wishes to express its appreciation for this opportunity of appearing before the Commission and its desire to aid the Commission, whenever possible, in clarifying the technical and engineering principles underlying frequency allocation.

Bond Geddes, Executive Vice-President of the Radio Manufacturers Association at this point read into the record resolutions adopted by the Board on September 24 in New York City in connection with the hearing as follows:

Resolutions

WHEREAS the Radio Manufacturers Association is of the opinion that the clear channel stations render a distinct service to the listening public of the United States, due both to the fact that no other stations are on the same wave length, and, just as important, because the clear channel stations, as a general rule, are high-powered stations serving large territories and affording good re-

ception to communities remote from broadcasting stations. The elimination or impairment of clear channels would thus result in poor and practically unintelligible response to many listeners by reason of the interference of stations who might be on the same wave length, thereby greatly restricting the use and quality of reception of a large majority of people, particularly in the remote and rural areas, and also would tend to restrict the power used by stations.

THEREFORE, *Be It Resolved*, That the Board of Directors of the Radio Manufacturers Association recommend to the Federal Communications Commission that clear channels be retained as they now are; that restrictions as to increase of the power used by these stations on clear channels be withdrawn and that the Commission establish minimum power requirements for such clear channel stations.

Short Wave

WHEREAS the Radio Manufacturers Association is of the opinion that short wave broadcasting in this country is far behind that offered by foreign short wave stations, and that because of this situation many of our nationals residing in foreign countries, as well as citizens of other countries, are thus deprived of the opportunity of listening to the United States programs, and

WHEREAS good short wave broadcasting would reach and serve many locations in this country where, because of remoteness from regular broadcasting stations, bad static conditions, and other natural conditions, day time reception on the standard broadcast band is practically impossible and night time reception is poor, and

WHEREAS the Radio Manufacturers Association is of the opinion that the building of higher-powered, more efficient short wave broadcasting stations with better and more regular programs is being retarded, if not entirely stopped, because licenses for the operation of short wave stations in this country are on an experimental basis only, and commercial use and sale of the time of these stations is denied to their owners and operators,

THEREFORE, *Be It Resolved*, That the Board of Directors of the Radio Manufacturers Association recommend to the Federal Communications Commission that restrictions as to commercial use in the sale of time by the short wave stations of this country be eliminated, and that said short wave broadcasting stations be placed on the same commercial basis as the broadcasting stations on the standard broadcast band.

Pick Up

WHEREAS under the present rules it is unlawful for any broadcast station to pick up a short wave program and rebroadcast it, and

WHEREAS there are many low-powered, local stations serving communities, who because of their lack of power and consequent small coverage are unable to maintain and broadcast good programs, therefore, necessitating the use of phonograph records and in some cases the pick up of programs of larger broadcast stations and their rebroadcast with the permission of the originating station, the latter is very successfully done where the broadcast station whose program is picked up is not too far remote, and where static and natural conditions do not interfere too greatly. In the latter case, if these stations were allowed to pick up good short wave programs from the larger stations with, of course, the permission of the originating station, these programs could be picked up at a greater distance and with greater clarity and less interference from static and other natural conditions.

THEREFORE, *Be It Resolved*, That the Board of Directors of the Radio Manufacturers Association recommend to the Federal Communications Commission that the restrictions regarding the pick up and rebroadcast of short wave programs be eliminated and be on the same basis as those regulations governing the pick up and rebroadcast of programs from stations broadcasting on the standard broadcast band; such pick ups and rebroadcasting only to be done with the expressed permission of the originating station.

Horle On Technical Aspects

L. C. F. Horle who presented the technical aspects of the case on behalf of the Radio Manufacturers Association at today's hearing told the Commission that the Engineering Division of the Association had been instructed by the Board of Directors "to provide all available data of value to the Commission in this hearing and it here presents that data along with certain recommendations based not only on the data that is offered but on its general experiences in apparatus design and its experience in the use of that apparatus in the field."

Mr. Horle stated that several of the research and development groups in its membership which are largely concerned with technical problems of the industry were encouraged to gather this data.

Fidelity of Receivers

The data he stated falls into two categories. "The first concerns itself with the selectivity and fidelity of receivers as commonly defined and, in fact, comprises the results of measurements made on a host of receivers manufactured during the last three years from which measurements the engineering division believes the Commission can make useful deductions as to receiver performance in the field of value in the solution of some of the problems which it faces in the allocation and assignment of frequencies to broadcasting."

Mr. Horle testified that "the engineering division does not feel that its limited experience and familiarity with allocation and frequency assignment problems provide sufficient basis for the interpretation of the data given in terms of suggested rules or regulations."

Chambers Uses Slides

J. A. Chambers, radio technician, appearing at the hearing today on behalf of the clear channel group, showed elaborate lantern slides together with sound effects. He showed during the course of his statement the results of duplication and conditions on duplicated channels. He made an analysis of the results now being obtained under present conditions and stated that it would be most undesirable to change the allocation at once. He spoke in some detail of the present use of the broadcast spectrum and of the geographic distribution of broadcasting stations throughout the country.

Distribution of Stations

Mr. Chambers also talked on the distribution of stations on clear channels and took up the night coverage of a typical 500-kilowatt station. He spoke not only of clear channels but of regional and local stations and stated that all of them are needed. No one of these types, he said, can serve the public exclusively or should be abandoned. The rural and small town listeners, Mr. Chambers said, need the operation of clear channel stations. He contended that the high frequencies will not be good for clear channels.

The present clear channel stations, Mr. Chambers testified, should be allowed to remain as they are. During the course of his illustrated talk he took up the soil conductivity in the United States and also spoke at length on the constant development in radio receivers. He stated that eleven million receivers have been sold in this country from the beginning of 1935 up to the 1st of September this year.

Mr. Chambers spoke also of field intensities and showed by the use of records the absence of blanketing by WLW.

Among those attending the conference were:

A

Abell, Rev. O. L., S.J., Director WWL, Loyola University, New Orleans, La.; Adcock, S. E., Station WROL, Knoxville, Tenn.; Aitkenhead, Jr., John, Station WADC, Akron, Ohio; Alcorn, W. C., V-P. & Gen. Mgr., Station WBNX, 260 E. 161st St., New York City; Allman, Fred L., Graybar Elec. Co., Richmond, Va.; Arnoux, Campbell, Gen. Mgr. WTAR Radio Corp., Norfolk, Va.; Ashby, A. L., Nat'l Broadcasting Co., 30 Rockefeller Plaza, New York City.

B

Bailey, Stuart L., Jansky & Bailey, Nat'l Press Bldg., Washington, D. C.; Baker, I. R., Manager Transm. Sales, RCA Mfg. Co., Camden, N. J.; Baldwin, James W., Managing Director, N.A.B., Nat'l Press Bldg., Washington, D. C.; Barroll, Jr., Hope H., Ex. V-P. Station WFBR, Baltimore, Md.; Bleakley, E. G. C., City Atty. WCAM, Camden, N. J.; Barron, John, Consulting Engr., Earle Bldg., Washington, D. C.; Bartley, R. T., F.C.C., Washington, D. C.; Batchelder, H. W., V-P. & Treas. Sta. WFBR, Baltimore, Md.; Benson, W. W., V-P. Station WIL, St. Louis, Mo.; Bill, Edgar L., Station WMBD, Peoria, Ill.; Blatlerman, H. L., Earle C. Anthony, Inc., Station KFI-KECA, Los Angeles, Cal.; Bookwalter, L. S., Chief Engineer, Stations KOIN and KALE, Portland, Ore.; Born, Hiram A., WHBL Press Pub. Co., Sheboygan, Wis.; Brackett, Quincy Adams, Conn. Valley Brdcastg. Co. Sta., WSPR., Springfield, Mass.; Bridges, W. C., Gen. Mgr., Head of the Lakes Brdcastg. Co., Duluth, Minn.; Brimberg, Isaac, Radio Engr., City of New York, Municipal Bldg., New York City; Brown, Willet H., Don Lee

Brdcstg. System, 7th and Bixel St., Los Angeles; Bryan, J. M., President, WBIG, Greensboro, N. C.; Buckwalter, Isaac Z., Mason-Dixon Radio Group, Inc., Lancaster, Pa.; Burke, J. F., Station KFVD, 645 S. Maraposa Ave., Los Angeles; Butcher, Harry C., Col. Brdcstg. System, Earle Bldg., Washington, D. C.; Butler, Burridge D., Pres., Sta. WLS, 1230 Wash. Blvd., Chicago, Ill.; Butman, Carl H., Radio Consultant, 704 Natl. Press Bldg., Wash., D. C.

C

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W

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Crosley and Others Testify on Third Day of Allocation Hearing

Powel Crosley, Jr., R. J. Rockwell, technical supervisor of WLW, Cincinnati, Ohio, and Joseph A. Chambers, technical advisor on behalf of the Clear Channel Group were the only witnesses heard today in connection with the allocation hearing before the Federal Communications Commission.

During the course of Mr. Crosley's testimony he was cross-examined by Commissioner Payne of the Telegraph Division in connection with time which his station gives to minority political parties and competitors in some lines of business.

"I believe that the high powered station located on a clear channel frequency performs a definite and necessary function," said Mr. Crosley "and as a meritorious institution should be preserved and encouraged. This belief is based upon experience."

During the course of his testimony Mr. Crosley also discussed the history of WLW, the economic effects of 500 kilowatt station operation and other topics relative to the latter question.

Paul Crosley

Mr. Crosley said:

Although some of the views which I will express here have been expressed by other members of the industry, I have taken the opportunity afforded me to appear and give to the Commission certain facts, which relate particularly to the operation of Station WLW.

Having been engaged in business as an independent broadcaster and manufacturer of receiving apparatus for more than fourteen years, I feel that some of my experiences and observations over this period may have a bearing upon the many and difficult questions which confront this Commission in determining its future allocation policies. Since these policies, as determined by you, will, to a large extent at least, determine the broadcasting future of this country, the importance of this meeting and the decisions to which it will ultimately lead can scarcely be exaggerated or over-emphasized.

On Experimental Basis

While I am not speaking as the advocate of any particular theory of allocation, our experience has largely been in the development of stations using power greater than that commonly and currently in use, and my remarks, since confined to that experience, will be largely so directed. Moreover, the fact that we have been permitted by the Commission to operate with power of 500 KW on an experimental basis has put in our possession certain information which we believe will be helpful to the Commission and to the industry at large.

It will, therefore, be my purpose to acquaint the Commission with such facts as I have relating to the operation of so-called "super-power" stations, as that term has been understood and applied from time to time; and more particularly and specifically to various stages in the development of WLW. I shall also take the liberty of reciting such of my own personal experiences as may or might have a bearing upon the solution of this issue, since they are related to the presentation and determination of similar issues in the past. I believe that the high powered station located on a clear channel frequency performs a definite and necessary function, and as a meritorious institution should be preserved and encouraged. This belief is based upon experience.

History of Station WLW

While the records of the Commission contain a full disclosure of the history of Station WLW from its inception down to date,

I believe that a brief recital of the following facts will make some of my statements and observations more understandable.

We first became interested in radio broadcasting in the early "twenties", at which time we were engaged in the manufacturing business, making phonograph cabinets and other articles of a similar nature. We were attracted at the outset by the various and what appeared to me to be the unlimited possibilities of radio from its social and educational, as well as its economic, aspects. I saw, or thought I saw, at the time, a new field for an entirely new article, namely, radio receiving sets. I realized that the public demand for such sets would be directly in proportion to the number of high quality programs which listeners could receive. We, therefore, became interested in the research end of radio broadcasting and made application for and were granted an experimental broadcasting license, and in April, 1921, began the operation of a station with a power of 20 watts under the call letters 8CR.

Originate in Workshop

The programs of this station were originated in a workshop in my home and consisted largely of the playing of phonograph records and conversation. We conducted this station until March, 1922, when we constructed a station to be operated with a power of 50 watts under the call letters WLW. This was the beginning of the station which has been continued under the same call letters and under various frequency and power assignments down to date. The changes in our operating power have been as follows: From March, 1922, to September, 1922, with a power of 50 watts; September, 1922, to January, 1925, with power of 500 watts; from January, 1925, to May, 1928, with power of 5000 watts; from May, 1928, to March, 1934, with power of 50,000 watts; and since March, 1934, down to date, we have been permitted to operate experimentally with power of 500,000 watts.

Super Power

The first time that I heard the term "super-power" was back in 1922 just after we had inaugurated our first 50-watt station with the call letters WLW. Another organization in Cincinnati, operating a 20-watt broadcasting station for some months, encouraged a radio club in Cincinnati composed of prominent radio listeners to get together and make a protest about our 50-watt "super-power" transmitter. A committee was appointed to investigate. I was invited to appear before this committee. I did so with a clothes basket full of letters, many of them from far away points such as Troy, Ohio.

The committee pondered the evidence weightily and a week later reported to the radio club its finding that even though we were using 50 watts we were evidently rendering a better service than we would be able to render with 20 watts as indicated by the favorable comments and congratulations upon our forward step as expressed in this mass of letters.

I well remember the deadlock on the question of power that existed at one of the early radio conferences called by Secretary Hoover. There again the question of "super-power" reared its head when the question came up as to whether 500 watts should be the limit of power or whether 5,000 watt stations should be permitted. I was one of those strongly advocating the proposal that broadcasting stations that wished to, might increase their power from 500 to 5,000 watts. The deadlock was finally broken down by a compromise that power of 5,000 watts might be tried experimentally.

We again presented a very grave question to the Radio Commission in 1928 when we asked to be allowed to increase from 5,000 watts to the "super-power" of 50,000 watts. I feel that the Radio Commission was wise in permitting us to build an experimental transmitter to use 50,000 watts. I feel that the Federal Communications Commission in 1934, having weighed most carefully and studied the matter from every angle, was wise when it permitted us to build experimentally our station of 500,000 watts.

Now why has my company continually advocated the use of greater and greater power? Why have we pioneered the advance from 500 to 5,000 watts; 5,000 to 50,000 watts; and from 50,000 to 500,000 watts? Perhaps it is because we have been manufacturing radio receiving sets during the same period; because very early in the game we appreciated that a radio signal is of identically the same nature as static and forms of man-made interference. We recognized the futility of any effort to separate the two signals in the receiving set, and realized that the answer to better radio reception was simply more power in the transmitter.

Our interest in greater power was manifest long before the present commercial possibilities of broadcasting became evident. Our policy has constantly been to improve our service; to plow back into better service a large portion of the profits that might accrue from the improvement of that service. I sincerely feel that the public has been served better by each and every step-up in power of our broadcasting station.

I shall attempt to be more specific in this matter and more particularly in the last stage of WLW's operation, by the recital of certain specific facts and conclusions which have been demonstrated by our experimental operation.

Benefits to the Public

From the very beginning it was our desire to increase the range of our station because we were selling large numbers of radio receiving sets into the small towns and rural districts and we felt a certain obligation to supply a broadcasting service to go along with the sale of the sets themselves. We were constantly striving to overcome the bugaboo of radio reception known as static. We had little interest in reaching out into the urban centers and obtaining much of an audience, because we knew that those areas were well taken care of by their local broadcasting stations. We were and still are interested in reaching the sections of the country remote from good broadcasting. We have endeavored to cover that "No Man's Land" lying between areas well served by local or regional broadcasting station, to deliver, winter or summer, in spite of atmospheric or other forms of interference, satisfactory reception for the radio listener who can not afford the more elaborate and costly receiving sets. That we have succeeded in doing this is evidenced by the recent engineering report of the Federal Communications Commission, indicating the popularity of our station in rural districts.

Commercial Angle

True it is we later became conscious of the fact that after many years of operating broadcasting stations at our own expense, there was a commercial angle to the venture, and perhaps we have profited because of our desire to serve better. I repeat that most of our profits have been plowed back into better and better programs, more and more costly presentation of programs, and better and better electrical, mechanical and technical equipment. The fact that we have been able to put our signal within the reach of more and more people is amply demonstrated by many measurements on file with the Commission which have either been supplied by us or made by the Commission's own technical staff.

Because of the fact that WLW has from the outset attempted to reach and serve the rural listener and the residents of the small town and countryside, it has perhaps engaged in less purely community enterprises than stations whose objects and purpose is to render an intensive service only to a particular metropolitan area. This is illustrated by the fact that WLW has some years carried no purely local advertising accounts; this type of business being taken care of by the other Cincinnati stations. It is further illustrated by the fact that our public service features are not designed and intended only for the residents of Cincinnati and the metropolitan area, but are planned to appeal to and to be used by an audience much more widely distributed.

Educational Programs

For example, for more than six years we have devoted one full hour each week day during the school year to Ohio State Univer-

sity at Columbus, Ohio, for its exclusive use in such a manner as the directing heads of that institution see fit to use the time. This feature is known as the "Ohio School of the Air," and the programs which have been broadcast during this period have been of wide appeal, having included scientific talks, lectures on literature and the classics, music appreciation programs and the giving of much useful information in such manner as it could be applied by the farmer or the housewife resident at points remote from either Cincinnati or the City of Columbus. We have always broadcast "The Farm and Home Hour" put on by the National Broadcasting Company, from its inception, and it is the policy of our station, observed throughout the years, that no fact or circumstance can interfere with the regular rendition of this program. Throughout the years we have regularly put on live-stock and weather reports, which we know are used and relied upon by the farmers, small merchants and producers throughout a vast area. As a matter of fact, all the important livestock markets throughout the Middle West, and as far East as Buffalo, are equipped with receiving sets centrally located and tuned at these periods to WLW, from which they obtain the most recent and up to date market quotations. This service is used and relied upon in much the same manner that traders upon the commodity and other exchanges utilize a ticker service.

Survey of Service

We mention these facts, not with a view of making an exhaustive survey of the public service features which we are now rendering and have rendered throughout the entire period of our operation. We refer to them only as illustrating the type of program which we broadcast and the variety of audience which we attempt to reach.

Although I realize that fan mail is not always the proper criterion of a station's regular listening audience, or a true measure of the extent of service which a station renders, due either to special appeals or the extreme or sensational character of the program broadcasts, nevertheless, it does offer some guide as to the number and extent of a station's potential listening audience. In this connection the following may be of interest.

Fan Mail

With the power of 500,000 watts during the first three months of 1935, we received almost 4 times as many fan letters as we had received during the same period the preceding year operating with a power of 50 KW. For the six-month period, October, 1935, to March, 1936, operating with 500,000 watts, we received almost 5 times as many pieces of fan mail as we received during the same six-months period, October, 1933, to March, 1934, when operating with a power of 50 KW.

When you consider that a great bulk of our fan mail comes from the small towns and rural districts, and the further fact that experience has shown that a relatively small number of listeners do actually write fan letters, it is clear that the power increase of WLW has resulted in furnishing a radio service not heretofore available to a vast number of such listeners.

By way of summary, I believe that the benefits to the public from our successive power increases have been threefold. First, many listeners received programs which, because of the type of receiving equipment used or because of distance, they never would have received otherwise; second, the reception for those who could hear the programs is vastly improved; and third, we have been able by increased revenues to improve the programs themselves.

No Interference

One of the first and most frequently expressed fears against the use of so-called "super-power" was that it would have a blanketing effect on the reception of other stations. I heard this fear first expressed in 1922, when we went from a power of 20 to 50 watts, and it has been repeated at various times by those who are not completely familiar with the facts ever since. Due to extensive experiments and tests which we have made, I again say definitely that such a fear it not borne out by the facts.

Certain of the experiments made at and near our station while in operation with power of 500 KW have already been explained and demonstrated. In the city of Cincinnati, 20 miles from our station, one of our standard tests of our receiving sets is to separate, without cross-talk, WGN from WLW in the daytime. WGN is only 20 kc removed from WLW. At night at our proving station, which is between 10 and 15 miles from WLW, we regularly bring in WOR, without cross-talk, which station is separated 10 kc from WLW, whenever static and atmospheric conditions will permit the

WOR signal to come through clearly. Our Mr. Rockwell will demonstrate to you with a sound moving picture a receiving set located only 2500 feet from WLW's antenna with — volts from WLW in the receiving antenna, bringing in stations almost all over the dial with a #40 7-tube set. Mr. Rockwell will give still further demonstrations, which in my opinion and in the opinion of competent technicians who participated in and observed these tests, definitely explode the early fears of blanketing as fallacious and unsound.

Cross Talk

I, of course, would be the last to assert that some radio listeners in close proximity to certain stations, and in fact any station, do not occasionally receive a form of cross-talk which is undesirable and frequently so objectionable as to destroy the usefulness of the desired program. I do assert that according to experiments conducted by us, both in and out of the laboratory, the prevalent cause for such a condition is neither defective receivers nor the proximity of high-powered transmitting equipment. That on the other hand, it is caused by the rectification of certain objects, resulting from corroded power line connections, unsoldered splices in antenna or ground leads, antenna leads loosely in contact with metal window screens or sills, and other conditions of a similar nature which are more or less common in metropolitan areas, and more particularly, in such areas where the power lines, and the radio and electrical appliances in use are not of recent installation. The presence of such conditions results in a demodulation of the desired signal or a separation of the audio frequency and radio frequency components in such a manner as to result in the signal of an undesired station appearing on the frequency of a desired station. Mr. Rockwell will demonstrate this type of cross-talk and the prevalent causes therefor.

Economic Effects of 500 KW. Operation

The economic results of the use of power of 500 kw. to a station using it or to other stations are not as susceptible of definite proof as are the technical benefits to the listening public or the absence of injury to the listening public from the technical operation of such a station. This is true because, among other reasons, each station and each locality presents an individual problem. Differences in location, in directing personnel, in program policies, in the prior experience and popularity of the station, and many other factors enter into the determination of these questions.

I am, however, able to give certain facts showing the relative cost of installation and operation of a 500 kw. and a 50 kw. plant based upon our experience, and since 50 kw. equipment is now standard, and a sufficient number of such units have been installed and in operation over a period of years, it should not be difficult to apply these ratios to any given case.

Operating Costs

In determining total operating costs, it is necessary to provide for a depreciation or amortization of the original cost of equipment for a period which approximates the life of the equipment. In the following comparison of figures we have used a depreciation of 10% based on ten year life, for both the 50 kw. equipment and its comparative 500 kw. equipment. Breaking down the purely technical items, we find that it costs us 371% more for electrical power; our water bill is 80% higher, tubes cost us 33% more in operating the 500 kw. transmitter over a 50 kw. unit. These figures do not take into account added program expenses, extensive building or construction, or additions to the administrative or executive staff which may be regarded desirable or even necessary. In our own case we did add 140% to administration and salaries; 9% to fixed charges and rent; 75% to program costs, and depreciation of 10%, so that in going from 50 kw. to 500 kw. our operating cost has increased 68%. As against this total operating increase of 68%, we increased our advertising card rate 20%, but have been able with the greater demand for our station to operate at a profit.

It is even more difficult to estimate the economic effects of 500 kw. operation upon stations of other classes located within the service area of the 500 kw. station. We have had no experience on this point and no opportunity to observe, other than that afforded by our ownership and operation of Station WSAI which is a regional station also located in Cincinnati. In that case the operation of the 500 kw. transmitter at WLW has had no adverse effect upon the network or other business of WSAI. As a matter of fact, the business of the regional station has increased steadily through this period.

Conclusions

In conclusion, I wish to thank the Commission for the opportunity of being permitted to state my views in a forum and for a purpose of this kind. I am strongly of the opinion that proceedings of this nature are not only useful but absolutely necessary to the industry for a proper understanding of its problems. Because of the very nature of the work in which we are engaged, we tend to become individualists and not members of a closely knit industrial organization. It is therefore well nigh impossible for all the members of the industry independently to keep closely in touch with the problems which confront us all. This type of proceeding performs this function.

I sincerely hope that the Commission will find that it has not suffered in vain, and that it will likewise derive some benefit from the views expressed here.

Following Mr. Crosley's statement he was cross-examined during the course of which he stated that WLW, his 500 kilowatt station, has been fully as good an investment for the Crosley Company as was the 50 kilowatt station. This means, he said, that the station is taking in more dollars than it was before because expenses of operating the 500 kilowatt station are much more than for the lower powered station.

The investment cost of the 500 kilowatt station Mr. Crosley told the Commission is about half a million dollars more than that for the 50 kilowatt one which preceded it including the erection of a new antenna and a new building.

History May Repeat

Mr. Crosley was asked if he thought that the granting of thirty 500 kilowatt stations would have any effect on the present broadcasting system of the country. He said that in his opinion history might repeat itself regarding the whole high powered question and he expressed himself as being in favor of a horizontal increase in power for small stations.

The small stations of the country, he contended, have a hard time competing against network programs because of their excellence but he expressed the opinion that there is a place in this country for all classes of stations, high power, regional and local.

Mr. Crosley told the Commission that he personally is not advocating any special policy on the high powered situation. He did say, however, that he did not believe that establishment of thirty 500 kilowatt stations would keep local stations from operating or take away their need in their own sphere of action.

Questioned on the European situation Mr. Crosley said that his understanding was that most of the European stations are government owned and contended that the broadcasting problem there differs materially from the problem in the United States. Just as the broadcasting problem is different in Europe and in this country so, he said, engineering problems are also different.

Can Station Pay?

Asked what he thought should be the controlling factors in the granting of a high power license by the Communications Commission, Mr. Crosley stated that the Commission would have to consider among other things whether the station was able to pay for the high power transmitter, the history of the station's ability to serve the public and how it has served the public in the past would also be a matter for the Commission to think about in granting such a license. The location of the proposed high powered station and its relation to other stations would also have to be considered. He definitely expressed himself against the Commission's putting any limit to high power.

Cross Examination

Commissioner Payne during the course of cross examining Mr. Crosley asked about the profits which the latter had stated in his testimony his company had plowed back into the business. Mr. Crosley could not give any definite figures but said that one of the ways in which this had been done was to establish better and better programs. He was questioned as to the dividends of the Crosley Company and stated that last year it had paid twenty-five cents a share and on further questioning testified that he owned about one-fourth of the stock of the Crosley Company.

Pharmaceutical Company

Commissioner Payne asked some questions relative to the General Pharmaceutical Company. Mr. Crosley testified that his company owns all of the stock of the Pharmaceutical Company which has

two products. The Commissioner insisted on knowing whether WLW made any charge for advertising this company's products on the air and Mr. Crosley stated that no charge was made either for that company or for the Crosley Company manufacturing radio sets or refrigerators.

Commissioner Payne was told in answer to one of his questions that Mr. Crosley had not refused to allow labor questions to be discussed on WLW. He stated that Townsend representatives had been refused time on WLW only because hearings were being held at that time by Congress on the Townsend question following which the Townsends had no desire for time on WLW. He denied that Lemke had been refused time on his station and insisted that it was the policy of WLW to give the same treatment to all political parties both major and minority.

Programs on WLW

Commissioner Payne further questioned Mr. Crosley relative to some of the programs used over WLW. He spoke particularly of one Alfred Gus Karger, a news commentator whom Commissioner Payne intimated talked for one political party. There was some discussion also of a feature of the Gruen Watch Company including talks by Drew Pearson and Robert Allen, also news commentators. It came out during the course of this part of the cross examination that the station was fearful of libel because of the personalities discussed in this program. This matter was later adjusted to the satisfaction of the watch company.

A letter from Senator Norris was read by Commissioner Payne in which the Senator spoke about complaints he had received against WLW in connection with political broadcasts. During the course of this cross examination Mr. Crosley pointed out to Commissioner Payne that he had to protect his station against possible libel and this was in answer to a question by the Commissioner relative to censorship in not allowing the Gruen Watch Company to go on with its Pearson and Allen comment.

R. J. Rockwell

R. J. Rockwell, the technical advisor of WLW and WSAI, showed sound pictures with the intent of demonstrating the fact that good reception can be obtained in close proximity of high powered stations taking WLW as a typical example.

He showed three separate exhibits to demonstrate the actual conditions in the operation of Station WLW. One of these included a recording of a WLW broadcast taken 300 miles from that station and using both 50 kilowatt and 500 kilowatt power. Mr. Rockwell also discussed complaints which had been received following the removal of WSAI to a new location which appeared to include external cross modulation. He said that WSAI is still continuing experiments to find out exactly what is happening. Mr. Rockwell contended during the course of his talk that no blanketing exists in connection with WLW using 500 kilowatt power.

Chambers Continues

Joseph A. Chambers, technical advisor for the Clear Channel Group, returned to the stand today to continue his testimony of yesterday. He was cross examined by T. A. M. Craven, chief engineer of the Commission, and then there was redirect examination by Louis Caldwell, counsel for the group.

Mr. Chambers told the Commission that about fifty million people in the United States depend upon clear channel stations at night for their reception and between thirty and forty million during the day time. He stated that the use of a number of clear channel stations could cover the whole country.

European Stations

He discussed at some length also the use of high powered clear channel stations in Europe and he stated that the Europeans think it necessary to use high power and further that it is necessary to retain clear channel stations.

Mr. Chambers also discussed the service radii of fifty and 500 kilowatt stations and went into the theoretical day time coverage area of a 50 kilowatt station. This latter he stated has a day time coverage of a hundred and sixty-six thousand two-hundred square miles with a night time coverage of approximately half a million square miles. He discussed further the trend of maximum and average power of United States licensed stations and said that not less than 50 kilowatts should be used by clear channel stations.

Under cross examination Mr. Chambers spoke of his qualifications as a radio engineer from 1922 on, stating that at one time

he had been connected with General Electric, later with Crosley, and is now Consulting Engineer.

Doctrine of Group

Questioned on the doctrine of the Clear Channel Group he was asked if each high powered station believes that it should serve the whole United States. He answered by stating that each station would try to cover remote areas but there are other factors going into the complete coverage of the country. He stated also in answer to a question that there has been no change in the doctrine in the high power group since the early radio conferences.

Mr. Chambers contended that even if all clear channel stations are operating they could probably not give a good signal all over the United States. Mr. Craven endeavored to get a correct answer from Mr. Chambers in connection with the number of clear channel stations to cover the whole country. Mr. Chambers said that in his opinion all of the rural inhabitants could get good service from fifteen clear channel stations. In this connection, however, he stated specifically that this would be night time reception and that day time reception would be definitely limited. In his opinion he said the Commission would be taking a chance in giving up any more clear channels.

Directional Antennas

Local stations Mr. Chambers believed might be taken care of on the frequency band from 1500 to 1600 kilocycles. He spoke of the possibilities of the use of directional antennas by regional stations and he stated definitely that he had no suggestions to make regarding the abandonment of either regional or local stations.

Mr. Chambers said that cross talk on adjacent channels is one of the limitations at present on the use of 500 kilowatt stations. External cross modulation he stated is really the basis of many of the complaints of blanketing.

Still under cross-examination Mr. Chambers said that a 500 kilowatt station on the West Coast and a 500 watt station located in Maine with a directional antenna would not give good results owing to interference, especially if the West Coast station wished to serve rural population. The West Coast station he stated undoubtedly would put out some signals that would reach into Maine.

Problems Similar

From an engineering point of view Mr. Chambers stated that European and United States problems are similar. The use of high power is a good insurance against interference in the United States from outside sources.

In connection with the cost of 50 kilowatt transmitters Mr. Chambers stated that the technical cost of such a station including depreciation, maintenance and operation would be about \$66,000 a year while for a 500 kilowatt station it would be about \$200,000.

On redirect examination Mr. Chambers said that there would be no chance of interference between a 500 kilowatt station in the United States and Europe. In his opinion he said the waves take a southern route going from this country to Europe thereby traveling a distance greater than that represented by air miles. If the Europeans increase their power and we do not and if there is interference then he said that we would be the sufferers.

Additional Registrations

The following additional registrations were made with the Commission yesterday:

A

Allen, Edward A., Lynchburg Brdcastg. Corp., Lynchburg, Va.

B

Berne, Louis W., Station WCNW, 846 Flatbush Ave., Brooklyn, N. Y.; Blackley, Chas. P., Station WSWA, Harrisonburg, Va.; Bennett, Edw., Univ. of Wis., Madison, Wis.; Blanton, Matthews, Attorney, KRBC, KBST, KPLT.

C

Campbell, Richard D., Engineer, Amer. Tel. and Telg. Co., 195 Broadway, New York City; Carpenter, H. K., United Brdcastg. Co., Terminal Tower, Cleveland, Ohio; Corkhill, C. W., Station KSCJ, Sioux City, Iowa.

F

Faske, Arthur, Station WCNW, 846 Flatbush Ave., Brooklyn, N. Y.; Fraser, Russell, Imperial Aerogram Corp., Hollywood, Calif.

G

Goulden, Stanley W., RCA Mfg. Co., Inc., Camden, N. J.

H

Hamilton, Ray V., Stas. KXOK-KFRU, St. Louis and Columbia, Mo.; Hill, C. A., Station WIBM, Jackson, Mich.

P

Ponsford, Walter W., Graybar Elec. Co., Philadelphia, Pa.

R

Richards, J. E., Gen. Mgr., Station WBNO, St. Charles Hotel,

New Orleans, La.; Rosenberg, E. J., Transamerican Brdcstg. & Television Corp., 521 Fifth Ave., New York City.

S

Staubitz, E. J., Blaw Knox Co., Pittsburgh, Pa.

T

Thomas, Norman A., Station WDOD, Hotel Patten, Chattanooga, Tenn.

W

Williamson, Jr., W. P., WKBN Brdcstg. Corp., Youngstown, Ohio; Wooten, Hoyt, Pres. and Owner, Station WREC, Memphis, Tenn.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

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SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

- Thorrez & Maes Manufacturing Company, Jackson, Mich. (2-2479, Form A-1)
Marchant Calculating Machine Company, Oakland, Calif. (2-2482, Form A-2)
Susquehanna Capital Corporation, Jersey City, N. J. (2-2483, Form A-1)
Selected American Shares, Inc., Chicago, Ill. (2-2484, Form A-2)
A & K Petroleum Company, Oklahoma City, Okla. (2-2485, Form A-1)
Charles P. Limbert Company, Holland, Mich. (2-2486, Form A-2)
Lexington Brewing Company, Lexington, Ky. (2-2488, Form A-1)
Gilbert Klinck Brewery Corporation, Buffalo, N. Y. (2-2489, Form A-1)
Celanese Corporation of America, New York City. (2-2490, Form A-2)
American Refrigerator Transit Co., St. Louis, Mo. (2-2495, Form A-2)

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints against the following firms. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

No. 2930. Misrepresentation of the tone quality and value of an electrical musical instrument called "The Hammond Organ" is alleged in a complaint issued against the **Hammond Clock Company**, 2915 North Western Ave., Chicago. The respondent company's practices in the sale of its instrument are held to constitute unfair methods of competition in violation of Section 5 of the Federal Trade Commission Act.

Among representations allegedly made by the respondent company in its advertising matter are that use of "The Hammond Organ" means "that real organ music of unbelievably beautiful quality is now possible in any home at an expense no greater than that of a good piano"; that the instrument "produces the entire range of tone coloring necessary for the rendition, without sacrifice, of the great works of classical organ literature," and that many organists agree the instrument is comparable to pipe organs costing \$10,000.

No. 2931. Alleging suppression of competition in interstate commerce in the hot air furnace industry, a complaint has been issued against the **New York State Sheet Metal Roofing and Air Conditioning Contractors' Association**, of Utica, N. Y., **Fox Furnace Company**, of Elyria, Ohio, and officers of both organizations.

Unfair competition against hot air furnace manufacturers selling their products to mail order houses is the principal charge. The complaint alleges that the New York association, whose membership consists of plumbing contractors and dealers in sheet metal, roofing supplies and hot air furnaces, entered into an agreement and combination with the Fox Furnace Company, manufacturer of hot air furnaces, to blacklist or boycott hot air furnace manufacturers selling to mail order houses.

According to the complaint, the respondents, in their alleged combination and conspiracy, sought to prejudice members of the New York association and other trade associations against manufacturers selling to mail order houses, and to urge them to purchase only from the manufacturers recommended by the New York association and the Fox Company.

No. 2932. A complaint has been issued against **J. W. Gibson**, trading as **J. W. Gibson Company**, 1828 Central Avenue, Indianapolis, charging use of false advertising in which he misrepresents the quality of his extracts and food flavors and the amount of money salesmen may earn selling his merchandise.

Gibson is said to advertise that agents can obtain from him free sales kits, earn from \$24 to \$50 a week, and receive a new automobile as a bonus in addition to regular commissions, when, the complaint alleges, such representations are untrue.

According to the complaint, the respondent requires a deposit of \$1 for each sales kit, which amount is not refunded until the agent has purchased a stated quantity of merchandise; agents' earnings do not approximate the amounts advertised, and agents do not receive an automobile free, but on the contrary must sell merchandise amounting to \$4,500 before they are entitled to a car. It is alleged that no salesman has ever received an automobile from the respondent, free or otherwise.

No. 2933. **P. A. Lefebvre & Company, Limited**, of Alexandria, Ontario, Canada, and **Zatigue Lacombe**, are named respondents in a complaint charging them with unfair methods of competition in connection with the sale of "Magic Gas." The company has its manufacturing establishment and an office for business transacted within the United States at Malone, New York.

According to the complaint, "Magic Gas," when mixed with gasoline or kerosene and used in internal combustion engines of motor vehicles, does not, as the respondents allegedly advertise and represent, eliminate "knocks" or carbon trouble, increase mileage and engine power, save gasoline or oil, make cars pick up easier or quicker, or solve the gasoline problem.

These false and misleading claims, the complaint charges, tend to deceive purchasers regarding the value and effect of "Magic Gas," and divert trade unfairly to the respondents from competitors who truthfully advertise their products.

No. 2934. Misleading representations in connection with the sale of "Dr. Haller's Famous Prescription 5000," a woman's remedy, are alleged in a complaint issued against **Lewyn Drug Incorporated**, 1928 Taft Ave., Hollywood, Calif.

In magazines of national circulation, the respondent corporation is said to advertise that the preparation is safe and dependable, has been dispensed through ethical channels for almost half a century, and is the best product of its kind in the world.

These representations are untrue, according to the complaint, which charges that use of the preparation may produce serious results.

Nos. 2935-2936-2937. Three complaints charging violations of the Robinson-Patman anti-price discrimination act, amending Section 2 of the Clayton Act, have been issued. They are the first complaints to be issued by the Federal Trade Commission under the Robinson-Patman amendments to the Clayton Act, enacted during the closing days of the last session of Congress.

One complaint, brought under Section 2 (a) of the Robinson-Patman Act, names the **Kraft-Phenix Cheese Corporation**, of Chicago, as respondent. In another, the **Shefford Cheese Company, Inc.**, having its principal place of business at Syracuse, N. Y., is the respondent. This complaint also charges violation of Section 2 (a) of the Robinson-Patman Act. The third complaint names **Bird & Son, Inc.**, the **Bird Floor Covering Sales Corporation**, a subsidiary of Bird & Son, Inc., both of East Walpole, Mass., and **Montgomery Ward & Company, Inc.**, of Chicago, as respondents. In this complaint Bird & Son, Inc., and the Bird Floor Covering Sales Corporation are charged with violation of Section 2 (a) of the Robinson-Patman Act, and Montgomery Ward & Company, Inc., with violation of Section 2 (f) of that Act.

No. 2939. A complaint has been issued charging **Helena Rubinstein, Inc.**, 8 East 57th St., New York, with misrepresenting the properties, nature and effect of a wide variety of cosmetics, facial creams and toilet articles which the corporation sells in interstate commerce.

In newspapers and magazine advertisements, in circulars and on labels, the respondent corporation allegedly makes representations to the effect that its preparations possess properties or contain ingredients that feed or nourish the skin or lips, restore youth to the skin, prevent crows' feet and wrinkles, and contain hormones or "living sparks of life" which increase the therapeutic value of the products, when, according to the complaint, such claims are exaggerated and false.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

No. 1776. **Edward Ehrlich, trading as Fairway Distributing Company**, 333 6th Ave., New York, in the sale of midget radio sets, agrees to cease using the word "Majestic" alone or with the words "Radio Corp." as a trade name or brand so as to imply that his products are manufactured by Grigsby-Grunow Company, an Illinois corporation, when such is not a fact. Ehrlich also will stop use of the word "Bell" independently or in conjunction with the word "International," as a designation for radio sets he sells so as to give the impression that such products are made by the American Telephone and Telegraph Company, its subsidiaries or associates, or the Western Electric Company, Inc., when this is untrue. According to the stipulation, the name "Majestic" is now vested in Frank McKey, trustee in bankruptcy for the creditors of Grigsby-Grunow Company, and the name "Bell" and the representation of a bell as used are the legal property of the American Telephone and Telegraph Company, its subsidiaries or associates, and the Western Electric Company, Inc.

No. 1777. **Benedict Oskin, 5144 Cornelia Ave., Chicago, trading as United States Supply Co.** and selling watches and spectacles by mail order, agrees to discontinue using any words in such sizes and arrangements, either alone or in connection with any pictorial representation which may have the tendency to mislead purchasers as to the true meaning of his advertisements. According to the stipulation, the respondent's advertisements were so worded and arranged that they tended to deceive purchasers into the belief that they would receive a pair of spectacles for 20 cents, and would receive a watch for 20 cents, or an Elgin or thin model, when in fact the watches sold by the respondent were "Sport" models, manufactured by a company other than Elgin and made to retail at \$1.19 each. The respondent also will stop failing to disclose in his catalogue that the watches listed are second-hand and reconditioned.

No. 1778. **W. M. Jacobson, 308 F. 51st St., Chicago, trading as Wonder Manufacturing Company** and selling wood fiber ornaments and gift shop novelties under the trade name "Wonder-Tex," agrees to discontinue using the word "Manufacturing" in his trade name or in any manner so as to create the impression that he is a manufacturer or owns or operates a factory where his products are made or fabricated, when such is not a fact. Jacobson also will cease representing that he is identified with or is successor to the Syracuse Ornamental Company, Syracuse, N. Y., which markets wood fiber ornaments, carvings, and similar articles; that the merchandise he sells are the products of the Syracuse company, or that he has purchased the machinery of that company and equipped a plant in Chicago and resumed its business.

No. 1779. **Bertram A. Straus, 1919 Broadway, New York, a jobber trading as Columbia Pencil Company**, stipulates that he will discontinue use in advertising matter of such phrases as "Direct from the factory" and "From the factory to the ultimate consumer" so as to imply that he owns or operates a plant where the pencils sold by him are manufactured.

No. 1780. **Claire Frocks, Inc., Woodford Building, Cincinnati**, engaged in the sale of women's dresses, aprons, uniforms, and hosiery, and men's uniforms and shirts, agrees to stop employing the word "manufacturers" alone or with other words in advertising matter relating to products it does not manufacture, and to cease use of that word or such statements as "Brought to you direct from our big factory," so as to imply that it manufactures its products or owns or controls a factory where such products are made, when such is not a fact. The corporation will refrain from representing in advertising matter that dresses are given free to its agents, when such purported gifts are in fact bought and paid for by the services performed by the agents in the sale of the respondent company's merchandise.

No. 1781. **Union Pharmacal Company, Inc., 67 Irving Place, New York, trading as Certified Aspirin Company**, will discontinue advertising that its aspirin product is free from uncombined salicylic acid, is tasteless, is a remedy for colds or cold infections, and that it complies with Government standards, when such is not a fact. The respondent corporation will stop representing that its product relieves pain generally, unless such representation is so limited as to apply to a few simple pains which experience shows can usually be relieved by the use of aspirin.

No. 1782. **Ramsey Accessories Manufacturing Corporation, 3693 Forest Park Boulevard, St. Louis**, engaged in the manufacture and sale of automobile piston rings having an inner spring, will cease making exaggerated representations respecting the increase of its volume of business at any time; and will stop advertising that its products, sold under the trade name "Ramco," represent 16 years' concentration on spring ring construction or that they are the result of exclusive patents held on spring ring design. The respondent corporation also will discontinue claims that automobile repairmen can make a profit of \$16 on each "Ramco job," or that automobile motors can be overhauled for \$18, unless such representations are limited, with respect to the type of car to be overhauled, to the kind and amount of work to be done or to the parts to be supplied, and in such a way as to bring the cost to the car owner and the profit of the repairmen within the range of probability.

No. 1783. **Schiller-Cable Piano Manufacturing Company, Oregon, Ill.**, agrees to discontinue use of the word "grand" to describe any piano not having its strings placed horizontally, with gravity action, and not possessing the tonal and other qualities associated by the trade and general public with grand pianos. The company also will cease advertising that its piano sold under the trade name "Schiller Vertical Grand" is a "big grand," "a real grand," or "actually a grand piano acoustically."

No. 1784. **Hyman Abish and Joseph Roger, trading as New York Hat and Cap Company, 840 Broadway, New York**, will cease use of the word "Panama" alone or with the word "Toyo" to describe a hat not made from the leaves of the jipajapa plant in accordance with the process used in the manufacture of Panama hats, and will stop using the word "Panama" in any way as descriptive of hats so as to imply that such products are Panama hats, when such is not a fact.

No. 1785. **Herman E. Ballard, 743 Dwight Way, Berkeley, Calif., trading as Elco Chemical Co.**, and manufacturing and selling valve lubricants, agrees to cease representing in advertising matter that any of his products "is an exact duplicate" of, or that he duplicates, the lubricants sold under the brand name "Merco", when such is not a fact. According to the stipulation, there is a corporation known as Merco Nordstrom Valve Company, Oakland, Calif., which manufactures and sells tapered rotary plug valves and lubricants for use in such valves, under the trade name "Merco."

No. 1786. **Charlotte Thomas, 1334 Douglas Ave., Los Angeles, trading as Thomas Radium Cone Company**, is engaged in the sale of "Radium Cones", which are designed to charge water with radio-activity. She will cease representing that her products have any therapeutic or curative value for any bodily ailment or disease; that the drinking of water activated by her "Radium Cones" is a cure for or will ameliorate the symptoms of any human ailment further than such benefits as may arise from the drinking of an increased quantity of water, and that the Mayo Clinic uses radium-activated water for treating patients. The respondent agrees to cease and desist from publishing the purported opinions of physicians or medical experts in reference to the therapeutic value of radio-active therapy not specifically applicable to her product, unless the fact that such opinions were not made specifically in connection with her product is also clearly indicated.

No. 1787. **Wally Frank, Ltd., 10 E. 45th St., New York**, is engaged in selling tobacco, assembling pipes, and importing finished and unfinished briar pipes and blocks of briar wood to be made into pipes. The corporation agrees to cease and desist from using in advertisements any pictorial representation of the British royal coat of arms or the official seal of the King of England, alone or with the words "Best British Brand" or "Wally Frank, Ltd., London," which have the tendency to mislead purchasers into the belief that the respondent is a British company with an office in London, that it is registered under the British Companies Act or that it manufactures the pipes it sells.

Other practices that will be discontinued are use of the words "Sold Direct to You" so as to give the impression that the respondent corporation's pipes move directly from the manufacturer to the user, when such is not the fact, and use of words and figures which exaggerate the true value of its products.

No. 1788. Castilian Products Corporation, 1027 North Seward St., Hollywood, Calif., in selling soap, will stop employing the words "Imported Olive Oil" as a brand to designate its products which are not composed wholly of imported olive oil; and the word "Olive", alone or in conjunction with the words "Imported" and "Oil" so as to imply that the fatty content of the soap is composed wholly of olive oil, when such is not a fact. The corporation also will cease using the word "Importers" in any manner that might lead purchasers to believe that it is an importer, when this is not true.

No. 1789. Ansley L. Coleman, 809 Huger St., Columbia, S. C., trading as New Aseptic Laboratories, agrees that in the sale of absorbent and surgical cotton he will discontinue use of the words "sterilized" or "aseptic" as a brand or label to describe or designate products which are not free from bacteria both at the time of the final packaging by the manufacturer and at the time of the sale of the packages to the ultimate purchasers.

No. 1790. Philco Radio and Television Corporation, Tioga and C Sts., Philadelphia, stipulates that, in advertising its radio sets for sale, it will discontinue broadcasting representations, the effect of which is to imply to listeners-in that the announcer has actually tuned in a designated foreign broadcasting station; that the program heard is picked up from such foreign station and is being rebroadcast through the local station or network over which the announcer is speaking, or that the foreign station was originally picked up and a recording made therefrom, when such are not the facts.

According to the stipulation, the respondent corporation, in soliciting the sale of Philco products, caused advertising programs entitled "Around the World with Boake Carter" to be broadcast, these programs consisting of a series of electrically transcribed talks in the form of continuities prepared by Carter and describing his visits to foreign countries. At certain points during the broadcasting of such electrically transcribed discourses, Carter is said to simulate a demonstration of tuning in a musical program from a radio station in the foreign land being discussed, when, according to the stipulation, the music heard by listeners-in does not come from a foreign station but is produced in the studio of the station from which the broadcast is being made.

The respondent corporation also agrees to cease and desist, when referring to the possibilities of short wave radio reception, from use of such statements as "With the new Philco I can tune what I want now when I want it", or any representations of similar meaning, implying that foreign radio programs may be obtained with a reasonable degree of clarity, regardless of static, atmospheric conditions or signal strength.

No. 1791. Lewis Tannenbaum, trading as Sha-Po Manufacturing Company, 12 Bleecker St., New York, will discontinue selling baseball caps or other novelty headgear manufactured from second-hand, used or discarded felt or other materials, unless he stamps upon such products words clearly indicating that they are not manufactured from new and unused materials, but from second-hand, used or discarded materials.

No. 1792. Gilbert Alexander Sheard, Post Office Box 666, Dayton, O., trading as Supreme Lubricants Company and as Lubricating Specialties, agrees to discontinue employing the name "Pyroil" on measuring cups used in connection with the sale of his product which is not manufactured by the Pyroil Company of La Crosse, Wis., and from using that name or making any representation so as to imply that the lubricant he sells is made by the Pyroil Company, when such is not a fact. Pyroil Company, according to the stipulation, is the trade name under which a graphited lubricant has become well known to and recognized by the trade and public to be the product made and sold first by William V. Kidder and, subsequent to his death, by his widow, trading as Pyroil Company.

The respondent also stipulates that he will cease using the labels or in any other manner the words "Fyroil" or "Powroil", or any other words simulating "Pyroil", either alone or with the word "original", to designate his product so as to imply that it is manufactured by Pyroil Company.

No. 1793. H. E. Ohls, Post Office Box 35, Marion, O., trading as Ohls Poultry Yards and Hatchery, stipulates that in advertising matter he will refrain from representing that he has sold more than 1,000,000, or any other number, of baby chicks in a designated state or place during a specified period of time, when such stated number of chicks so sold is inaccurate or much in excess of the actual number.

No. 2370. Acme Distilleries, Inc., 723 West Pratt St., Baltimore, has been ordered to cease and desist from representing, through use of the word "Distilleries" in its corporate name and in advertising or on labels, that it is a distiller of whiskies or other

spirituous beverages. Findings are that the respondent company is a rectifier, blender and bottler of liquors.

Under the order, representation that the respondent company owns, operates or controls a plant where liquor is manufactured by distillation, is prohibited, unless and until the company shall actually own or control a distillery.

According to findings, the respondent company's business was placed in the hands of receivers and its assets sold by auction except that no sale was made of the name "Acme Distilleries, Inc.," or of the right to use it, "unless and insofar as such right may be incident to a sale made by said receivers to the Overbrook Co., another Baltimore rectifier, of respondent's unused labels bearing its corporate name."

No. 2534. W. A. Gibbs & Son, Inc., Chester, Pa., has been ordered to discontinue unfair methods of competition in connection with the sale of animal traps designated as "Two-Trigger," used principally for trapping muskrats.

The order to cease and desist directs the respondent corporation to cease representing in its advertising matter that its traps are 100 per cent efficient in operation or effect a 100 per cent catch; that they will entirely eliminate misses, escapes, "wring-offs" or losses, and that every animal that springs the trap will "stay caught."

No. 2732. An order has been issued to cease and desist requiring Garten Table Pad Co., 131 Market St., Philadelphia, to cease and desist from unfair representations in the sale of its manufactured articles, namely, table pads used for protection of table surfaces from hot dishes.

Representation is prohibited through use of labels or otherwise, that this company's table pads are backed with felt, a material produced from wool fibres, or wool and cotton materials, which have been matted together, compressed and shrunk, when in fact they have not been backed with such material.

No. 2865. The Atlantic Coast Oil Company of New York, Inc., with headquarters at Dry Harbor Road and Cooper Avenue, Glendale, Queens, New York City, blender and wholesaler of motor oils and greases, has been ordered to discontinue representing, through use of the emblem of the Pennsylvania Grade Crude Oil Association, that it is a member of this association, until and unless such is the case.

Findings are that the Pennsylvania association is composed of practically all the refiners of motor oil produced from the Pennsylvania oil fields and a large number of jobbers and distributors of Pennsylvania oil.

The order also directs the respondent company to stop representing, through use of the Pennsylvania association emblem, and of the phrase "Guaranteed 100 per cent Pure Pennsylvania Oil, Specially Processed," of the word "Pennsylvania," of the phrase "Permit No. —," or the word "License," together with the emblem, that the oil or greases sold by the respondent company are pure, unadulterated Pennsylvania oils or greases produced in the Pennsylvania fields, unless and until this is true.

FEDERAL COMMUNICATIONS COMMISSION ACTION HEARING CALENDAR

No hearings have been scheduled before the Broadcast Division or the Examiners of the Commission for the week beginning October 12, because of the general allocation hearings which are now being held.

The Broadcast Division did not have its meeting at the regular time this week.

APPLICATIONS RECEIVED First Zone

WGY—General Electric Co., Schenectady, N. Y.—Construction 790 permit to install new transmitter; make changes in antenna; increase power from 50 to 500 kilowatts; move transmitter from Mariaville Rd., near South Schenectady, N. Y., to site to be determined, Schenectady, N. Y.

WBAL—The WBAL Broadcasting Company, Baltimore, Md.—1060 Construction permit to install directional antenna for night use; change hours of operation from shares with WTIC to unlimited.

WIBX—WIBX, Inc., Utica, N. Y.—Construction permit to install 1200 new transmitter and vertical antenna; change power from 100 watts night, 300 watts day, to 100 watts night, 250 watts day; and move transmitter from 187 Genesee St., First National Bank Bldg., Utica, N. Y., to Schuyler St., Town of Marcy, N. Y.

NEW—Kings Broadcasting Corp., Borough of Brooklyn, New York.—Construction permit for a new broadcast station to be operated on 1400 kc., 500 watts, shares with WLTH and WARD. Requests facilities of WBBC and WVFW.

WWRL—Long Island Broadcasting Corp., Woodside, Long Island, 1500 N. Y.—Modification of license to change specified hours. Request hours of WMBQ.

NEW—Westinghouse Electric & Manufacturing Co., Portable-Mobile.—Construction permit for low frequency relay broadcast station on 1606, 2022, 2102, 2758 kc., 15 watts power.

NEW—Westinghouse Electric & Manufacturing Co., Portable-Mobile.—License to cover above.

Second Zone

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Construction permit to erect a vertical antenna and move transmitter from YMCA Bldg., 17 North Champion St., Youngstown, Ohio, to 3120 Sunset Blvd., Youngstown, Ohio.

NEW—West Virginia Newspaper Publishing Company, Clarksburg, W. Va.—Construction permit for new broadcast station to be operated on 630 kc., 5 KW power, unlimited time. Amended: Change power requested from 5 KW to 1 KW night and 5 KW day power, giving studio site as 209-215 S. Third Street, Clarksburg, W. Va., and change transmitter site from Clarksburg, W. Va., to 16 Chancery Street, Buckhannon, W. Va.

WPHR—WLBG, Inc., Petersburg, Va.—Modification of license 880 to change hours of operation from daytime to unlimited, using 500 watts power day and night.

WHBC—Edward P. Graham, Canton, Ohio.—Modification of 1200 construction permit (B2-P-241) to install new equipment, increase power, requesting extension of completion date from 4-27-36 to 7-27-36. Amended: Extend completion date from 4-27-36 to 1-27-37.

WEST—Associated Broadcasters, Inc., Easton, Pa.—Authority to 1200 make changes in automatic frequency control apparatus.

WJIM—Harold F. Gross, M. B. Keeler and L. A. Versluis, d/b 1210 as Capitol City Broadcasting Company, Lansing, Mich.—Voluntary assignment of license from Harold F. Gross, M. B. Keeler, and L. A. Versluis, d/b as Capitol City Broadcasting Company, to Harold F. Gross.

WSAN—WSAN, Inc., Allentown, Pa.—Construction permit to 1440 install new transmitter and vertical antenna.

WCBA—B. Bryan Musselman, Allentown, Pa.—Construction permit to 1440 install new transmitter and vertical antenna.

Third Zone

KTSA—KTSA Broadcasting Co., San Antonio, Tex.—Authority 550 to determine operating power by direct measurement of antenna.

KTSA—KTSA Broadcasting Co., San Antonio, Tex.—License to 550 cover C. P. (B3-P-1294) for new transmitter.

WAML—The New Laurel Radio Station, Inc., Laurel, Miss.—1310 Modification of license to change hours of operation from specified hours to unlimited time.

WCOA—Pensacola Broadcasting Co., Pensacola, Fla.—Construction 1340 permit to make changes in transmitter and antenna and move transmitter from San Carlos Hotel, Pensacola, Fla., to site to be determined, Pensacola, Fla.; increase power from 500 watts to 1 KW.

KRBC—Reporter Broadcasting Co., Abilene, Tex.—License to 1420 cover construction permit (B3-P-439) as modified for new station on 1420 kc., 100 watts power, unlimited time.

KGFI—Eagle Broadcasting Co., Inc., Corpus Christi, Tex.—Modification of construction permit B3-P-1056 to move transmitter and changes in equipment; change in frequency from 1500 kc. to 1330 kc.; increase in power from 100 watts night, 250 watts day, to 500 watts day and night; make changes in equipment; extend commencement and completion dates.

Fourth Zone

WDAF—The Kansas City Star Co., Kansas City, Mo.—Construction 610 permit to install new transmitter and vertical antenna; move transmitter from 1729 Grand Ave., Kansas City, Mo., to Mission Road and Somerset Drive, Johnson County, Kansas.

NEW—Northwest Publications, Inc., Duluth, Minn.—Construction 920 permit to erect a new broadcast station to be operated on 920 kc., 250 watts, daytime operation.

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Modification of construction permit (B4-P-736) for new station, further requesting changes in equipment, increase in power from 250 watts to 1 KW.

WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—1230 Modification of license to change power from 1 KW night, 5 KW day, to 5 KW day and night, using directional antenna at night.

KGLO—Mason City Globe Gazette Co., Mason City, Iowa.—1210 Modification of construction permit B4-P-789 for new station, requesting changes in transmitter and antenna and move transmitter and studio from State and Delaware Sts., Mason City, Iowa, to West 4th St., Mason City, Iowa; extend commencement and completion dates from 9-24-36 and 3-24-37, respectively, to 30 days after grant and 90 days thereafter.

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—Construction 1310 permit to install new transmitter, directional antenna, night use; change frequency from 1310 kc. to 930 kc., power from 100 watts night, 250 watts day, to 500 watts night, 1 KW day; and move transmitter from 25th and Dimmick Sts., Terre Haute, Ind., to Terre Haute, Ind.

WTAQ—WHBY, Inc., Green Bay, Wis.—Construction permit to 1330 install new transmitter, increase power from 1 KW day and night to 1 KW night and 5 KW day.

NEW—Harold A. Lason and Ernest G. Hendrickson, d/b as 1340 Lason-Hendrickson Broadcasting Company, Huron, S. Dak.—Construction permit to erect a new broadcast station to be operated on 1340 kc., 250 watts, unlimited time. Request facilities of KGDY.

WDWS—Champaign News Gazette, Inc., Champaign, Ill.—Modification of construction permit (B4-P-475) for new station for changes in equipment; change in studio site from U. S. Route No. 25, .6 mile south of city limits, Champaign, Ill.; for approval of antenna and transmitter site as specified on construction permit. Amended to correct transmitter site to 600 feet south of Kirby Ave., Champaign, Ill.

NEW—The Waterloo Times-Tribune Publishing Company, Waterloo, Iowa.—Construction permit for a new broadcasting station to be operated on 1370 kc., 100 watts, daytime operation. Amended: From a special broadcast to a regular broadcast station.

KOBH—Black Hills Broadcast Co. (Robert Lee Dean), Rapid 1370 City, S. Dak.—Modification of construction permit (B4-P-231) for new station to change type of RCA transmitter equipment from ET 4230 to ET 4240.

KABR—Aberdeen Broadcast Co., Aberdeen, S. Dak.—Construction 1420 permit to install new transmitter, change frequency from 1420 kc. to 1390 kc., increase power from 100 watts to 1 KW.

Fifth Zone

KJR—Fisher's Blend Station, Inc., Seattle, Wash.—Construction 970 permit to make changes and move present licensed auxiliary transmitter of KOMO to 26th Ave., S. W., and Fla. St., West Waterway, Seattle, Wash., to be used as an auxiliary transmitter for station KOMO and KJR, using the same antenna.

KWJJ—KWJJ Broadcast Co., Inc., Portland, Ore.—Modification 1066 of construction permit (B5-P-837) for equipment changes (antenna), move transmitter and studio, requesting extension of completion date to 12-8-36.

KFIO—Spokane Broadcasting Corporation, Spokane, Wash.—1120 Construction permit to install new transmitter; change frequency from 1120 kc. to 1110 kc., power from 100 to 500 watts, time from day to unlimited; antenna to be determined; move transmitter from 526 Riverside Ave. to site to be determined, Spokane, Wash.

KDON—Monterey Peninsula Broadcasting Company, Del Monte, 1210 Calif.—Construction permit to change frequency from 1210 kc. to 1280 kc., install a new transmitter, and increase power from 100 watts to 250 watts night and 1 KW day. Amended to change requested equipment.

KFJR—Ashley C. Dixon, KFJR, Inc., Portland, Ore.—Voluntary 1300 assignment of license from Ashley C. Dixon, KFJR, Inc., to KALE, Inc.

KGHF—Curtis P. Ritchie, Pueblo, Colo.—Authority to install 1320 automatic frequency control.

KUMA—Albert H. Schermann, Yuma, Ariz.—Construction permit to 1420 make equipment changes.

Clear Channel Group Completes Testimony at Allocation Hearing

Joseph O. Maland of Station WHO, Des Moines, Iowa, at today's allocation hearing before the Federal Communications Commission took up the social and economic questions on behalf of the Clear Channel Group. With his testimony that group completed its part in the hearing.

Others who addressed the Commission today included Louis G. Caldwell, counsel for the Clear Channel Group; Judge John C. Kendall, Portland, Oregon, on behalf of certain licensees on shared clear channels; Harold A. LaFount, formerly a member of the Radio Commission; John Shepard, 3rd, chairman of the Executive Committee of the National Association of Regional Broadcast Stations; and Dr. G. W. Pickard who discussed technical questions for the Regional Group.

During the course of today's hearing Judge Sykes acting as chairman announced that owing to the fact that the Broadcast Division of the Commission wished to hold its executive meeting on Friday, that hearings on the allocation question would be adjourned at noon on Friday until 10:00 o'clock Monday morning.

LOUIS G. CALDWELL

Mr. Caldwell returned to the stand today on behalf of the Clear Channel Group to put some figures into the record relative to the expenses of clear channel stations.

A broadcaster now operating a 50 kilowatt station would have to expend about \$310,000 to change that station to 500 kilowatts, Mr. Caldwell told the Commission. He compared monthly operating expenses of a 50 kilowatt and 500 kilowatt station by stating that the energy for a 50 kilowatt station would cost about \$1,600 a month, increasing to \$6,500 for a 500 kilowatt station.

Mr. Caldwell said further that tubes for the lower power station would cost about \$900 per month and for the higher power station about \$4,000. Personnel for the low power would be \$800 per month, increasing to \$1,000 for the higher power. He said that monthly miscellaneous expenses for the low power station would be about \$200 with about \$440 for the higher power.

Total expense per month for the 50 kilowatt station he estimated would be \$3,500 and \$12,000 for the 500 kilowatt station. There would be a depreciation charge of \$2,000 per month for the 50 kw. station and \$4,630 for the 500 kw. station. The totals for the month therefore, he said, would be \$5,500 for the 50 kw. station and \$16,630 for the 500 kw. station. He gave no estimates for any increased appropriation for programs.

JOSEPH O. MALAND

Mr. Maland in a detailed discussion for the Clear Channel Group said that his group is opposed to the abolishment or reduction in the number of clear channel stations. That group he said, however, supports a minimum of 50 kilowatts for clear channels and urges that the present maximum limitation of 50 kilowatts be removed.

"The real danger in the economics of broadcasting," said Mr. Maland, "is that the interest of the advertiser in reaching large masses of listeners, and the profit that is to be made in accommodating him, will result in laying down too many tracts of good reception to thickly inhabited centers and too few or none at all, to sparsely settled areas, which are not such attractive markets."

Owing to the fact that the Broadcast Division will hold its regular executive meeting Friday Afternoon the Allocation Hearings will be adjourned at noon on Friday until next Monday. Therefore there will be no daily Bulletin until that dated October 12.

(NOTE—In Mr. Maland's complete statement which follows reference is made to certain figures and exhibits which are not reproduced in this Bulletin. However, his references explain what these figures mean.)

Mr. Maland said:

Member of Group

My name is Joseph O. Maland. My residence is Des Moines, Iowa. I am vice-president of the Central Broadcasting Co., and manage WHO, a broadcast station operated by that company under a license issued by the Federal Communications Commission. My company is a member of the Clear channel Group, and I am making this statement in behalf of the Group.

Two words, somewhat inconspicuously placed in the notice of this hearing, are packed with more tantalizing and elusive opportunities for debate than will be found in the several pages of technical topics. These two words are "social" and "economic."

Logically, I suppose, economic questions should be discussed by an economist. I am not sure what kind of an expert social questions require. So far as I know, I am not an expert in either field (although I reserve the right to withdraw this confession), but, like our chairman, Mr. Craig, I am just one of the executives charged with the operation of a clear channel station. Frankly, I do not know where we could have found an expert really competent to throw any light on such economic and social issues as may be raised in this hearing. These issues are so closely intertwined with technical, legal and other problems thought to be peculiar to the industry, that it is not easy to unscramble them. The members of our Group have concluded, therefore, that it would be of more assistance to you if the issues were discussed from a practical standpoint by one of us who has had continuous and intensive experience in the business side of broadcasting and yet is not unfamiliar with the technical background. The choice has fallen on me.

I do not mean, of course, that the peculiarities of broadcasting call for the application of any radically new rules, economic, or social. As a matter of fact, almost the opposite is true, if it is to continue on a sound basis. On the economic side, broadcasting is a medium of advertising, and belongs to rather a large family of advertising media, including the newspaper and the magazine. On the social side, broadcasting is an agency of mass communication and belongs to a family which embraces, in addition to the newspaper and the magazine, the moving picture theatre, the public platform, and other relatives, some closely akin and some very distantly. These facts are often obscured by the impressive technical and legal clothing which radio engineers and lawyers have thrown over our industry, and by some of the surprising deductions that others have drawn by looking at the clothes only. Strip the industry of its technical language, however, and you find

pretty much the same sort of creature as the members of its family on both sides who have been familiar figures for years and even centuries.

Economic and Social

Since I am apparently the first witness to deal specifically with economic and social issues at this hearing, I have the privilege (and the responsibility) of selecting my own definitions. I have chosen the very commonplace method of reference to the dictionary for my starting point. Among the wide choice of meanings provided by Webster, I have chosen a definition of "economic" which, with a little paraphrasing, reads:

"of or pertaining to the management of a business with reference to its source of income, its expenditures and its maintenance or productiveness."

The word "social" was not quite so easy; any definition I could find was somewhat of a circle. So I have taken Webster's definition of "social" as

"of or pertaining to society or a social organism."

although I am not completely satisfied with it.

The dividing line between the two words is not difficult to find so far as broadcasting is concerned. Expressed in their simplest terms, for the purpose of this hearing, "economic" seems to me to have to do with the industry's means of support, principally advertising; "social", I think, has to do with the industry's means of serving the public, its dissemination of program service. As would naturally be expected, there is no hard and fast line between the two for they frequently cross paths and react on each other. The difference is largely a matter of emphasis but nevertheless it is important.

So far as clear channels are concerned, there are two proposals before you of sufficiently important character to call for discussion of their economic and social effects. One proposal, to which our Group is opposed, is that clear channels be abolished or reduced in number. The other, which our Group supports, is that the power minimum on clear channels be raised to fifty kilowatts and that the present maximum limitation of 50 kilowatts be removed. As you know, there are other proposals in which we are interested but they are of minor importance compared to these two.

Economic Effects of Proposals Relating to Clear Channels

Before taking up the economic effects of either proposal, I must review with you a few elementary facts about the business side of broadcasting.

Broadcasting is supported by the sale of time, most of it to American business concerns desiring to bring their products or services to the favorable attention of the public. There are, of course, sales of time for other purposes, one such purpose being considerably in evidence during these pre-election months. It will serve to simplify the discussion, however, if I assume that the sale of time is all for advertising purposes.

American System of Ownership

This economic basis was made inevitable when the decision was made, back in what Mr. Craig has called the prehistoric days, to have broadcasting carried on under the American system of private ownership and operation as contrasted with the system of government ownership and operation, accompanied by the licensing of receiving sets, so prevalent in other parts of the world. In his opening address at the Fourth National Radio Conference in 1925, the then Secretary of Commerce said:

"The decision that we should not imitate some of our foreign colleagues with governmentally controlled broadcasting supported by a tax upon the listener has secured for us a far greater variety of programs and excellence in service free of cost to the listener. This decision has avoided the pitfalls of political, religious, and social conflicts in the use of speech over the radio which no Government could solve—it has preserved free speech to this medium."

It is not necessary in this gathering, I take it, to justify the decision. I am sure that the American public, as a whole, does not regret it, particularly when it now sees that in some of the countries where other systems prevail the broadcasting systems have become tools in the hands of dictators, that in none of them does freedom of speech obtain in the sense that we know it, and that none of them offers a program service even remotely approaching ours. If a decision had been made the other way, we should not be having a hearing such as this although we might be gathered

together to protest against the size of license fees the Government was charging for the use of our own receiving sets or to complain about the quality of programs the Government was broadcasting.

There was another important decision made back in those early days, which has had both economic and social effects. It was, that a monopoly of broadcasting would not be tolerated. The Third National Radio Conference went on record as being "unalterably opposed to any monopoly in broadcasting" and the Secretary of Commerce said:

"It would be unfortunate, indeed, if such an important function as the distribution of information should ever fall into the hands of the Government. It would be still more unfortunate if its control should come under the arbitrary power of any person or group of persons. It is inconceivable that such a situation could be allowed to exist * * *."

This decision, which was reflected in the laws passed by Congress in 1927 and in 1934, is again one that I am sure no one regrets.

System Has Grown

Our system has grown, has prospered, and has served the public, on the economic basis of advertising. No system, however, is perfect, and we must reckon with the dangers in ours. The principal danger in our system is not that which you most often hear charged against it, namely, excessive or undesirable advertising. Such missteps as may have been made in this direction were, I am convinced, merely the growing pains of a young industry, accentuated by the depression. The real danger in the economics of broadcasting is that the interest of the advertiser in reaching large masses of listeners, and the profit that is to be made in accommodating him, will result in laying down too many tracks of good reception to thickly inhabited centres and too few, or none at all, to sparsely settled areas, which are not such attractive markets. Analyze these issues that now face you to see if underneath the elaborate technical charts and graphs and the impressive statistics and tabulations you do not find a fundamental issue between those who want more stations in cities that already have stations and those who are striving to preserve what there is of rural reception and to improve it.

An Autocrat

An autocrat can place his country's broadcast stations where he chooses and see to it that all parts of his domain are as well served as the state of the art permits. Our stations must be so located and given such assignments of frequency, power and hours of operation that they can survive economically. Fortunately, there is nothing in our system which prevents our doing as good a job in laying down tracks of good reception as the autocrat. There is simply the temptation and pressure to do otherwise, which must be recognized for what it is and guarded against. That, I take it, is one of the essential purposes of inserting the phrase "public interest, convenience or necessity" in the radio law, to be sure that the listener's rights do not suffer because of some private interest.

Let us turn now to a study of the broadcasting industry's source of revenue, and the prospects for its future increase. This will help us determine whether, as an industry, it can afford to make expenditures such as are contemplated in proposals for higher power and the consequent increase both in investment and in cost of operation. Let us take the source of revenue for all business, the national income, as our starting point.

Figure No. 1 shows the income produced in this country since 1929 (the first year for which this information is available), in terms of billions of dollars. The information is taken from a report of the Division of Economic Research of the Department of Commerce. No graph is necessary to inform you that in years prior to 1929, or perhaps a year or two before then, the trend has been steadily upward from the beginning, not in a straight line, of course, but varied by peaks and depressions. As shown by the graph, our national income in 1929 was \$81,034,000,000. By 1932 it had declined to \$39,545,000,000, but since then there has been a steady increase to \$52,959,000,000 in 1935 and it is freely predicted that for 1936 it will exceed \$60,000,000,000. Even were it to remain at its present point, the financial condition of the broadcasting industry as a whole would be healthy. But the trend upwards is not going to stop with 1936.

National Income

Out of this national income is paid the bill for advertising. In terms of dollars, as you would naturally expect, it follows the

same general trend as national produced income. Figure No. 2 is a graph prepared by the Bureau of Foreign and Domestic Commerce in the Department of Commerce as a general index of advertising activity from 1922 to 1935. Note that its peak year was 1929 and that its low point was 1933, a year after the bottom had been reached in national produced income. Since then, general advertising activity has followed an upward trend, keeping pace with the income out of which it is paid. One significant point is that in 1935 the general index of advertising activity stood 42 points below the 1929 peak and 20 points below the 1928-1932 average. In other words, advertising volume will have to increase 25 per cent before it reaches anything like what might be called normal and approximately 55 per cent before it reaches the 1929 level.

Out of that portion of the national income which pays the bill for advertising, the broadcasting industry is supported. The industry is too young to be armed with any great amount of statistics. It was not really until 1928 that it entered the commercial advertising field, which it has had to share with other media of advertising, including newspapers, magazines and outdoor advertising, competing at every turn for the advertiser's dollar. It enjoyed less than two years of commercial advertising activity before the depression set in. Nevertheless, swimming against the current, its revenue continued to rise until 1932 when it suffered its only decline, reaching its low at the end of the year. Since 1933 its rise has been sharp, both in terms of dollars and when compared to the advance of other media.

Advertising

Figure No. 3 is a graph prepared by the Bureau of Foreign and Domestic Commerce, made public last March, showing the annual index of advertising volume of the five classes of major media from 1921 to date. The first comprehensive compilation of statistics on broadcast advertising was made by the National Association of Broadcasters for the year 1934. Prior to that year we have only estimates. The estimated total gross receipts for 1933 amounted to approximately \$57,000,000. In 1934 they rose to \$72,887,169, an increase of 27 per cent over 1933. The receipts for 1934 thus equalled, if they did not actually exceed, the previous peak year of 1931 when, according to the calculations of the Federal Radio Commission, corrected for duplications, the total gross revenue ranged between \$70,000,000 and \$73,000,000. At this point let me utter a word of caution. The figures I am giving you are gross revenue, not profits. The survey made by the Federal Radio Commission in 1931 shows that the industry as a whole was operating at a net loss, and this was the peak year up to that time. Broadcasting had had a decade of being heavily in the red before it even approached breaking even, and it was thirteen years old before it crossed the line into the black. Broadcasters were losing anywhere from a few dollars to half a million dollars a year in that earlier period.

New Level

In 1935 a new high level was reached, with a total of \$87,523,848, a gain of 20 per cent over 1934. That the figures for 1936 will exceed those of 1935 is evidenced by the fact that the total for the first six months was \$50,802,179, an increase of approximately 13 per cent over the corresponding period in 1935. I realize how dangerous it is to predict or to raise false hopes for the future on the basis of past performance. The fact is, however, that, reducing the trend to terms of dollars, we may expect a substantial increase in broadcast advertising by the time advertising activity reaches a normal level and a very large increase if and when the 1929 level comes.

This, however, is on the assumption that broadcast advertising will remain at a standstill in its relative position among advertising media. Figure No. 4 is a graph showing a comparison between the index for broadcast advertising and the general index of advertising activity. If the relative trend is maintained, the industry may look forward to even greater increases than are indicated by the percentages and the sums I have mentioned.

Outlook for Increased Revenue

The truth is that not only is the outlook for increased revenue from broadcast advertising better than at any earlier period in the history of the industry but broadcasting is today outstripping all other media in its bid for a share of the advertiser's dollar. This is attested every day by actual events.

Figure No. 5 is a chart showing the percentage increases each year during the past three years in advertising volume of the four media,

broadcasting, national magazines, national farm papers and newspapers. It shows the following:

	1933	1934	1935
Broadcasting	-18%	+27%	+20%
National magazines	-16%	+21%	+5.9%
National farm papers	-17%	+29%	+7.0%
Newspapers	-11%	+10%	+5.8%

Yet, in the face of all that I have said, the broadcasting industry received but 10.8 per cent of the amount of money spent in 1934 for advertising in the major media, and but 11.9 per cent in 1935. The future is one for optimism, indeed, if broadcasting continues to enjoy the favor of its large listening public and thus to be an increasingly attractive method of reaching that public.

Certainly, as we review these figures we cannot help being impressed with the fact that here is an industry that can well afford, and might justly think it a duty, to turn some of its profit to the high aim of improving the tracks of reception into American homes, so that, so far as possible, the signal that is now marred by its weakness, or by static, or by other electrical disturbances, may be lifted to the level of satisfactory program service and so that a greater measure of service can be extended over those vast rural and remote areas where it is most needed and appreciated and where, in some respects, it renders its greatest service and is more of a necessity than a luxury. This means the placing of all equipment in efficient condition, in keeping with the advancing standards which the Commission's technical staff has so competently and so reasonably devised for the sake of the listening public. More than that, it means higher power for those that are lagging behind, such as those who are using only five kilowatts on a clear channel, and higher power for those who are financially prepared and willing to pioneer ahead on other clear channels. It means higher power for the regionals and the locals, an advance all along the line throughout the broadcast spectrum with due allowance for those cases where economic support may not yet have reached a point that will justify the expenditure. The figures show, in my opinion, not only that the industry can well afford to lay down these improved tracks but that there will be plenty left over to take care of prospective developments in television, experimentation with the ultra-high frequencies, and any other development that may be on the horizon. Such a course is not inconsistent with the selfish interest of the broadcasters themselves.

What Does High Power Mean?

What does higher power mean from the economic standpoint? What, if not more circulation? The attraction of the broadcasting station to the advertiser lies primarily in the fact that it delivers an interference-free signal at a satisfactory signal strength over a territory inhabited by a certain number of people. I do not mean, of course, that stations will not differ in their "circulation" for other reasons, such as the good-will built up through excellent programs, the ability of executives, and other factors. They *do* differ, but these are variables under the control of the station owners and to avoid complicating this discussion I must assume they are equal in such respects.

Our technical experts tell us that the broadcasting industry is today failing to deliver what might be described as primary daytime service to about 75 per cent of the area in this country, containing over 40,000,000 people, not to mention the deficiencies in its nighttime service. There are enormous areas and millions of people that have *no* reception at day and only intermittent service at night. You appreciate, I am sure, that I am discussing this from a coldly business point of view. The social aspects of the failure to reach this large territory and these millions of people belong under my second subject-heading. It is not without reason that there is only one receiving set for every 8.82 persons in rural areas as against one for every 4.35 persons in the cities. Here is a large potential circulation, which is untapped and which advertisers can reach, in the daytime particularly, only by using newspapers, magazines and bill boards. We speak of economics. Is it good economics for the industry to attempt to lay down tracks of good reception to this larger audience and to improve the tracks to the present audience? Or is it good economics for the industry not only to ignore the potential audience but also to cut down its present audience still further and surrender it entirely into the hands of other media?

Answer Clear

To me, the answer seems clear. The industry as a whole will gain in revenue as it gains in circulation and as it gives better

assurance that its programs will reach what it claims as its present circulation. It will lose in revenue if it decreases its present circulation by cutting off listeners through interference. Much of its present circulation is like a newspaper printed in poor type, on obsolete presses, with large portions of it so blurred or faint as to be illegible, and delivered by an unreliable carrier system.

This is not the proper time in which to discuss the ability of particular stations in particular localities to meet the expense of going to higher power. As Mr. Craig has already pointed out, for economic reasons traceable directly to advertising support, some cities and regions are able to support 500-kilowatt stations on clear channels immediately. Others are not quite ready. As you know from the applications pending before you, some clear channel licensees are ready and anxious to take the step tomorrow if you will permit it, and others are holding back. Others are reluctant to do so immediately but would if the only alternative were to suffer duplication on their channels. All matters such as the financial ability of the applicant to make the expenditure, his wisdom in doing so and the capacity of the city and region to support the station, can, if they become pertinent, be decided on the hearing of each particular application.

Statistics

You may, however, be interested in a few statistics of a general character on this subject. The approximate additional cost of installing a 500-kilowatt transmitter, by those now having 50-kilowatt stations, exclusive of such matters as land and buildings that may be involved, is estimated at \$310,000.

As Mr. Chambers has shown you, once the initial outlay has been made, the additional cost of operating with the increased power does not present any serious economic questions. Such an increase would normally and necessarily be followed by an increase in rates on the part of clear channel stations. I have endeavored to obtain some idea of how much this increase would be but it is impossible to form any definite conclusion. In the one example we have, the increase in rates has been a little over 25 per cent. Others, whose rates are probably already too low, might have to adopt a somewhat greater increase. From what I have already stated with regard to the trend of broadcast advertising, and with the increased coverage that would result, it can hardly be doubted that the higher rates would be easily absorbed and would be met cheerfully by advertisers.

At this point, I want to digress for a moment to point out a characteristic of the clear channel licensees composing our Group which is very significant. I do this without intending to make any invidious comparisons, for I know that there are many others outside the Group of whom the same may be said. But, in general, this Group is comprised of concerns that have put service ahead of dollars and cents, that have been in broadcasting since its prehistoric days, that made heavy expenditures and suffered tremendous losses for years before they operated their stations at a profit, and that, in general, have poured what profit they have made back into better equipment, higher power transmitters, and better program service, instead of taking that profit in the form of dividends. In the main they have grown from tiny installations of 50 watts or less to efficient modern plants of 50 kilowatts and, in one case, the station has grown from 20 watts to 500 kilowatts. In general, they had expended anywhere from about \$200,000 to as high as \$2,000,000 before they operated at a profit. Only a minority of the number have ever paid any dividends; those have been only in recent years and in modest amounts of five per cent annually. The very small percentage of their time devoted to phonograph records (in eight instances none at all) tells you something of the responsibility they feel with respect to their program service, as do also their monthly expenditures for talent which run as high as \$40,000. I mention these circumstances to show you that the members of our Group and, I think, clear channel licensees generally, have had a high conception of their trust from the outset, and that they can be relied upon to accept an enlarged trust with the same spirit.

Another Side

Now let us turn to another side of the picture, the effect of the two fundamental proposals on other broadcasters, regional and local. First, I lay down the general premise that, even from the most narrowly selfish point of view, no part of the industry has anything to gain from a proposal that hurts the industry as a whole or that impairs the service now rendered by it to the public or that blocks the way to improvement of that service. Its "cir-

ulation" cannot be cut down without playing into the hands of competing media, with an eventual adverse effect on all members of our industry. Future increases in that "circulation" cannot be prevented without a similar adverse effect on the industry's natural growth, shared in by all its members. Fortunately, however, it is unnecessary to rely on these broad principles to prove my point. The proof is at hand in obvious facts and trustworthy statistics.

Consider, first, the effect of introducing duplication on clear channels. What will be the economic corollaries for those very station-owners that now propose it, the National Association of Regional Broadcast Stations? The most obvious corollary is that there will be more stations which, with respect to power and coverage, will in general fall in the category of regional stations. Where will those stations be located? This is not difficult to forecast from past history and present tendencies.

667 Broadcast Stations

There are about 667 broadcast stations in the United States, scattered over the country, but, as you have seen from the technical exhibits, with a heavy concentration in the northeast. Ignoring the existing duplication on certain clear channels, there are 47 dominant clear channel stations located in 35 metropolitan areas, the most populous being the New York City area with 10,901,424 people and the least being Hot Springs, Ark., with 20,238 people. In those same metropolitan areas are 135.5 other stations, 98 of them regional and 37.5 local. I am including daytime and limited time stations on clear channels as regional, and, where two stations divide time, I count them as one station. Daytime and limited time stations I am counting as separate stations. On this basis, there are 280.25 regional stations and 250.25 local stations. Thus, 35 per cent of the regional stations and 15 per cent of the local stations are now in metropolitan areas where clear channel stations are located.

It is impossible to say categorically how large a city or trade area must be to support a regional station. So many intangible and variable factors enter into such a calculation, including, of course, the number of other stations in the city, their power and coverage, the wealth of the community and other items. I have heard it said that a city should have a population of about 75,000, and about 150,000 in the station's service area, to support a one-kilowatt full time regional. I do not know whether this is correct but it will serve as a basis for some statistics I want to leave with you. There are, it happens, ninety cities in the United States with a population in excess of 77,000, the ninety-first being Manchester, New Hampshire, with a population of 76,834, under the 1930 census. This is not on the basis of counting every separate municipality; it is on the basis of metropolitan areas. In the ninety metropolitan areas there are 168 regional stations and 89 local stations, or about 60 and 30 per cent respectively of the totals.

Different Angle

Figure No. 6 approaches the issue from a somewhat different angle. It shows the location of stations in cities of various sizes in population, those above one million; those from 500,000 to 1,000,000; those from 100,000 to 500,000; those from 50,000 to 100,000; those from 25,000 to 50,000; 10,000 to 25,000; 5,000 to 10,000; and those below 5,000. The figures with regard to revenue require some explanation and some qualification. They are taken from the station renewal applications on file with the Commission, reporting the gross revenue. It is rather obvious that several different theories of bookkeeping and accounting have been followed, and variations due to the amount charged to executive salaries, depreciation and other items are in all probability very great. Still, as averages these figures serve a useful purpose and cannot be ignored. They show a steady decrease in average as the population decreases, although particular instances will vary greatly because of the presence or absence of competition, the desirability of frequency assignments and so on.

Study of Rates

As we turn to a study of rates we arrive at somewhat the same conclusions. The best unit for comparison seems to be the highest, the nighttime quarter hour rate. Taking the last issue of Standard Rate and Data Service as the source of information, we find that the lowest rate in the country is \$1.80 charged by a local station with power of 100 watts at Dublin, Texas; and that the highest is \$532 charged by a clear channel station with power of 500 kilowatts at Cincinnati, Ohio. Between the two extremes, the classes

of stations cross paths as to rates just as they do with respect to revenue.

Figure 7 shows the average rates for the several classes of stations in cities of the same population classification as shown in the previous exhibit. This exhibit is exceedingly interesting, as it portrays the rate at which rates decrease as population decreases and also as coverage decreases. The progression is not entirely mathematical but it comes very near being so. The rates strongly suggest that the operation of clear channel or regional stations in cities of less than 50,000 is, as a rule, a very doubtful venture from a commercial point of view. So many factors enter into the matter, however, that I refrain from making any more positive statement.

Method of Approach

The next significant method of approach is in terms of pressure exercised for new stations as evidenced by applications for new stations, or for better assignments of frequency and power by existing stations. For this purpose, we made an analysis of all applications pending before the Commission, and all applications which have been denied during the past year, in an attempt to ascertain to what extent they came from cities that already had anywhere from one to five stations or more. The results are incorporated in Figure No. 8. This is based on a very elaborate analysis which is in our possession in typewritten form and which shows, with reference to each city from which such an application has proceeded, the number and classes of stations located there and the kind of station applied for. Let me say in explanation of this exhibit that for simplicity the stations have been classified entirely in accordance with the type of channel; in other words, a daytime station on a clear channel has been counted as a clear channel station. You will notice that while 71 of the pending applications are from cities that have no stations, only eight affect clear or region channels. The others are locals. These eight are from the cities having populations as follows:

St. Cloud, Minn.....	21,000
Traverse City, Mich.....	12,533
Helena, Mont.....	11,803
Sarasota, Fla.....	8,398
La Cruces, N. M.....	5,811
Marysville, Calif. (2 applications)...	5,763
Mt. Pleasant, Mich.....	5,211

The eight which were denied last year were from cities having populations as follows:

Ann Arbor, Mich. (2 applications) ..	26,872
Johnson City, Tenn.....	25,080
Cheyenne, Wyo.....	17,361
Du Bois, Pa.....	11,593
La Grand, Ore.....	8,050
Lufkin, Tex.....	7,311
Twisp, Wash.....	335

Thus, out of a total of 124 clear and regional channel applications now pending, 116 were from cities already having stations. The detailed analysis shows, in general, that the more stations a city has, the more applications are pending from that city, although this is not always true. New York City has five, Los Angeles 4, and so on.

Other Straws

There are other straws which give additional evidence of the tendency. The applications for new stations that have been granted in the regional and daytime clear channel classes during recent years constitute one of them. The applications on the part of regional stations, and even of local stations, to move from smaller towns and cities into larger cities which already have stations constitute another. We have not attempted to make an analysis of these two categories but we are sure that instances in point will readily occur to all of you.

Figure 9 is a study of pending applications and of applications denied during the past year from the standpoint of cities of various sizes with respect to population. Forty-seven of the applications came from metropolitan areas having a population of 1,000,000 or more, and thirty-six of these were for assignments on clear or regional channels. Only nineteen came from towns of less than 5,000 and fifteen of these were for locals. The greatest number of applications (130) in any one population group was from cities of from 100,000 to 500,000, of which fifty were for assignments on clear or regional channels.

Even these Figures 8 and 9 and the supporting analysis are by no means a true indication of the actual pressure from the cities that already have stations. The Commission's present regulations, and the standards recommended by its engineering staff, although not always adhered to, have undoubtedly kept down the number of applications, particularly in the congested cities where a new station could hardly be fitted in without reducing the traditional 50 kc. separation to 40 kc. or even less.

One Station

There is no city with a population over 81,000 that does not have at least one broadcasting station. The largest city that has none is Saginaw, Michigan, with a population of 80,715, and it might well be included as part of the same community as Bay City, Michigan, which has a station. Figure 10 is a tabulation of cities having populations from that figure down to 20,000 that do not have stations. Incidentally, I have discovered that, due to oversight, this list is not entirely consistent with the analysis supporting Figure 8, and includes a few cities as separate municipalities that were considered as parts of communities listed in the analysis. In this list you will find a number that have had stations in the past but whose stations, with the approval of the Commission, have been moved to larger cities. I have counted fifteen that had stations according to the Commission's allocation list of June 30, 1928, and know that there must be others, such as in the case of the regional station in my state that was moved from Waterloo, Iowa.

There are seventy cities on the list. All but eleven of the cities are east of the Mississippi and for those that are west of the Mississippi, five are in Iowa (of which three formerly had stations and gave them up) and two each are in Minnesota, Missouri and Texas. Of the fifty-nine cities east of the Mississippi, all but two are north of the Mason and Dixon line, the two exceptions being in Georgia and Tennessee. Forty-three of the remaining fifty-seven are in five states, Massachusetts, Connecticut, New York, Pennsylvania and Ohio. The reasons for their not having more stations will, from a technical point of view alone, be readily appreciated.

It is significant that, with the exceptions I have mentioned, every city west of the Mississippi or south of the Ohio River with a population over 20,000 has a broadcast station. The four cities mentioned in Mr. Ring's testimony as having a population of between 50,000 and 100,000 and as being without broadcast stations, are, according to our calculations, two in Ohio (one of which formerly had a regional station and the other a local), and one each in Massachusetts and Michigan.

Figures Not Conclusive

I hesitate to say that these statistics and figures are worth much or little. I grant they are not conclusive. We have had to take what we could find and put it together for what it is worth. When, however, these various straws are added to what I think each one of us knows in his heart to be true, perhaps one or two additional conclusions may be ventured as to the economic effect of breaking down clear channels.

The first of these conclusions is that, by paying the price of destruction of present or future rural service, we shall merely get additional stations which in general will belong to the regional category and will be located in cities already well supplied with stations. If this is true, while undoubtedly a few regional broadcasters who are dissatisfied with their present facilities may draw something attractive out of the grab-bag, if they scramble soon and hard enough, the rest of them will simply draw additional competitors seeking to win the attention of their audiences and the favor of their advertisers.

Second Conclusion

A second conclusion is that, in general, this breakdown will not provide broadcast service to any appreciable amount of that portion of the country's area and population that is not now receiving service. Until you get down to cities having a population of less than 50,000, the cities of this country are wonderfully well supplied with broadcast facilities. Until you get down to cities having a population of less than 20,000, with only a handful of exceptions, all parts of this country, except a relatively small section in the northeast, are supplied with broadcast facilities. A city of 20,000 in the rural south and west is something very different as a centre of population from a city of the same population in Massachusetts or Connecticut. The former is usually the focus of

a sizeable tributary area, of farms and villages; the latter is flanked with many other cities of equal or greater population packed into a small area, each with only a tiny tributary area surrounding it. In any event, it seems obvious that no matter what happens to clear channels you cannot find facilities for every one of these cities crowded together on either regional or clear channels. It is not possible even to find positions for local stations in most of these areas. They must share their radio service with other cities close by. By reason of the congestion of stations in this part of the country, and thanks to the high power clear channel station, those listeners are now getting better than the average service given to the rest of the country.

I am sorry that we cannot give you a breakdown of cities having population less than 20,000 but time has not permitted. From such study as we have made, however, I am convinced that in general the same situation obtains. The heavy majority of these small cities will be found east of the Mississippi and north of the Ohio.

Let us turn now to the other fundamental issue, raised by the proposed elimination of the power maximum on clear channels. Suppose that the Commission acts favorably on this proposal, and as a result a number of 50-kilowatt stations increase their power to 500 kilowatts. There are, I understand, thirteen such applications pending, and no one has announced any intention of asking for greater power.

What will be the economic effects of such a power increase on existing regional and local stations? By way of introduction to my answer, I shall make an assertion that may have the ring of a challenge but I am confident that I can demonstrate its truth. Regional and local stations, as a whole, will benefit and not suffer from the increase.

Technical Facts

Take the physical technical facts as a starting point. These, at least, are not difficult to prophesy. A 500-kilowatt station will deliver a signal at any given point slightly over three times the signal a 50-kilowatt station would have delivered at the same point. Its contours in terms of field strength will be somewhat enlarged, although not anywhere as much as the layman might expect, as you have already seen from the technical exhibits. I confess I am utterly unable to understand the thought the President of the Columbia Broadcasting System expressed yesterday in this connection. He said, as I understood him, that this tripling of signal strength would make such a difference that Columbia would be forced to drop affiliate stations located within the primary service area of the clear channel station. A few minutes later he said, as I understood him, that this same tripling of signal would not substantially improve rural and remote service. In any event, take any field strength you want, ten millivolts or five or two or one-half a millivolt, and you will find the contour somewhat further out and including some cities and towns that were not included within the corresponding contour of the 50-kilowatt station. The 10-millivolt contour, of course, encircles the area in which a signal satisfactory for city-dwellers is delivered, according to the Commission's standards. The 2-millivolt contour does the same for the residential or suburban dweller. We can, I think, disregard anything beyond the 2-millivolt contour, since the signal is insufficient for listeners in any communities likely to have broadcast stations. And I suspect that Columbia would not drop any affiliate unless it were located at least within the five-millivolt contour and perhaps closer.

Signal Strength

It becomes of interest, then, from the purely technical point of view, to form some idea of what regional and local stations come within the new zone of satisfactory signal strength added by the increase in power of the clear channel station. In order not to inflict too many different figures on you, we arbitrarily selected the 5-millivolt contour as the test. One of our technical staff prepared a map, which I shall refer to as Figure No. 11, on which are plotted the theoretical 5-millivolt contours of the thirty-one 50-kilowatt stations in this country and of the same stations if increased to 500 kilowatts. These contours were based on the curves published by the Commission's engineering staff and on information as to conductivity data which is believed trustworthy. The Commission's standard of antenna efficiency for clear channel stations was used. Figure 11-A lists the stations whose contours were thus plotted, with their frequencies, their radii to the two contours, and the conductivity assumed. While this map is, in a sense, theoretical, it is, we believe, sufficiently close to fact to be used for the pur-

pose I shall make of it. On the whole, its assumptions tend to include a larger number of regional and local stations than are really in any danger of being affected. Certainly, no one really anticipates that 31 of the clear channel stations are going to construct 500-kilowatt stations in the immediate future.

By examination of this map, we find that 97 regional stations (counted by licenses) are within the 5-millivolt contours of the thirty-one stations at present and that, if they increase their power to 500 kilowatts, 24 more will come within those contours, an increase of 24 per cent. Of the 24, nine are affiliated with networks, four with NBC and five with Columbia. These are the stations which will lose network connections if Mr. Paley's prophecy is correct. There are 59 local stations (counted by licenses) within the present contour and 26 more within the new contour, an increase of 44 per cent. None of these is affiliated with a network and consequently no local will be injured in this respect.

Bridges to be Crossed

There are several bridges that must be crossed before there is even a debatable question raised. If, for example, the regional station is accorded a horizontal increase of power to 5 kilowatts, then the relative difference between its signal and that of the 50-kilowatt station which has increased to 500 kilowatts will be imperceptible to the human ear. Even without this, the regional station will deliver a signal for a considerable area around its transmitter that is much stronger than the clear channel station can compete with. A regional station of one kilowatt on 900 kc., with average conductivity will, I am told, give a signal of 5 millivolts at 14 miles from its transmitter, and a 100-watt local station, under the same circumstances, at 5½ miles. Within those contours, the regional and local stations will deliver much stronger signals. At a mile from its transmitter the regional station will deliver around 150 millivolts and the local station about 40 millivolts.

Another bridge that would have to be crossed is that of listeners' habits, the rather marked preference of the listener for the programs of a station located in and serving his city as against those of a station located somewhere else, other things being equal.

Let us cross all those bridges without more ado and attempt to see where we arrive. What sources of information have we for that purpose? What better than the actual experience, past and present, of regional and local broadcast stations that have actually been encircled within the 5-millivolt contours of clear channel stations as they have progressed from 5 kilowatts or less to 50 kilowatts? At this point, we have an opportunity to be unfair to our opponents. We have made a superficial check of the financial record of regionals and locals under such circumstances to determine what has happened to their gross receipts, their net revenue, and their rates as the clear channel stations have made this increase in power. They have shown a remarkable gain. It was not necessary to make more than a superficial check, however, to realize that the return of prosperity is more responsible for this than any increase in the clear channel station's power.

Method of Approach

We have, therefore, chosen another method of approach. It has its weaknesses but it is the best that can be done. Taking the last renewal applications of regional and local stations as our source of information, we have calculated the average monthly profits of regionals and locals within the 5-millivolt contours of 50 kilowatt clear channel stations and have compared these figures with the average monthly profits of regionals and locals outside those contours, as well as the over-all averages. We have, of course, excluded non-commercial stations and 130 locals. The averages are based on returns from 160 regional stations and 130 locals. The average monthly profit of all regionals (so far as shown by the applications) is \$2,534.84. The average monthly profit of regionals outside the 5-millivolt contours is \$1,894.10. The average monthly profit of regionals within the 5-millivolt contours is \$3,675.05. Incidentally, as a matter of interest, the average monthly profit of the members of the National Association of Regional Broadcast Stations is \$2,904.33, or almost \$400 better than the average for all regionals.

True of Locals

The same holds true of the locals. The average monthly profit of all of them, as shown by the renewal applications, is \$535.10; of those outside the 5-millivolt contours, \$409.90; and of those within the contours, \$1,187.99.

The highest profits reported by any regional and by any local are from stations located in cities having clear channel stations.

The same is true of the highest profit reported by any regional belonging to N. A. R. B. S.

We endeavored to compile the same figures with respect to the one case where a clear channel station has increased its power from 50-kilowatts to 500 kilowatts. We immediately ran into the difficulty that is to be expected when you attempt to base averages on a few individual cases. There are only two regional stations in Cincinnati, and the renewal application of one of them does not show its profit. If its profit be assumed to be the same as that shown for the other, and this, I believe, is a legitimate assumption, the average monthly profit for all regionals within the 5-millivolt contour of the 500 kilowatt station is \$3,497.60, and, if you exclude a high power regional at Covington, the average becomes \$3,932.97. Otherwise, it drops to \$2,545.45, due to the fact that the station at Dayton, which was moved into that city during the past year or two, records a monthly loss of \$1,800 and the high power regional shows a monthly profit of only \$450. A very similar situation appears in the case of the locals in that area, due to a heavy monthly loss reported in the last renewal application of a local in a small city in Kentucky, although in several preceding license periods that station reported a profit.

It is difficult, therefore, to find any basis in actual experience for the claim that the proposed increase of power of clear channel stations would work injury to regional or local stations. It may be claimed, however, that this method of approach is not fair because it centers attention on regionals and locals in or near thickly populated centers where clear channel stations are located. This claim is not tenable, in my opinion, because no very different question is raised, so far as distance from the principal city is concerned, by an increase in the 5-millivolt contour resulting from use of 500 kilowatts.

Further Circumstances

Nevertheless, there are still further circumstances that confirm the conclusion that no injury would result. I shall have to pass over these very hurriedly but they are, I think, so obvious that common sense makes the answer inevitable. The increase of power of the clear channel station necessarily drives local advertising to the regional and local stations. The increased power means increased rates. The local advertiser, interested only in coverage of the city, cannot or will not pay for coverage that for him is wasted on rural areas that give him no market. The clear channel station becomes more and more distinct as an advertising medium, less and less a competitor. To use a familiar analogy, it resembles a magazine read over a wide area as distinguished from a local newspaper.

The experience of all members of our Group already shows that this is, and must be, so. Even with their present power of 50 kilowatts, they find themselves used increasingly and predominantly for national advertising and not for local advertising. A rapid survey of such information as I could get from members of our Group showed that in most cases the national advertising constitutes 90 per cent or more and the local advertising 10 per cent or less of the total. In only two cases does the national business drop below 70 per cent, the lowest being 67.5 per cent. They all tell me that the tendency is marked in this same direction. It is bound to be so. They have all had the experience of losing an increasing amount of local advertising to regional and local stations in the same community. At least two of them have seen regional stations move into their communities in the recent past and take a large share of their advertising from them.

Regional or Local

Manifestly, a regional or local station fifty or one hundred or more miles away from the clear channel station will not suffer with respect to its local advertising. In fact, all regionals and locals are more likely to gain than to lose. There is no greater incentive to local advertising than the interest in advertising that is created among prospective local advertisers by successful national advertising. They are awakened to its usefulness. This statement is not susceptible of proof in the legal sense but I dare say every broadcaster in this room will confirm it from his own experience.

What about national advertising? Here, we must recognize two kinds, network and non-network. Let us take first the network. I understand that there is apprehension among a few regional broadcasters that have network affiliations that they may lose those affiliations if clear channel stations in other cities are permitted to increase their power. This apprehension is readily understood in the light of statements such as were made by the President of Columbia Broadcasting System. The number of such instances would, at most, be very limited since the city served by

the regional would have to be close enough to the location of the clear channel station so that the latter would deliver a very high signal strength into the former's territory, at least five and more likely ten millivolts or more. Chicago clear channel stations deliver an average of 6 millivolts into Milwaukee and the Columbia station at Chicago an average, I am told, of eight millivolts. Yet Milwaukee regionals still have their NBC and Columbia affiliations. Suppose, however, that they should lose their present network connections. What reason is there for believing that additional networks will not be established, or for believing that the regional station may not find a very worthwhile mission to perform in additional programs of a local interest? The apprehension is, however, completely unfounded, so far as the independently-owned clear channel station is concerned. The tendency would inevitably be in the other direction, with the clear channel station taking a smaller and smaller amount of network programs and the regional station taking an increasing amount. This is not guess-work. It can be demonstrated from actual experience.

Renewals of Regionals

The last renewals of all regional stations that are members of the N. A. R. B. S. (so far as known to us) have been examined to determine the amount of network programs carried by those members that have network affiliations. The process could have been applied to all regionals but would have been tediously long, and we have felt that the N. A. R. B. S. can safely be taken as a representative group. Fifty-two of its members are affiliated with either NBC or CBS. The network affiliates in this Group devote an average of 64.4 per cent of their hours to network programs. So far as we know, only two of these are owned or controlled by either of the networks, in both cases CBS, so that fifty of them are independently owned.

The same process was applied to all the stations that are considered dominant clear channel stations by the Commission, some twenty-one or which are owned or controlled by the networks, and naturally carry a heavy percentage of network programs. Even with the totals thus heavily weighted, the average for all was 63 per cent.

We then applied the process to the members of our Group, consisting of entirely independently owned stations. The average was only 56.7 per cent. The one 500 kilowatt station showed slightly less than 52 per cent. In addition, the tendency is everywhere manifest among such stations to originate their own programs, some, of course, to a much greater degree than others, depending somewhat on the size of city in which each is located. The fact is, that such clear channel stations are being more and more used for a type of national advertising that cannot be handled over a network. It is what, for want of a better name, may be described as regional coverage. Frequently it is supplementary to network advertising and is in no sense a substitute for it. It belongs to the category of national non-network business.

The advertiser who wants regional coverage in the sense of reaching the rural and small town population will not use a regional or local station in any event. He does not do so now and he would not do so if clear channel stations increase power to 500 kilowatts. The advertiser who wants to cover any city of large or even fair population intensively will not use a clear channel station 75 or 100 miles away; he will use a regional or local station in that city, if it has a station. Even in this field of national regional advertising, a tendency is fast developing which bids fair to bring a substantial source of revenue to regional and local stations. This is in the rebroadcasting by such stations of programs disseminated by a high power clear channel station some distance away. Several of our members are already engaged in this arrangement on a large scale, to the manifest satisfaction both of themselves and of local broadcasters. From a technical point of view, this gives ideal regional coverage. The rural areas are served by the clear channel station. The cities and larger towns in that area, where noise levels are too high to permit good reception, are served by the local broadcasters who, by locating receiving apparatus away from the inhabited area, are able to bring the rebroadcast program to their listeners unmarred by local noise. The possibilities of such service will be enormously increased with higher power. In a sense, this is regional network broadcasting.

Advertising Revenue

Some idea of the part played by the several kinds of advertising in the total revenue of the broadcast industry is given by the analysis of gross time sales periodically published by the National

Association of Broadcasters. For the past two years and a half, these totals are as follows:

Class of Business	1934	1935	1st 6 mo. 1936
National Network	\$42,647,081	\$50,067,686	\$28,181,976
Regional Network	717,117	1,110,739	644,473
National Spot.....	13,541,770	17,063,688	11,527,860
Local	15,981,201	19,281,735	10,447,870
	\$72,887,169	\$87,523,848	\$50,802,179

The upward trends in all classes of broadcast advertising is clear from these figures. To assume that the possibilities in any class have been exhausted would be absurd. There are limitless opportunities for each type of broadcast station to develop new business from wells that have hardly been tapped, and in this development the clear channel station, on the one hand, and the regional and local on the other, are bound to pursue paths which diverge more and more widely. They will compete with each other less and less as the difference in these paths becomes more pronounced.

I am sorry to have taken so much time with arid figures and to have placed so much emphasis on the prosaic subject of broadcast advertising. So far as the statistics and tabulations are concerned, I shall have to accompany them with the legend "These figures are not guaranteed but are believed to be substantially correct." I have not known how else to meet the economic issues raised by the notice of hearing, in the time we have had for preparation. Perhaps when the Commission has its next hearing of this sort our industry will have better statistics and we shall be able to do a better job.

More Economics

There is another kind of economics that I am not sure was intended to be covered by the notice but which I should like to mention. That is the economics of hearings before the Federal Communications Commission. I hasten to assure you that I am not speaking of the sort of hearing in which we are now engaged, for I think it, in the long run, represents a saving for both the Government and the Industry. Cooperative effort and a sharing of expense is possible and, if sound regulations result, the effort and expense will be more than repaid. I am talking about useless hearings on applications which are, on their face, contrary to the Commission's regulations or its engineering standards and have, or ought to have, no reasonable possibility of being granted. The Commission undoubtedly already has some conception of the large sums which broadcasters must pay annually to defend their assignments and their listeners against such applications. It seems to us that much will be gained by a rigid adherence to any regulations that may be adopted so that there will not be the continuous temptation to new applicants to gamble on a waiver of the rules.

Social Effects of Proposals Relating to Clear Channels.

The Commission's request for information on the social effects of proposals made at this hearing can, so far as clear channels are concerned be met by asking two questions which answer themselves. One of these questions is whether it is socially desirable that the broadcast service now being rendered to rural and remote areas be impaired or destroyed. The other is whether it is socially desirable that broadcast service be extended to rural and remote areas that now have no service and that it be improved in those areas where it is now unsatisfactory.

I assume that it is unnecessary to justify broadcasting itself. No one is urging that it be abolished. As an agency of mass communication, it was first a novelty, later a convenience, and now a necessity for large portions of our population. Its social importance is too obvious for discussion. Volumes have been written on all its important social aspects, as a medium for entertainment, education, religious devotions, news and the other ingredients of its daily program. Why, then is it necessary to debate whether the vehicle on which this intangible commodity is transported should be modernized, instead of being antiquated?

With the help of my associates in the Clear Channel Group, I have canvassed everywhere for information with respect to our program service that might be specifically arranged and classified under the heading "social". Our counsel has in his possession a great deal of material which has been faithfully compiled by our station staffs in response to questionnaires. We have examined the information contained in present and past renewal applications of all broadcast stations. We have supplemented this with a reading

of much current literature, learned and otherwise. Yet when it is all done, the student can come to only one conclusion—the entire broadcast program service is important socially, the music and entertainment as well as the education, the sports events as well as the religious services, the comic strips as well as the news. The question at this hearing is not whether any part of it is good or bad but whether the whole should be extended in coverage.

I could devote days to an analysis of the program service rendered by members of our Group, or by clear channel stations generally, or by any class of broadcast stations. There are important differences but you know about them already. A clear channel station with a large coverage endeavors to, and does, provide a program service such as is needed and desired by listeners within that coverage. A regional station does the same for listeners within its coverage. So also does a local station. Consequently, their programs, considered as a whole, differ in the emphasis placed upon matters of general as against more local interest. The market reports desired by a single city are not the same as those desired by a large agricultural region. Neither is the educational or the informational matter. Neither is the music. Neither are the political debates and election news. The sort of program service expected from a 50-kilowatt clear channel station costs more, on the average, than that expected from a 1-kilowatt regional station, although there are instances where the two overlap. For example, the average monthly talent cost of the clear channel stations, as shown by their last renewal applications, is \$8,253.91, the highest being over \$47,000. The average for the regional stations that are members of the N.A.R.B.S. is \$2,233.82; the highest is \$12,726.44.

But I am confident that you do not expect a detailed analysis or comparison of program service, or statistics on program cost.

Conclusion

We have travelled a long way from our starting point. The requirement that we give thought to the broad economic and social aspects of the issues involved in this hearing has been to our interest and profit. The work has been well worth while, both for its educational value to ourselves and for the conclusion it points to and confirms.

This conclusion is that there is no conflict, as is sometimes claimed, between sound economic and social principles and sound technical principles. Adherence to the latter will further the public or social interest, and at the same time will further the industry's true economic interest. It is non-adherence to sound technical principles that leads to uneconomic and anti-social consequences.

CROSS-EXAMINATION

Under cross-examination Mr. Maland stated that he believes in the doctrine of competition in the broadcast industry, in a variety of programs and in better signal service to all. He also believes that there is a definite place for local stations. Answering a specific question Mr. Maland said that he did not believe that it would be possible to have thirty 500-kilowatt stations in the next two or three years. He said that in his opinion there is a trend toward the 500-kilowatt station and that eventually this would benefit all broadcasting. There is only one thing that is certain about broadcasting, he stated, and that is that it is going to change. However, he does not see any radical change in the next few years.

STATION PROFIT

Answering further cross-examination questions Mr. Maland said that his own station is now operating at a profit but he could not tell definitely whether all clear channel stations are now profitable. He is of the opinion, he said, that the shared clear channel stations are now operating at a profit. Mr. Maland said the use of 500 kilowatts with increased revenue might have a tendency to hasten television.

Mr. Maland said that he thought that the Commission should limit the number of high powered stations under one ownership. Increasing cost of thirty 500-kilowatt stations, he contended, could be taken care of by the broadcast industry.

JOHN C. KENDALL

Judge John C. Kendall made a statement today on behalf of stations interested in part time assignments on clear channels. He said that the operation of such stations, after a trial of 8 years, shows that it is economically unsound.

Mr. Kendall said:

Come now Oregonian Publishing Company, Portland, Oregon, licensee of Station KEX, Westinghouse Radio Stations, Inc., Fort Wayne, Indiana, licensee of Station WOWO, West Virginia Broadcasting Corporation, Wheeling, West Virginia, licensee of Station WWVA, Hot Springs Chamber of Commerce, licensee of Station KTHS, Hot Springs, Arkansas, and WBAL Broadcasting Company, licensee of Station WBAL, Baltimore, Maryland, and in response to the request and invitation of the Federal Communications Commission for the presentation at an informal hearing to be held before it on to wit, the 5th day of October, 1936, of evidence for the purpose of determining what principles should guide the Commission in matters relating to or affecting the allocation of frequencies, and in particular, what changes, if any, should be made in the Commission's existing Regulations, respectfully show,

Cleared Channels

That heretofore and in November, 1928, the hereinafter named broadcasting stations were assigned to cleared channel frequencies on a time sharing basis, viz,

WBBM-KFAB	— 770 kilocycles
WFAA-WBAP	— 800 kilocycles
WWL-KWKH	— 850 kilocycles
WLS-WENR	— 870 kilocycles
KTHS-KRLD	—1040 kilocycles
WTIC-WBAL	—1060 kilocycles
WPG-WLWL	—1100 kilocycles
KVOO-WAPI	—1140 kilocycles
WOWO-WWVA	—1160 kilocycles
KEX-KOB	—1180 kilocycles

That such assignments to said stations were made primarily for the purpose of making an equitable division of cleared channel service among the various states to meet the requirements of the Davis Amendment of the Radio Act of 1927.

Assignments Modified

Said station assignments have since been modified as follows:

- a. WFAA-WBAP and WLS-WENR now use the same transmitters so that insofar as the listening public is concerned there is a constant signal on the respective frequencies of 800 and 870 kilocycles.
- b. WBBM-KFAB have been given experimental authorization to operate in synchronism at nighttime.
- c. WWL has received special authority to operate unlimited time on 850 kilocycles while KWKH has received special authority experimentally to operate on 1100 kilocycles, unlimited time, using a directional antenna to protect WLWL and WPG.
- d. WTIC-KRLD have received special authority on an experimental basis to operate unlimited time on 1040 kilocycles.
- e. KTHS-WBAL operate simultaneously during daytime hours, dividing time at night. However, after 9 P. M. WBAL operates in synchronism with WJZ on 760 kilocycles with a reduction in power from 10 kilowatts to 2500 watts. This makes it necessary for KTHS to remain silent from local sunset to 9 P. M.
- f. KVOO-WAPI, WOWO-WWVA and KEX-KOB have been permitted to operate simultaneously during daytime hours.
- g. No change has been made in the operating assignments of WPG and WLWL operating on 1100 kilocycles, but as has already been noted, KWKH is now operating on this frequency experimentally, unlimited time.

Eight Years of Trial

More than eight years of trial and operating experience has clearly demonstrated that the operation of cleared channel stations on a time sharing basis is economically unsound and does not permit of the rendition of the maximum service by such stations to which the radio listening public is entitled.

Present operating assignments of shared time cleared channel stations are economically unsound for the following reasons:

- a. The same investment is required for installation and maintenance as is required for a full time cleared channel station, and the operating cost is substantially the same.
- b. Due to the fact that nearly one-half of the most valuable nighttime hours are not available there is a substantial loss in station revenue.
- c. Listener popularity and station prestige are seriously impaired by reason of the interruption in the continuity of program service.

Public Deprived

The radio listening public is now being deprived of program service from shared time cleared channel stations which with full time operation from such stations would be available to it because:

a. Shared time cleared channel stations under present assignments are required to observe a silent period up to a maximum of four hours each day during certain months of the year. Such nighttime hours are generally recognized as most valuable from the standpoint of the listening public.

b. During the hours when these stations are forced to remain silent occur the greatest number of programs in which the public is most interested, such as the major commercial programs, local and chain, local and national news reports, market reports, sports events, educational programs, political speeches and other events of public interest.

c. An analysis of the radio listener habits has demonstrated that the early evening hours are the most popular to the rural listener. On account of such silent period the shared time cleared channel stations are unable to render the maximum service to the rural listeners residing within their respective service areas.

In June, 1936, the Davis Amendment hereinbefore referred to was repealed and we submit that the present is an opportune and logical time to make it possible for these part time cleared channel stations to operate full time.

Conclusion and Recommendation

Based upon the foregoing showing and representations, it is respectfully submitted that the Federal Communications Commission should now amend its existing Rules and Regulations, particularly with reference to Rule 116, so as to permit full time operation on such of the foregoing shared time cleared channel frequencies, as sound engineering standards and practice may determine proper and feasible after a hearing to be held before your body upon due notice to the stations affected.

HAROLD A. LaFount

Harold A. LaFount, former member of the Federal Radio Commission, also made a statement at the hearing today in which he said that he was speaking in his own capacity and not on behalf of anyone.

He told the Commission that in his opinion without adequate power and with only part time it is almost impossible to operate a station without loss. He also advocated that the Commission delay action on applications of clear channel stations for power increases up to 500 kilowatts "until additional information has been made available."

Mr. LaFount said:

Engineering Problems

The Radio Engineering problems confronting your Honorable Body have been so eloquently presented by so many distinguished gentlemen that I hesitate to burden you with my views on that subject. However, there are a few additional points which I should like to present for your consideration. Before doing so, I want to make my position perfectly clear. I represent no one. I am not trying to make a case for any individual or any group of individuals. I have absolutely no financial interest in any radio station. My radio experience covers a period of fifteen years, and includes many activities in that field. Nothing I say here should be construed as a criticism of existing practices, rules or regulations, or of any station, chain or group of stations. My purpose is to be constructive and helpful. I present my own opinions, and have reached my own conclusions. They are given to you in a spirit of helpfulness. I have no other purpose in addressing you.

State of Flux

The radio industry continues to be in a state of flux. This hearing is in recognition of past and impending changes in the structure of radio broadcasting. Those changes have been many in number and far-reaching in effect, and coming as they do with increasing rapidity, it is well to take pause from time to time in order to make an inventory of progress and to chart a course which may be used as a guide to progress in the future. It is for the purpose of clarifying the present position of the radio industry, as I see it, that I shall divide my remarks into three parts, classified as follows:

1. The objective;
2. Present conditions;
3. Suggested improvements.

Serve the Public

The Federal Communications Commission was created and has been maintained so that it may serve the public interest, convenience, and necessity. It, in turn, must fulfill that responsibility by applying the same yardstick to the hundreds of radio broadcasting stations which fall within the purview of its authority. In this sense, the obligations and responsibilities of the governing body and the governed are identical. The broadcasting industry must, by sincere and continuous cooperation with the Commission, make it possible for this body to effectuate its mandate from the Congress. The Commission must, by the same sort of cooperation, make it possible for the radio industry to fulfill its responsibilities. Without this sort of mutual interest in the common welfare, the very object and purpose of the Communications Act must suffer defeat.

High Ideals

The path which leads to the attainment of the high ideals prescribed for the industry is marked with pitfalls and barriers. The problems confronting the broadcaster only begin with the issuance of his license. The programs which he will air through the facilities of his station must not only be in the public interest, but must also *interest* the public. As you will appreciate, that public includes authors, actors, carpenters, composers, poets, plumbers, the rich and poor, the young and old, the single and married. It is difficult to conceive of a more highly heterogeneous group than the radio audience. To reach such a group requires that the radio be all things to all men. It places the broadcaster in the position of having to please as many of these diverse elements as possible in the time at his disposal, and by the same token, makes it necessary for him to incur the risk of displeasing one group in order to please another. There can be no question that one of the most difficult jobs on earth is to operate a radio station successfully, not only from the financial standpoint which poses a number of difficult problems, but also from the standpoint of serving the conglomerate public.

Listening Public

The only phase of the radio broadcasting structure which enters the consciousness of the listening public is the program itself. They may not know which station it is coming from; they may not know whether it is a local or a network program; they do not care how high the antenna is nor how efficient the frequency monitor; they only know whether or not they like what they have to listen to. The observance of the very essential rules and regulations promulgated by your Honorable Commission is, after all, but a means to an end. The end is public service. We must be careful to differentiate between the service itself and the technical or engineering methods which have been adopted to make that service possible.

I, therefore, suggest that the matter of paramount importance to the public is the *radio program itself*. It is upon the success and popularity of these programs that the mighty radio industry depends for its existence. Under the present allocation and program arrangement peculiar to the United States, the radio industry has expanded beyond the expectations of the most optimistic. Nearly three-fourths of a billion dollars was the cost of entertainment by radio in the United States last year. With more homes equipped with radio receiving sets than with either telephones or electric lights, and the annual use of 3500 carloads of lumber, 1500 carloads of steel, and millions of miles of copper wire in servicing the industry, everyone must be impressed with the size of the undertaking of which every broadcaster is a part, and the size of the responsibility which devolves upon him. If he fails in his efforts to entertain or to interest the American public, or to render a satisfactory service to that public, the effect upon this vast industry would be devastating. Again, I acknowledge the importance of satisfactory reception and quality of reproduction, but urge that our prime object should be satisfactory program content and quality of presentation.

Present Conditions

The present status of the radio art and industry is in many respects extremely satisfactory. The results of your postcard questionnaire, a part of your allocation survey, were gratifying. It proves conclusively that cleared channel stations are produc-

ing the results sought by their creation. The information compiled by your inspectors is likewise most encouraging. As a matter of fact, the results of the allocation survey are almost identical with those I had anticipated, and in my opinion, reflect much credit upon the efficient engineering staff of the Commission. In addition to this information, it is interesting to study the distribution of power which also would justify our expecting the results indicated by your survey.

On January 1, 1936, we had 374 full time radio broadcasting stations. To them was assigned 2,188,650 watts power at night. Of that amount, 2,000,000 watts were allocated full time stations on cleared channels. It should be remembered too that all full time, cleared channel stations are owned, operated or affiliated with one of the three national chains, either The National Broadcasting Company, the Columbia Broadcasting System, or the Mutual Broadcasting System. As I have said, the total night power allocated to the 374 full time stations in this country is 2,188,650 watts. Of this amount 2,130,300 watts, or over 97%, is used by the 165 full time stations affiliated with one of the three national chains. This includes cleared channel and regional stations. It will be seen that we have 58,350 watts power remaining for the use of the 209 independent full time stations.

Stations Profitable

From my observation almost all full time stations are profitable, especially those having a network affiliation. I have also observed that part time stations are engaged in a struggle for existence. I appreciate the fact that you are not obligated by law to make it possible for broadcasters to operate at a profit. However, I respectfully suggest that morally you are so obligated. In my opinion it is of the utmost importance that due consideration be given the economic aspects of broadcasting.

Under our system, broadcasting is maintained by advertisers, time being sold at rates proportionate to the size of the potential listening audience. There are hundreds of other contributing factors, but power is one of the most important. Without adequate power and with only part time, it is almost impossible to operate a station without loss. With such stations, profit-making is the exception rather than the rule. Under these adverse circumstances, a station cannot hope to fulfill its responsibilities. The ability of any station to support itself, is the measure of its ability to render a public service. One definitely depends upon the other, so that although not directly, you are indirectly responsible for the type of programs broadcast and you are thus the arbiter of the service rendered by all radio stations. Practically all full time stations, and some part time stations, are doing a splendid program job. The chains, especially, are providing entertainment and rendering a service to the American public unequalled on earth. But, gentlemen, all stations cannot be and should not be affiliated with these national networks.

Chain Broadcasting

Realizing the value of so-called chain broadcasting, smaller groups of regional and local stations are operating successful units. Credit is due Mr. John Shepherd and others for their efforts along these lines. However, do not forget that these unaffiliated full time stations, of which there are 209, have a combined night power of only 58,350 watts, or little more than is assigned to the average cleared channel station. Included in this number of full time outlets there are 153 local, or 100 watt stations. Also, I call your attention to the fact that no independent station in this country has more than 1000 watts power at night.

624 Stations

On January 1, 1936, we had approximately 624 stations licensed to operate in the regular broadcast band, 374 full time and 250 part time stations. The total day power allocated to the part time stations was 460,700 watts, and the night power, 328,900 watts. This figure, however, is very misleading. It should be understood that where two stations share time on the same frequency, the power of each is included in the figure given although obviously only one station is on the air at a time. For example, WPG, 5000 watts, and WLWL, 5000 watts, sharing time have been considered 10,000 watts. Of the total power allocated these part time stations, 279,450 watts day power and 265,800 night power are used by stations affiliated with national chains, leaving 181,250 watts day power and only 63,100 watts night power for use by 232 part time, independent stations. Certainly I need not tell you of the many problems confronting these small, independent broadcasters. They have the desire and usually the ability

to render a much greater public service than is possible under such conditions. I have heard it said by some people that these broadcasters should be put out of business. However, from my observation, I find them usually very competent and anxious to render a service, but without a chain connection and without power or adequate time, they are severely handicapped. The solution lies not in eliminating them, but in the elimination of the handicaps which beset them. It is interesting to note the location of these part time stations. For instance, the nine southeastern states have only 19, while the State of New York has 27, Pennsylvania, 18, and Illinois, 21. New Jersey has only two full time stations, and 11 part time stations.

Part Time Stations

The following states have more part time than full time stations:—Colorado, Connecticut, Illinois, Indiana, Iowa, Missouri, New Jersey, New Mexico, New York, Pennsylvania, and South Dakota. The following states have no part time stations: Tennessee, South Carolina, Wyoming, Utah, Idaho, Kentucky, Rhode Island, Nevada and the District of Columbia. One of the reasons for the existence of so many part time stations is the partial adherence to the Commission's separation requirements which, in my opinion, have outlived their usefulness. I can thoroughly understand why the signal of a southern or western station serving a large area should be protected almost to the vanishing point, but in the east and middle west where stations are very close together, and where programs are so frequently duplicated, such protection seems entirely unnecessary. The eastern and middle western stations frequently have no desire to be heard at any appreciable distance. They have a large population in rather close proximity to the station, thus making an effective appeal to advertisers. However, in the west and south a station must in some instances cover the entire state and even then its potential listening audience is less than 100,000.

New Frequencies

There seems to be some justification for the belief that broadcasting stations may within a few years be operating in a totally different band of frequencies, the effect of which will be far-reaching. The realization of this fact necessarily causes the smaller broadcaster some concern. It is a cause of concern to this body, and to all broadcasters. If, as a result, the Commission should authorize as many new stations as engineers may make room for, the result would be disastrous to most of the 441 independent stations, and especially to the 250 part time stations. The law of supply and demand is as thoroughly operative in the field of radio broadcasting as in any other competitive field.

Local Business

As you doubtless know, independent stations must depend largely upon local business for their support. Especially is this true of the local and part time station, and, gentlemen, when you realize that some cities have more radio stations than newspapers, you can be sure that selling enough time to desirable advertisers to make the station profitable is a very difficult task. We should also remember that a few years ago the newspapers handled almost all of the local advertising. Today we have the same number of newspapers, plus our radio broadcasting stations, both depending upon the same source of revenue for their existence. Also, we must remember the amount of advertising a radio station must refuse to accept, in order to conform to the ethical standards of this body, the Federal Trade Commission, and the station's own management. All of these considerations complicate administrative and operative procedures.

National Advertisers

National advertisers buy time on the national chains. They likewise buy it from the individual chain stations, but national advertisers are seldom interested in buying it from part time or local stations, and only a very limited amount of such business is available. An advertiser is safe in the presumption that the chain station has an audience, due to its ability to present meritorious programs. This ability is not necessarily due to an enterprising station management, but rather results from the fortuitous circumstances that one of the national networks selected that station as an outlet. But, on the other hand, the independent station must prepare and present its own program, sell its own time locally, and with a very limited power assignment, the price they can command from their local advertisers is only a small portion

of that which comes almost without effort to the chain station. It must be remembered also that most of the stations affiliated with the national chains sell time to local advertisers during the day. Consequently, the problems confronting the independent broadcaster becomes still more complicated.

Place in Radio

But, regardless of all his problems, there is, in my opinion, a definite place for him in the radio picture, unless you permit competition to the point of extermination or absorption. Gentlemen, if I talk for anyone, it is the independent, small broadcaster, who all too frequently has his life's savings invested in his station and possesses a sincere desire to render a public service, but due to the problems here referred to, plus others far too numerous to mention, has a task of tremendous magnitude. I believe in local and independent stations. I know there is a real need for them, and I urge your consideration of the 441 stations not affiliated with national networks. I could not say too much for the chains and what they are doing, but certainly they can and do take care of themselves.

Unaffiliated Stations

The function which the affiliated station can perform is in many respects distinct and separate from that which the unaffiliated station performs. A local station is in a position to provide a program product to the community it serves, which a network station, devoting much of its time to national broadcasts, cannot hope to perform. The facts which I have reviewed here, are conclusive evidence, it seems to me, that the interests of this large group of independent broadcasters have been sadly neglected. The ratio of the value of local service to the value of network service is incorrectly reflected in the ratio of independent station power to network station power.

These small stations can be of great public service. They are operating under a mandate from this Commission to provide that service. Without adequate time and power, they will remain without adequate revenue. Without adequate revenue, they cannot serve the public interest effectively. Compared with their big brothers, they are in a very disadvantageous competitive position. It is very easy for one to comply with the requirements of the law and this Commission, but the other must start with a very great handicap.

Suggested Improvements

In the light of these facts, I should like to recommend a few possible improvements.

First, I sincerely believe we have all the radio broadcasting stations this country can possibly support, and that additional facilities will necessitate the commercialization of stations to the exclusion of public service programs. With an increased number of stations, advertising rates must be decreased. With decreased advertising rates, more time must be sold in order to operate the station. With more sponsored time on the air, public service and sustaining programs must of necessity be reduced in number.

Second, action upon the applications of cleared channel stations for power increases up to 500 kw. should, in my opinion, be delayed until additional information has been made available. The survey conducted by you proves conclusively that these stations are now serving the rural listeners, and that additional power at this time is not essential. It is not expected that the signal strength provided city listeners be also available to rural listeners, any more than the rancher expects four or five deliveries of mail a day. As a matter of fact, he is satisfied with one. The additional investment necessary is not justified from the standpoint of service to the rural listener, but may be profitable and justifiable from the standpoint of monopolizing city and urban receiving sets in that their signal strength would be so very much greater than that of any local station. The fact that all full time, cleared channel stations are affiliated with the national chains makes additional power assignments to these stations at this time and under these circumstances unnecessary. National chain programs are heard satisfactorily in almost every part of the United States. The exceptions would likely not be benefitted by the granting of any of the pending applications. The question of the duplication of programs also becomes a subject of great importance. It seems entirely probable that the networks would, if granted 500 kw. at certain strategic locations, discontinue affiliated stations in that general vicinity, thus forcing more stations to depend upon local business and increasing local competition.

Mileage Separation

Third, the mileage separation requirements of the Commission should be discontinued, and every case considered upon its merits, giving due consideration to all factors, including duplication of programs in certain areas, and also the economic problems involved. There can be no advantage to the public, to the industry, or to the Government in permitting existing or new stations to operate at a loss or to struggle for a bare existence because of inadequate assignments.

Consolidations

Fourth, all part time stations should be urged to consolidate, to move to new locations where there are no existing stations, and population sufficient to support them, or be given an opportunity to become full time stations. I am aware that such changes cannot be initiated by the Commission, but applications for such changes should, in my opinion, be given preference over applications for new stations. The investment in equipment already having been made, such adjustments would be of benefit to the public, to the industry generally, and to the broadcaster specifically.

Fifth, all broadcasting licenses should be issued for a period of at least two years. This would materially help the morale of broadcasters and do much toward stabilizing the industry.

These things will aid substantially in improving service to the radio listener, in forestalling lopsided progress, in increasing the ability of broadcasters to render a public service in the highest sense of that word, and in providing a firmer foundation upon which to build even greater achievements than those which the radio industry has already contributed to contemporary civilization.

CROSS-EXAMINATION OF LaFOUNT

Under cross-examination Mr. LaFount said that after having made a survey of many of the stations of the country he felt assured that half of the independent stations in the United States did not make a profit during the past year. Some of them have, he said, but this depended very much on location. He advocated that the Commission not grant new station applications but that it increase the power of present ones and allow consolidations of shared time stations instead. He believed that the Commission should go so far as not even to grant applications for new stations in cities where there are no stations at present. Under further cross-examination he said that there are a few cities in the United States today who can support a radio station where there is none.

CANNOT SUPPORT TWO STATIONS

Mr. LaFount testified that in his opinion in a town with a population of 15,000 it would be impossible to support two broadcasting stations.

He stated that the two clear channel stations in the Fifth Zone cover that zone satisfactorily. He also advocated two-year licenses and said that if this were granted it would not freeze the situation. He asserted that the broadcasters of the country could do a much better job with a two-year license than a six-months license.

JOHN SHEPARD, 3rd

John Shepard, 3rd, chairman of the Executive Committee of the National Association of Regional Broadcast Stations, opened the argument before the Commission on behalf of the Regional stations.

He said that his Association advocates supporting changes in the rules of the Commission so that they would permit the operation "of Regional Broadcast Stations with 5000 watts power at night, as well as day, and so as to permit the operation of more than one full time station on a clear channel."

He said that members of his group feel that they would be adversely and most seriously affected if stations should be authorized and regularly licensed to operate with 500 kilowatts.

Mr. Shepard said.

As Chairman of the Executive Committee of the National Association of Regional Broadcast Stations, and at the very outset of the presentation of evidence supporting the position of the Association, it is in order that the Commission be informed as to what the National Association of Regional Broadcast Stations is, how it came into being, what its purposes are, and what it has been doing.

Discuss Regionals

At the convention of the National Association of Broadcasters held in Chicago last July, some of those who are responsible for

the management and operation of regional stations began to discuss informally what regional stations should do and what an organization of such stations could do in assisting the Commission in collecting data for this hearing. No attempt was made to organize the regional stations at that particular time, but some of them met in Chicago later and organized the National Association of Regional Broadcast Stations. Between the informal discussions during the NAB convention in Chicago and the time the Association was organized, numerous regional station licensees were talked to and their problems and ideas were all found to be generally the same. It was therefore relatively easy to determine at the time the Association was organized what the interests of regional stations were and to determine what general proposals this group of regional stations should make to you.

The Association has 81 members located in 34 states and has one or more members on 35 different frequencies out of 40 frequencies assigned to regional stations. Thus this Association is, in the fullest sense, truly representative.

Stations' Interests

Having determined what all of the stations' general interests were and attempting to condense these into as few definite proposals as possible. It was unanimously determined that the Association should sponsor and present evidence supporting changes in the rules of the Commission so that such rules as amended would permit the operation of regional broadcast stations with 5 kw. power at night, as well as day, and so as to also permit the operation of more than one full time station on a clear channel. It was also definitely determined as the governing policy of the Association that it should and therefore would sponsor these changes in Commission rules for general application to regional broadcast stations. Your Division, in giving notice of this hearing and in inviting participation in it, made it clear that the information and data desired should go to general applicability of rules rather than attempt to produce evidence in support of relatively few stations or a small number of regional frequencies. The Association has tried sincerely to comply with this implied if not direct request of the Commission and has prepared the showing which it will make along these lines.

Unanimous Opinion

The Association was unanimously of the opinion that regional stations, both as a group and as individuals, would be adversely and most severely affected if stations should be authorized and regularly licensed to operate with 500 kw. Believing in our own stations and being convinced that they are rendering an indispensable service to the American public, we were convinced that we would be negligent in our duty as individuals and as an Association, to both this Division and ourselves, if we did not show some of the facts as to how the regional stations would be so adversely affected by the regular operation of 500 kw. stations.

Prepare Evidence

An executive committee of the Association was elected and authorized to engage assistance for the purpose of preparing the evidence and to present it to your Division. After the Executive Committee had studied the question of how best to present the evidence, it decided that such evidence should be presented, not alone as to the technical or engineering questions involved, but also as to the all-important social and economic questions and considerations which we believe are of primary importance and which we also believe must be the controlling factors in any final conclusion reached by this Commission as to what rules shall govern the future of American broadcasting.

The Association engaged Dr. Greenleaf Whittier Pickard to direct the technical studies and Paul D. P. Spearman to direct the other studies which we shall present for your consideration with the sincere hope that the facts and principles so presented will prove beneficial. Dr. Pickard has had the assistance of several able engineers and Mr. Spearman has had several assistants working in cooperation with him. It would have been impossible to prepare and present our evidence in any other way. To make possible the consumption of the smallest amount of your time, the technical studies and investigations will be presented by Dr. Pickard. The results of the remaining studies and investigations will be presented under the direction of Mr. Spearman.

Peculiar Problems

The regional stations have their own peculiar problems and the interests of regional stations may conflict with the interests of

some other class of stations or some other station within a class, and if such conflicts should arise the only way the facts can be fairly and fully presented on behalf of regional stations is through an organization or association made up of such stations. The National Association of Broadcasters having a membership which is made up of every class of station cannot, of course, afford to, and the regional stations would neither ask nor expect it to take sides with the interests of any other class of station represented by membership in the National Association of Broadcasters.

Conclusions

Our Association appreciates the action of your Division in affording the opportunity which this informal hearing does afford to lay our problems before you and to present the facts with respect to such problems. Every member of the Association is deeply grateful to your Commission and appreciates fully your desire and intention to study the important questions involved in the regulation of broadcast stations in this manner, and to get some of the practical viewpoints, as well as the theories to which you should, we believe, give most careful consideration.

Dr. Pickard will, as I have already stated, present the technical and engineering evidence on behalf of the National Association of Regional Broadcast Stations. He will be the first to appear on our behalf.

DR. G. W. PICKARD

Dr. G. W. Pickard followed Mr. Shepard on the stand taking up the technical side of the regional station situation. He presented lantern slides by which he pointed out possible duplications on clear channels.

He took up three specific hypothetical cases of duplications on clear channels. One of these dealt with a proposed station at Seattle, Washington, on 760 kilocycles, the frequency of WJZ. The Seattle station he proposed would use a directional antenna and he contended that with its use WJZ would be given full protection.

He also took up a hypothetical case of a station at San Francisco using 1170 kilocycles which is the frequency of WCAU and other stations. In a third example he proposed a hypothetical station at Cincinnati on 150 kilocycles, that now used by KNX. In all of these cases Dr. Pickard contended that there could be duplication without serious interference.

Open Space Coverage

Dr. G. W. Pickard said that 50 kilowatt stations could not cover the great wide open spaces and even if these were increased to 500 kilowatts he contended that there could not be complete daytime coverage of these places. He even went so far as to state that 5000 kilowatt stations could not give good daytime coverage.

International Interference

Dr. Pickard then took up the international side of the use of 500 kilowatt stations. He spoke in this connection particularly of the interference range. He contended that a 500 kilowatt station would create interference well down into South America, into portions of Europe as far as Berlin, into Asia, Africa, and large portions of the Pacific Ocean. He spoke also of the reception in Europe of America's stations, mostly of 50 kilowatt power and located on the Coast. Dr. Pickard will continue his testimony on Friday morning.

Regional Group Concludes Engineering Testimony

The Federal Communications Commission today resumed its hearings in the general allocation case which was adjourned last Friday.

Dr. G. W. Pickard, engineer for the regional group, was on the stand all day today undergoing cross examination by the chief engineer of the Commission, T. A. M. Craven. He concluded his part of the case today and it is expected that Paul D. P. Spearman, counsel for the regional group, will present the economic side of their case tomorrow, which will conclude what that group has to offer.

It is anticipated by members of the Commission that the hearing will conclude this week but it is possible that it may have to sit next week.

Pickard Continues

Dr. Pickard, at a short session of the hearing on Friday morning, continued his testimony. He discussed further the question of international interference from 500 kilowatt stations. He called attention to the fact that there are a number of Mexican stations operating on the same frequencies as our own clear channels and that the Mexican stations have really made our clear channel stations anything but clear.

Coverage

He discussed at some length the distribution of both day and night regional service and told the Commission of a study of coverage of regional services which he had made. He stated that his survey showed that regional stations in the United States cover a daytime audience of 175,206,988, which of course, he pointed out, is an overlapping of regional service. Nighttime coverage of these stations, he asserted, reached 245,292,649.

During the course of his examination Dr. Pickard stated that he agrees in part with the Engineering Division of the Commission in connection with signal intensity. He said that in his opinion a ten millivolt signal is too low and that it should be twenty millivolts. In connection with a signal in the residential part of the city, he contended that two millivolts are too low and that this should be increased to five millivolts. He said also that in rural areas the signal intensity of one tenth of a millivolt is too low.

Agrees with Engineers

Dr. Pickard testified under cross examination that he agrees with many of the conclusions reached by the Engineering Division of the Commission in its recent allocation survey. However, the Commission's standard on blanketing is too low, Dr. Pickard contended.

Asked regarding radio problems from the standpoint of the listener and the government, Dr. Pickard said that he best understands the radio problem from the standpoint of the listener. He advocated reallocation on a frequency basis to give such stations as the regionals a frequency in keeping with soil conductivity. He admitted that it would be hard to accomplish such a reallocation.

City Listeners

Dr. Pickard told the Commission that the listeners in the cities should be given stronger signals than they now receive. City and rural listeners have much the same listening likes and dislikes,

Dr. Pickard continued, and said that in his opinion the broadcasters should give the greatest variety of programs to rural as well as city listeners.

Staggering Stations

Dr. Pickard suggested in answer to one of Mr. Craven's questions the staggering of station frequencies where two or more stations are on the same frequency. By staggering the stations approximately 17 cycles it would eliminate the zero heating, sea wash effect which is much more objectionable, he stated, than the overlapping of two programs.

Dr. Pickard pointed out that from zero to 10 cycles difference between stations an objectionable flutter is experienced but from 10 cycles to approximately 25 cycles the heterodyne between stations is not audible, due to the inherent characteristics of a receiver. He suggested that an acceptable ratio of 10 to 1 between two stations would be satisfactory where this staggering is used, instead of 20 to 1 where this staggering is not employed.

Local Stations

It was contended by Dr. Pickard during the course of his examination that local stations should be used for local problems. He said that full time is much more important to the listening public than part time.

There is a definite limit, Dr. Pickard testified, as to what can be done in the duplication of clear channels.

Mr. Craven called Dr. Pickard's attention to the fact that there are now 40 clear channels designated as such and he asked him how many duplications there could be. Dr. Pickard expressed the opinion that possibly there should not be more than 10 or 15 of these channels duplicated. He advocated a horizontal increase in power to 5 kilowatts for all regional stations.

Canadian Channels

Dr. Pickard said that in his opinion stations on Canadian shared channels could go to 5 kilowatts with the use of a directional antenna. He contended that 5 kilowatts will increase fields but not interference. He also advocated the consideration by 250 and 500 watt stations going to 5 kilowatts. He admitted that there is a serious engineering problem here but contended that it could be worked out. He said further that if the regional stations of the country should increase their power that local stations on adjacent channels would not be seriously interfered with.

Rural Interference

It was testified by Dr. Pickard also that no rural interference would be caused if regional stations increased their power and the clear channels stay at their present power. He advocated the use of directional antennae for all stations on shared frequencies, including locals, and said he knew of no reason why at least certain of the local stations should not be permitted thereby to increase their operating power.

City listeners, Dr. Pickard stated, still answering questions by the chief engineer, need higher power through their local as well as distant stations. He expressed it as his opinion that shared time stations should go to full time if this is at all possible.

Rural Listeners

Rural listeners now receive good service under the present engineering standards, Dr. Pickard stated, but he repeatedly advocated higher power for the regional stations.

Taking up again the question of rural listeners, Dr. Pickard said that his investigations show that they receive at least two network programs and in many cases three. However, he stated definitely that the rural listeners do not receive good daytime service from clear channel stations. His contention was that no matter how much the power of the clear channel stations was increased it would not give good daytime reception to the rural listeners.

All Listeners Alike

Dr. Pickard told the Commission that in his opinion all of the listeners of the country, both rural and city, should be treated alike but it is not technically and economically possible. He said in this connection that it is no more possible to give the rural listeners as good a program as the city listeners receive than it is for the rural residents to have sewers, lights, police protection, etc., compared with city dwellings.

Dr. Pickard thought that the rural listener could be better taken care of by increasing the number of stations, by increasing power on regional stations, and by synchronization.

No Inflexible Regulations

Dr. Pickard went on record in a most emphatic manner against the imposition by the Communications Commission of any inflexible regulations which would hamper radio experimentation. He stated positively that in his opinion the use of 500 kilowatts is not a technical advance.

In this connection Dr. Pickard drew an analogy between the use of high power on clear channels and the distribution of energy via telephone lines. He said that it had been his experience as a telephone engineer that there were definite limits beyond which power could not be distributed from one source; and that it was more economical to distribute it by steps. Questioned by Mr. Craven as to how his analogy applied to the horizontal increase in the power of regional stations to 5 kilowatts, he drew a further analogy with the use of light. In this connection he explained that our seniors had been forced to use weak and inefficient candle and lamp light but that today there was a level beyond which it was not necessary to go in furnishing efficient light.

Higher Power for Regionals

He made a very positive statement to the effect that higher power should be granted the regional stations of the country but that no increase should be granted to the clear channel stations. He said that the use of 500 kilowatts is not feasible or the best solution of the present problem. He contended (1) that the stations have reached the useful limit of their increased power, (2) he compared this increased power with the telephone situation, (3) he brought up the question of international interference, and (4) economic reasons.

WLW

Questioned regarding the service of WLW 716 miles away from the station, Dr. Pickard said that it is not rendering a satisfactory service in June or July. He said in fact that if a circle were drawn around WLW 716 miles in circumference that there would be certain times when it would not give a good service. The summer service of the station, he contended, is impaired as compared with fall, winter and spring. He admitted, however, that if the power was reduced it would impair the service range.

Satisfactory Service

Dr. Pickard told the Commission that he believed that the broadcasters of the country should give such satisfactory signal to the listener as is acceptable to him. This, he said, of course will vary with the circumstances of the listener. During the course of his examination Dr. Pickard stated that his observation showed that there is a higher disturbance on the east coast than on the west coast.

There should be a signal intensity, said Dr. Pickard, of more than 500 millivolts used to cover towns and villages even in rural areas.

Rural Stations

Many towns and villages in the United States now have no radio station of their own, Dr. Pickard testified, at which point Mr. Craven read into the record that there are 280 towns in the United States today having inhabitants from 10 to 15 thousand which have no radio station and there are 562 towns with inhabitants of between 5,000 and 10,000 who have no station of their own.

Florida has a high disturbance area in the summer because of the storms, Dr. Pickard said. Dealing still with this state he testified that there are a number of towns in Florida having from 2,500 to 25,000 inhabitants which are dependent on clear channel stations for their radio reception. He said that in a case of this kind increased power would help.

The increasing of the power of clear channel stations he said in his opinion would give rural listeners better programs only to a very limited extent. Neither regional nor clear channel stations use a hundred per cent network, Dr. Pickard testified, but he did not know what percentage of network time these two classes of stations used.

One Wave Franklin Antennas

Dr. Pickard pointed out that clear channel stations, by the use of One Wave Franklin Antenna, could increase their coverage to a degree which would be the equivalent of an increase in power from 50 kilowatts to 136 kilowatts. Asked whether he would advocate the use of the One Wave Franklin Antennas by clear channel stations, Dr. Pickard said that he would favor their use particularly if such stations operated on the higher frequencies.

Following is a supplemental list of those attending the hearings:

B

Baker, Thomas S.; Berne, Louis W., Station WCNW, Brooklyn, N. Y.

C

Chafey, Clifford M., Station WEEU, Reading, Pa.

F

Faske, Arthur, Station WCNW, Brooklyn, N. Y.; Frazier, Howard S., Cons. Engineer, Hotel Philadelphia, Philadelphia, Pa.

G

Gillin, Jr., John J., Station WOW, Omaha, Nebr.; Godley, Paul F., Cons. Engineer, Montclair, N. J.; Gould, Purnell H., Commercial Mgr., Station WFBR, Baltimore, Md.

H

Half, Hugh A. L., Station WOAI, San Antonio, Tex.; Harmon, R. N. Westinghouse Co., Chicopee Falls, Mass.; Hildreth, Melvin D., Attorney, WORL, Boston, Mass.

L

Landis, Harold O., Station WEEU, Reading, Pa.

M

Megargee, Frank, Station WGBI, Scranton, Pa.

P

Prall, A. M., V.-P., Trans-American Broadcasting & Television Corp., 521 Fifth Ave., New York City.

T

Tolman, David E., Segal & Smith, Washington, D. C.

W

Webb, William H., Attorney, 1128 Connecticut Ave., N. W., Washington, D. C.; White, Ray B., Stations WAWZ-KPOF, Zarephath, N. J.; Wrathall, Grant, Utah Broadcasting Co., Station KUTA, National Press Bldg.

Regionals Testimony Completed by Spearman

Paul D. P. Spearman, counsel for the National Association of Regional Broadcast Stations, completed their presentation before the Federal Communications Commission today at the allocation hearing when he took up the social and economic considerations vital to regional stations.

Mr. Spearman was subjected to cross examination by T. A. M. Craven, chief engineer of the Commission on behalf of the Commission, and questions were propounded through him at the direction of Chairman Sykes prepared by Louis G. Caldwell, counsel for the Clear Channel Group. It is expected that Paul M. Segal, counsel for a group of regional stations who have asked the Commission for an increase of power to 5 kilowatts, will present their case tomorrow. It is anticipated also that some time during tomorrow's session the National Broadcasting Company will present testimony.

Economic Questions

Mr. Spearman told the Commission at the beginning of his statement that his particular discussion would be limited to the social and economic questions involved.

"The group which I represent," said Mr. Spearman, "holds as fundamental and self evident truths that social and economic consideration and facts taken into account by the Commission and used as the basis for the future regulation of broadcasting transcend and outweigh in importance any question or questions of mechanics which might be given consideration or which might affect the future of radio broadcast regulation."

Mr. Spearman contended that regional broadcast stations are the backbone of American broadcasting. "The Association which I represent," he said, "has no quarrel with the networks as such. Chain programs have made possible the growth and popularity of broadcasting."

Regional stations, said Mr. Spearman, render unique program service to their communities and adjacent areas which it is difficult, if not impossible, for other classes of stations to duplicate.

Recommendations

"The National Association of Regional Broadcast Stations," said Mr. Spearman, "on the bases of the social and economic facts, which are of primary importance, and the technical facts as well, all of which we believe sincerely to have supported our proposals, once again most respectfully urges the promulgation of rules or changes in rules so as to permit the operation of regional stations with 5 kilowatt night power; permit duplication and operation of more than one station on the clear channels, and retain the present rules fixing 50 kilowatt as the maximum power with which any station will be regularly licensed to operate."

Paul D. P. Spearman

Mr. Spearman said:

The Broadcast Division of the Commission in giving its notice of this informal hearing, stated that its purpose was to obtain the most complete information available with respect to the broad subject of allocation, and emphasized that the data desired was not limited to technical or engineering facts, but included a request for the presentation of evidence with respect to social and economic considerations which should be considered in the formulation of regulations and standards governing the use of the band 550 to 1600 kilocycles. It was to make social, economic and engineering studies and to present the results of these studies at this

hearing that the National Association of Regional Broadcast Stations was organized. This Association is composed of licensees who operate a large number of regional broadcast stations, including commercial and non-commercial stations, as well as stations affiliated with national networks and commercial stations operating independent of such networks.

The National Association of Regional Broadcast Stations employed Mr. G. W. Pickard to direct the studies of technical questions affecting regional stations in particular and broadcasting in general. I was retained to direct and to present studies affecting the other phases of the regional stations' presentation. This particular discussion will be limited to the social and economic question involved, and if references are made to technical matters it will be because of the inter-relationship which may appear to make this necessary. It is not the purpose of this statement to deal with engineering questions as such, and the only technical references which will be presented in this discussion are those which may directly bear upon a proper presentation of the social and economic aspects of the questions being considered. Moreover, such reference as may be made to technical questions are based upon the main body of the engineering presentation which has been made on behalf of the Association by Mr. Pickard.

Importance of Social and Economic Considerations

The group which I represent holds as fundamental and self-evident truths that social and economic considerations and facts taken into account by the Commission and used as the basis for the future regulation of broadcasting transcend and outweigh in importance any question or questions of mechanics which might be given consideration or which might affect the future of radio broadcast regulation. These social and economic laws and facts cannot be measured with absolute precision or mathematical exactitude, yet they are the factors of paramount importance which should be reckoned with and first solved as far as possible before consideration is given to the mechanics of radio in the formulation of rules to guide and govern the future of broadcasting. After, and only after, the social needs and economic demands and limits have been determined can the Commission ascertain how and in what way the mechanics of broadcasting should be fitted into the result. The only reason for the existence of radio transmitters and receivers is to serve the social and economic needs and demands of the public. The public and its social problems do not exist merely for the purpose of being reached through the mechanics of radio and their interests should not, and we are sure will not, be subordinated to mere technical considerations. The public is the master and radio its servant. To set up engineering or technical rules and then attempt to fit the public needs into the resultant picture would be tantamount to the "tail wagging the dog." The group which I represent appreciates fully and is proud of the great advances made in the technique of radio. It is convinced that where engineering theories run counter to social demands and economic laws, the needs and demands of the public must control.

The Position of Regional Stations in Broadcasting

Regional broadcast stations are the backbone of American broadcasting. We do not believe this statement will be challenged. We do believe, however, that the importance of regional stations in the present structure and listener service of broadcasting and the important function they perform would not be amiss if pointed out here.

In the allocation of 1928 the Federal Radio Commission established three classes of stations, each intended to render a particular kind of service, i. e., clear channel, regional and local. Clear channel stations were provided for the purpose of rendering general service over large areas. Regional stations were created for the purpose of serving important communities and their adjacent areas of influence. Local stations were designed to serve localized needs in more limited territories.

Out of that allocation and from this classification of stations there developed a natural but important aspect of American broadcasting; specialization of function. Each class of stations was designed, and indeed best suited, to serve a particular function. Much of American radio broadcasting and the service which the public has received has developed since that basic allocation as the direct result of the natural working out of this specialization of function.

The principle of specialization of function strikes deeper into the broadcast structure and the daily operation of broadcast stations than might appear at first glance. Not only does it affect the range of radio signals, but it exerts a powerful and important influence upon the nature of the program service rendered and, as well, upon the economics involved.

Local stations more and more have come to develop program service designed to meet particular local needs and to fit into local demands and local psychology, finding in this development or evolution the only successful means of winning and holding listeners in competition with the network and larger and more prosperous stations. This specialization or concentration by local stations on local conditions and local factors has been a most constructive addition to the field of broadcast service and has added materially to the wealth and variety of listener service made available.

Program Service

The differentiation of program service between regional and clear channel stations has been less marked, just as the difference between their range of service and influence is at times less clearly defined. On the other hand, however, there has been a particularly noticeable tendency for the regional stations to be more and more closely allied to every civic enterprise of the community and area which it serves and to tie itself as closely as possible to the community life, the reference to community here being not only to the city in which a given station may be located, but includes as well the adjacent areas which it serves. Part of this policy has been dictated by clear channel competition, and part by desire to win and hold a loyal, local following in general. Again specialization of function has tended to develop a distinctive service on the part of many regional stations.

This specialization of function has also affected the economic operation of stations of various classes. Local stations have tended to specialize in local advertising and to render important service to smaller retail establishments. Regional stations have tended to serve and do serve those larger commercial concerns—department stores, local manufacturers, bakeries, and the like—interested in a wider area than the immediate locality and concerned with and desirous of reaching the entire trading area of the community. Regional stations from the beginning have served as important network outlets and in this way have served regional and national distributors in a most important capacity.

Clear channel stations have served and continue to serve as important links in the chain of American broadcasting. Their widespread coverage has, as would naturally be expected, given them less local interest and has tended to restrict their scope of local service and at the same time, so far as the circulation received outside of the community and its adjacent trading area is concerned, has introduced a large element of waste for the local advertiser.

Populous Areas

In more populous areas there is the grave question as to whether the clear channel station has performed any function different from that of the regional station enjoying good coverage. In many of these populous areas a clear channel station has served either as a key station or outlet station for networks, thus performing practically the same function and giving generally the same service of regional stations elsewhere which are affiliated with such networks.

Thus it is seen that the principle of specialization of function has worked itself out in the technical, social and economic fields and these three classes of stations may be compared roughly to three aspects of the press. The clear channel station may be compared to the large metropolitan daily with a large circulation scattered over a large portion of the country. The New York Times would

be an example in point. The regional station may be compared to the average city newspaper which constitutes the backbone of the American press as the regional stations constitute the backbone of American broadcasting. Finally, the local station is similar to the country press or to the neighborhood papers in the large cities. It might be said, however, that in community movements and community drives the large metropolitan daily with its scattered circulation may not be relied upon and such movements must depend for their success upon the local daily newspaper which builds its service around the city and its environs just as the regional station does.

Press and Radio

Analogies may be dangerous, but to the extent to which the press and radio are at all similar, this comparison serves to point out the development and the *value*, socially and economically, of specialization of function as it is found in American broadcasting. From it we may draw an important conclusion: that specialization of function and specialized service must be preserved in future allocation systems, and indeed, must be encouraged. This encouragement should not go so far as to injure any important class of stations rendering service to the American public unless it is conclusively shown that such injury will be more than compensated for by the added service rendered by any class so preferred in encouragement.

Regional stations have rendered and continue to render a distinctive and unique service to the listeners within the communities where they operate and this service is, as we pointed out, by no means limited to the immediate city but includes the areas in which the cities wield social and economic influence. 44 per cent of all the stations in the country are classified as regionals and number approximately 277. 78 per cent of all the stations affiliated with either the National Broadcasting Company or the Columbia Broadcasting System are regionals. If the regional stations which are affiliated with the Mutual Broadcasting System are considered, it is found that 80 per cent of all stations affiliated with all national networks would be placed in the regional category.

The Association which I represent has no quarrel with the networks as such. Chain programs have made possible the growth and popularity of broadcasting. Without the cost of producing programs of a high order which have been and are being carried by the networks being distributed over a large number of stations including a preponderance of regional stations, bringing about a relatively lower cost in the production of these programs, this excellent service to the listening public would have been economically impracticable, if not impossible. By directly or indirectly absorbing their share of these costs the regional stations of the country have made possible a high order of program service which would have been impossible without them. Again I repeat that regional stations are the backbone of broadcasting; have been and still are the backbone of national network service.

Regionals Serve Bulk

Moreover, regional stations serve the bulk of our population. Unlimited-time regional stations serve all of our important cities and their contiguous areas of influence. 48.9 per cent of all regional stations and 53.9 per cent of those which operate unlimited time are located in cities of 100,000 and over. Within 20 to 50 miles of these 93 largest centers live almost half of our entire population including a large rural population. 51.1 per cent of all regional stations and 46.1 per cent of all those operating unlimited time are located in cities having populations of less than 100,000. Thus it is seen that regional stations are widely distributed throughout the country and it cannot be disputed that the majority of the regional stations being located in cities of less than 100,000 population must and in actuality do serve the preponderance of the rural listeners of the country.

In addition, it is found that daytime and limited time regional stations are concentrated in the smaller towns where they render important rural service. As a matter of fact it is common knowledge that these stations build their programs around the needs and with the purpose of serving, reaching and appealing to large rural audiences. Further study with respect to the location of shared-time regionals disclose that these are situated in small towns and in large metropolitan communities. Being so situated they have catered to rural audiences on the one hand or localized neighborhood audiences on the other. Those who have catered to the latter serve principally as counter-parts of localized or neighborhood newspapers in these large centers.

The importance of regional stations in the economic fabric of broadcasting may be ascertained from the Commission's own records.

Study

A study was made of the regional stations which have regularly reported their revenues and expenditures to the commission and this study reveals that of approximately 277 regional stations in the country, 240 of them have been so reported. Taking into account the 240 regional stations so reporting and studied, their distribution over the country is found to be as follows:

<i>Size of Community</i>	<i>Number of Stations</i>	<i>Per Cent of Total</i>
under 50,000.....	62	25.7
50-99,000	37	15.4
100-199,000	43	18.0
200-499,000	53	22.1
500,000 and over.....	45	18.8
Total	240	100%

Of the entire group of regional stations mentioned, it is found that 141 of these are located in the 93 cities of the country having a population of 100,000 and over. It follows, therefore, that the other regional stations accounted for are located in cities or communities of 100,000 population or less.

When those stations which have regularly reported their revenues and expenditures to the commission are separated and the unlimited time stations are segregated, their distribution is found to be as follows:

<i>Size of</i>	<i>Affiliated with NBC or CBS</i>		<i>Independent</i>		<i>Total</i>	
	<i>Count</i>	<i>Percent</i>	<i>Count</i>	<i>Percent</i>	<i>Count</i>	<i>Percent</i>
under 50,000....	16	14.6	17	31.0	33	21.7
50-99,000	18	16.5	8	15.1	26	17.1
100-199,000	23	21.1	11	20.7	34	22.3
200-499,000	32	30.2	11	20.7	43	21.7
500,000 and over	20	17.6	6	12.5	26	17.2
Total	109*	100%	53	100%	162	100%

* The latest count shows that there are actually 122 regional stations affiliated with NBC or CBS. The 109 accounted for are those which have regularly reported their revenues and expenditures to the commission.

Affiliations

From these figures it will be seen that 71.7 per cent of all the unlimited time regional stations of the country are affiliated with either the National Broadcasting Company or the Columbia Broadcasting System. It is therefore at once apparent and obvious that regional stations and networks are mutually dependent upon each other. The fact that the networks are using so many regional stations is proof of the present dependence of networks on regional stations.

As has been pointed out, 71.7 per cent of the unlimited time regional stations of the country are affiliated with and carry the network programs of the National Broadcasting Company and the Columbia Broadcasting System. According to the 1935 U. S. Census of Business, 22.2 per cent of the revenues of all stations in the United States came from national networks. This represents more than \$12,500,000 per annum and by far the largest number of stations in any one class participating in this revenue are the stations in the regional category.

A questionnaire was sent to regional broadcast stations asking for a breakdown of their revenue as to sources, *i. e.*, national network, regional network, national spot and local business. A tabulation and study of the responses made by 19 regional stations in various parts of the country shows that the average percentage of the total revenues received by these stations from national networks for 1935 was 27.4 per cent of their total revenues. While this is not a large number of stations, it is believed to be representative since the responses came from stations located in the various classification of communities by populations used heretofore. Moreover, the majority of the stations studied are optional and the minority of them are on the basic national networks. Had a majority of them been on the basic networks the percentage of revenues from network business would have been greater. If the cost of operating these 19 stations is deducted from their total revenues to ascertain the profit from operating them, and if then from the profit so arrived at the income from networks should be subtracted, it is found that taken as a group these 19 stations would be operated at an annual loss of \$111,798.00, or an average loss per station of \$5,884.00. 10 of these 19 stations would be operated at a loss if

they should lose their network business, while 9 of them would more than break even. If the cost of supplying sustaining programs to take place of the network programs which the stations receive from the networks should be added, this net loss would be much greater than \$111,798.00.

It is therefore apparent that the national networks and regional stations are mutually dependent upon each other. It is likewise clear that any disturbing influence which would affect the present relationship between networks and regional stations, particularly the revenues received from the networks, not only might but most certainly would adversely affect that class of stations which constitutes the backbone and mainspring of American broadcasting, and if such disturbing influence should so adversely affect the economic and financial structure of these stations it would just as surely depreciate the quality of service which the public has come to rely upon and which it has the right to continue to expect.

Further economic data will be presented in connection with specific questions to be discussed later in this statement.

Community Importance of Regional Stations

Regional stations render unique program service to their communities and adjacent areas which it is difficult, if not impossible, for other classes of stations to duplicate.

It is common knowledge, as already pointed out, that regional stations have affiliated themselves with and tied themselves to the peculiar interests of the communities in which they are located. It is well known that regional stations cooperate with all worthwhile civic organizations and give generously of their time and facilities to all such organizations and institutions throughout their entire service areas. Civic movements often reach beyond the mere boundary lines of the city in which a radio station is located. Many of these movements affect either directly or indirectly the areas adjacent to these cities and the urban dweller as well as the rural resident is often vitally interested in them. In this connection the regional stations of the country render a distinct and peculiar service. It is one of their natural functions and fields. As a rule local stations cannot cover these areas, and distant listeners not being interested in these movements, do not care to listen to the programs when carried by clear channel stations. Why should a listener in Mobile, Alabama, be interested in a discussion as to where a new high school building should be located in St. Louis, Missouri? And why should a listener in St. Louis be interested in a discussion as to what part of the city a municipal swimming pool will be located in Mobile? And why and on what theory would a cotton farmer in the South be interested in a program calculated to aid the wheat farmer of Iowa, and vice versa? The regional stations naturally fit into these uses to which radio can be and is put. They cooperate with the heads of the schools and school systems and render valuable aid to them since it is usual that the schools within the area served by a regional station have more or less the same problems. Like cooperation is given to colleges. This cooperation is rendered to both the academic and athletic fields. It is not limited merely to the regular schools and colleges, but in many instances it has reached out into the field of adult education and in cooperation with local school officials who understand the problems at hand and the psychology of those whom they seek to aid and has done yeoman service in furtherance and support of this worthy cause.

Economically Important

The cities of this country in which regional stations are located are not only economically important to their environs, but they are the cultural centers for these areas. The urban and the rural radio listener looks to these cities for cultural guidance and business leadership. Radio stations aiding in the handling and solution of cultural and economic problems certainly have more influence and carry much more weight than some distant station could hope to wield unless the economic structure of regional stations is so disturbed as to deplete their revenues and reduce the amount which they can invest in and spend for programs broadcast by them. They will remain influential and will be listened to only so long as they can afford to broadcast programs which will arrest the attention and hold the interest of their respective audiences, and no longer. If they should lose their audiences or any appreciable portion of their listeners, their value as an advertising medium will be proportionately reduced and their value to the communities in which they are located in cooperating with civic, education, cultural and economic forces and in furthering these interests will be dealt a death blow. This will be not merely a solar plexus to the regional stations of the country, but will be a mighty blow delivered against these highly important institutions and organizations.

As pointed out, not only the urban but likewise the rural listener looks to the cities and towns in which regional stations are located for cultural guidance. He enjoys listening to music and sermons from nearby centers. He learns to appreciate the cultural value of the local symphonies and the better local talent. His interest is stirred and he is persuaded to visit and make use of the local libraries. He becomes acquainted with its educational institutions and his outlook is broadened and his ambition and that of his children is increased. These are not mere passing fancies but are practical actualities and interest in them is more easily built at short range than from long distances.

Farmer Interested

The farmer may be somewhat interested in what the wheat quotations in Chicago are, what the cotton market may be in New York, New Orleans or Liverpool or what wool is bringing in New York City, but he and you understand that what he gets for his produce and what he received for his farm products is almost entirely determined by the markets in the cities in which regional stations are located. The housewife who lives in the medium or small city or on the farm is interested in knowing what the department stores in the nearby cities have to offer, and if interested at all in what some department store may be offering 500 or 1,000 miles away, her interest arises out of pure curiosity.

The urban dweller and the farmer and their folk want to hear national news, of course, but who would challenge the statement that they are not more interested in receiving news from a nearby regional station which covers the local territory? They are interested in knowing what the weather forecast is for their local areas and care little or nothing about what it is for some distant state. They prefer to hear the mayor of the local metropolitan center and other public officials discuss local economic and political questions. They prefer to listen to local forums and hear local conditions and local issues debated and aired. They prefer to listen to programs publicizing and aiding local drives for worthy causes than to hear like drives for the benefit of far distant cities.

These are among the limitless number of services for which regional stations are peculiarly fitted and which they render.

The foreign population and the population of foreign extraction in this country is largely concentrated in and adjacent to the cities in which regional stations are located, and regional stations are the natural medium for reaching these groups and they are reaching them with emphasis on Americanism. Programs of this character, if broadcast by stations having the coverage claimed for clear channel stations, would be done at the expense of an extremely high waste circulation. A very large percentage of those who would be reached in this way would be as disinterested in such programs as the listeners in one state would be in programs on conservation, agriculture and industry originating in a wholly dissimilar state and built around the specific and different problems of the latter.

Professor Edmund deS. Brunner in a recent publication entitled "Radio and the Farmer" has included some very interesting information. Of the services rendered to the farmers by national networks this publication shows that all of these programs are carried around the noon hour. Taking the states up one by one he points out the programs carried in the various states in the interest of those engaged in agricultural pursuits, and shows the day of the week and the time of day when these programs are broadcast. A study of this exhaustive list shows that almost all of them, like the national network programs, are broadcast during the daytime. In only three or four states is it shown that any programs of this nature are broadcast during the evening hours. The most amazing result of a tabulation of the stations which co-operate in this agricultural service is that more than 90 per cent of all these agricultural programs are broadcast by regional stations. We commend Professor Brunner's publication, "Radio and the Farmer", to the Commission as proof positive of the high order of service rendered to the rural listener by regional stations, coming as it does from an entirely neutral source.

Economic Service of Regional Stations

As will be seen from the distribution of regional stations already referred to, these stations afford advertisers coverage of the principal markets of the country. As was also pointed out, regional stations have played an important and indispensable part in building the national networks and are today the mainstays of both the National Broadcasting Company and the Columbia Broadcasting System. Regional stations account for probably half of the revenues of the entire broadcasting industry. We have already pointed

out that the average monthly revenues of stations as reported to the commission for the last license period before July of this year show that the average monthly revenues of the clear channel stations is in round figures a little more than \$1,380,000, and that all the regional stations accounted for average monthly revenues slightly in excess of \$2,000,000. (These figures do not include stations owned and operated by the national networks. The national networks operate both clear channel and regional stations and if these were accounted for, regional stations would still show that they receive approximately one half of the revenue paid to all stations of all classes.)

The results of an analysis of the business of 65 stations representing approximately 25 per cent of the volume done by the entire industry was made by Bernard Rose at the Wharton School of Finance and Commerce of the University of Pennsylvania indicated the following situations with respect to varying types of business prevalent over different classes of stations and pending the publication of detailed analysis of this situation in the final census report on the radio broadcasting industry, this is the most authoritative information available on the subject. These are similar to the results which have been reported in NAB Bulletins.

When non-network volume was considered it was found that 60 per cent of clear channel and high-power regional station volume was national and regional in origin and 40 per cent local. In the case of regional stations as a group, 35 per cent of their business was national and 65 per cent local. On local stations national business represented approximately 12 per cent and local business 88 per cent of their total revenue.

Advertising by Retailers

Advertising by retail establishments showed equally interesting concentration. In the case of clear channel and high-power regional stations 16.9 per cent of non-network business represented that from retail establishments. Regional station non-network business was 33.1 per cent retail in origin. 43.4 per cent of the total business done by local stations came from retail establishments, and if all advertisers whose business approached the nature of retail distribution were included, the proportion would have been much higher or close to 2/3 of the total volume of local station business.

Although the ratio of retail business advertising, to total non-network volume, is highest in the case of local stations, the largest dollar volume is probably found on regional stations. In 1934, on the basis of this study and other information available to him as to station non-network volume, Dr. Herman S. Hettinger of the University of Pennsylvania, estimated that approximately 56 per cent of all retail establishment advertising was done over regional stations, 24 per cent over local stations and 20 per cent over clear channel and high-power regional stations. (See "Some Fundamental Aspects of Radio Broadcasting Economics", *Harvard Law Review*, Autumn 1935.) These general conclusions as to the placement of business are generally in line with the conclusions which must be necessarily drawn from statistical data published in the reports of the National Association of Broadcasters. (See NAB Reports, V. 3, No. 33; V. 3, No. 36.)

With this preponderance of local business in favor of regional stations, the fact remains, as already pointed out, that these stations cannot continue their present high quality service unless they continue to hold and receive the revenues now being received from national network and national spot advertising. Moreover, these facts emphasize the economic importance of regional stations and unmistakably warrant, and, in fact, demand that their economic and indispensable service be safeguarded in any allocation system or in any changes which the Commission may make for the regulation of regional stations or the regulation of any other class of stations, which change in regulation might affect regional stations. They also show that local advertising is insufficient alone to support regional stations and guarantee the continuance of the present high order of service rendered by them.

The protection to which regional stations are justly entitled can be best effected by safeguarding the position of these stations in their natural markets. We have pointed out the service which these stations render; we have shown that they render a service which is not and cannot be rendered by any other class of station. That service and their importance to the whole listening public are such as to show clearly that these stations are the closest approach to fitting ideally into the statutory standard of public interest, convenience and necessity.

The proposals which the National Association of Regional Broadcast Stations makes for changes in existing regulations are based upon the premise that regional stations as a class are of such im-

portance and are rendering such service as to entitle them to the improvements which would inure to these stations and to the protection which they are entitled to enjoy and which they must have if they continue to be what they most certainly are—the backbone of broadcasting.

Proposals for Changes in Regulations

The National Association of Regional Broadcast Stations offers three definite proposals, two of which require changes in the existing rules and regulations of the commission, and the third requires no change as the Association submits that the present maximum authorized power of 50 kilowatts with which any station is authorized to operate should be retained.

These proposals are:

I

Change the present regulation limiting regional stations to the use of a maximum of 1 kilowatt power at night so as to permit their operation with 5 kilowatts power both day and night. To accomplish this, the Association respectfully suggests that the commission amend the last paragraph of Rule 120 so that as amended the last paragraph of that Rule will read as follows:

“The operating power of such a station shall not be less than 250 watts, nor during night time or day time, greater than 5000 watts.”

And further suggests that the commission amend Rule 123 so as to delete therefrom all that portion thereof which follows listing of frequencies in the Rule.

II

Maintain the present regulations which limit the maximum power with which any station will be regularly licensed to operate to 50 kilowatts.

III

Change the present regulations so as to permit the operation of more than one unlimited-time high-power station on the so-called clear channels. To accomplish this, the Association respectfully suggests the following specific amendments to the existing rules and regulations.

A. Amend Rule 116 so as to read as follows:

“116. The following frequencies are designated as high-power channels.”

and follow this with a list of frequencies as now set out in Rule 116, leaving out all reference to zones.

B. Amend Rule 117 so as to read as follows:

“117. The authorized power of a high-power channel station shall not be less than 5 kilowatts nor more than 50 kilowatts.”

C. Amend Rule 72 so as to read as follows:

“The term ‘high-power station’ means a station licensed to operate on a frequency designated as a high-power channel.”

Authorize Regional Stations to Operate with 5 Kilowatt Power at Night

The technical evidence already submitted by the National Association of Regional Broadcast Stations shows that if regional stations should be authorized to operate with 5 kilowatts night power instead of 1 kilowatt, the effect would be to increase the signal of such stations 2.2 times their present signal intensity throughout the entire service area of each regional station.

The commission has stated on numerous occasions that the minimum signal intensity of broadcast stations necessary to give satisfactory service in residential sections of urban communities is 2 MV/M. The basis on which this standard was established was the knowledge the commission had that in such communities the local noise level is of such intensity as to destroy the value of programs unless the radio signal was of such intensity as to overcome local interference, and the knowledge that a radio signal having an intensity of 2 MV/M was necessary to accomplish this.

In view of the great body of evidence which the commission has received to support its numerous findings that a minimum signal intensity of 2 MV/M is necessary to give reliable and satisfactory service in residential sections of urban communities, we are justified in assuming that such sections do not receive reliable and satis-

factory service if they must depend for their programs on stations the field intensity of which is less than 2 MV/M.

The Commission has stated generally that the protection which would be afforded regional stations would extend over the area in which a given station delivered a signal of 1 MV/M or greater.

Protection to Regionals

Taking the protection to regional stations of 1 MV/M and the commission's standard of a minimum of 2 MV/M signal intensity necessary to render satisfactory service to urban communities, it follows therefore, that listeners in residential sections of urban communities who are located between the 1 MV/M and the 2 MV/M contours of any station cannot and do not receive satisfactory and reliable radio service. If stations now licensed to operate with 1 kilowatt power at night should be authorized to operate with 5 kilowatts power at night the resulting signal would be 2.2 times as strong as the present signals are, and all listeners who now receive only 1 MV/M in signal intensity from these stations would receive a signal of 2.2 MV/M, thus providing, according to the commission's standard, satisfactory residential service to the thousands upon thousands of urban dwellers who now live outside, over, and beyond the 2 MV/M contour of practically all regional stations and inside their present 1 MV/M contours. This would be the result and is the improvement which can be expected even if the interference free service area of regional stations should remain constant. By “interference free service area” is meant the area in which the signal of any given station is not limited by heterodyne or cross-talk interference.

It has been argued by some that a horizontal increase of night operating power of regional stations would not extend their service areas beyond their present limits. Those who have argued thus do admit, however, that the signal intensity of the stations would be appreciably increased, and that the ratio of signal intensity to noise level would likewise be materially increased and improved. As already pointed out, such an increase in signal intensity and improvement by increasing ratio of signal to noise level, would bring thousands upon thousands of listeners who live in cities and towns within the primary and satisfactory night time service area of such stations.

Not Limited to Heterodyne

There are at least some few regional stations which are not limited by heterodyne and cross-talk interference to their 1 MV/M contours. This is shown by the commission's allocation survey of September 1, 1936, as the average satisfactory signal on which listeners depend at night, based on regional stations, is less than 1 MV/M. If the average is less than this intensity, certainly some of them must have been much lower. This is also supported by actual investigation made in other regional station areas. If the stations which operate on the same frequency occupied by WMC, for instance, should each use five times as much power at night, WMC would still be free from heterodyne and cross-talk interference out to and beyond its present 1 MV/M contour. It requires little argument to this commission which is conversant with the facts, to show or indicate what a material, and, in fact, wonderful improvement this would work in the service area of this station. It is therefore apparent that local interference or noise level and not heterodyne or cross-talk interference is the limiting factor marking the outer limits of areas within which reliable service from some regional stations is now possible. It is at the same time apparent that a horizontal increase in regional station operating power from 1 kilowatt to 5 kilowatts at night would actually expand service area of regional stations and make possible a satisfactory reception of programs broadcast by them by thousands upon thousands of listeners who cannot now enjoy this service.

Here, as everywhere in broadcasting, the all important question of economics enters and must be weighed and carefully considered along with the social benefits which would accrue to the public, if the upper limit for night time power for regional stations is raised from 1 kilowatt to 5 kilowatts.

Because programs from many commercial regional stations cannot now be satisfactorily received, because of local noise and local interference, even though in these areas their signals are free from heterodyne and cross-talk interference, they have lost many desirable advertising accounts and have failed to receive large revenues. These revenues could have been used for the general improvement of the stations and would have afforded wider latitude in building and broadcasting programs of a high order.

Reason for Discontinuance

It has been determined that the definite reason why some accounts were discontinued over regional stations was because the

individual responsible for the continuation of the business could not receive the programs satisfactorily in his home located in a populous residential area because of local interference although at these places the signals of the stations in question were free from heterodyne and cross-talk interference. In some of these cases which have been investigated, it was determined that if the signal was twice as strong as it is at present, the intensity would be sufficient to overcome the prevailing noise level and deliver satisfactory service. As examples of this, three accounts were lost by WNAC because of this condition.

Because of the same prevailing conditions, regional stations in many locations have been unable to induce prospective sponsors to make use of their facilities. Based on the information which we have received from a large number of regional stations, this condition seems to be a chronic condition and has tended to prevent regional stations from receiving increased revenues.

Since regional stations constitute close to half of all the stations in the country; do half the combined business of the industry; serve the social and economic needs of local trade areas, and cater to the cultural and business needs of these communities; and since the local advertiser pays taxes in the community served by regional stations, contributes to and supports the welfare organizations, adds to its social life and cultural influence and depends almost entirely on the area served by regional stations for existence; and since the listeners within such areas in return receive concessions from local business men and look to and depend upon them for economic leadership, the Association which I represent respectfully submits that regional stations should be permitted to increase the intensity of their signals so that the service rendered by them to their respective regional areas may be improved and made satisfactory. These principles and these facts were necessarily considered and finally determined in favor of regional stations and were the basis on which the commission necessarily acted in permitting regional stations to increase their day time operating power to 5 kilowatt.

Increasing the reliability of signals throughout regional station areas will definitely improve the service rendered by them; will enhance their value as advertising mediums, increase their revenues and generally improve the economic fabric of the stations. The program service given by any station depends very largely and, in fact, in the main on its income or on its financial and economic condition. It follows, therefore, that if by increasing the reliability of signals delivered by regional stations this will increase the revenues received, the ultimate effect will be to improve greatly the quality of program service which the stations broadcast.

Increasing Signal

These improvements which will result from increasing the signal intensity of regional stations within their respective trade areas will make listening to such stations easier for the public and will build larger, more loyal and more valuable audiences for all of them. The value of a station as an advertising medium depends upon the number of listeners and the regularity of their listening.

Mr. Pickard has spoken of the great benefits which many stations could secure from operating on staggered frequencies so that the carrier waves of these stations would be separated by more than the maximum difference in carriers which produce flutter and by less than the difference in cycles necessary to produce heterodynes. He has stated quite definitely that the ratio of desired to undesired signals on the same channel or frequency could be reduced to 10 to 1 in figures if the stations would but follow this system of operation, which they could do within the present deviation tolerance permitted by the Commission's Rules and Regulations. This is a new and great improvement over the improvements which we have detailed and if it is added to the other improvements which would be experienced by regional broadcast stations, it requires little or no imagination to calculate the vast benefits that operation of regional stations with 5 kw. power, day and night, on staggered frequencies would mean to the vast majority of American listeners.

It has been found somewhat easier to sell the services of regional stations to local advertisers, if the local advertiser is convinced that the station has been carrying a large amount of national business, as many advertisers believe that the popularity of a station is largely dependent upon national business for high quality programs. Thus, again, it is seen that if regional stations are to maintain their local business, they must at the same time retain their national business, and it is also seen that any disturbing influence which might reduce the national business carried by regional stations would tend to make them less desired by local advertisers.

We have attempted to ascertain what influence the operation of regional stations with 5 kilowatt day time power has had. Inquiry

was made of regional stations authorized to so operate, and, without going into cold statistical data, suffice it to say that the experience of every one of these stations from which responses were received shows that their business has been increased, their advertisers sponsoring day time programs have become better satisfied, their day time programs have been improved, and the listeners have received better service, both from the viewpoints of better signals and better programs. A greater number of listeners have been able to receive their programs as a natural consequence.

For these and for numerous reasons already stated, the Association is convinced that like results and experiences would follow if the commission should authorize regional stations to operate with 5 kilowatt power at night.

Further Inquiry

Further inquiry of regional stations authorized to operate with 5 kilowatt day time power indicates that the increased cost in technical operation with 5 kilowatt day time power has been relatively slight. For 5 representative stations which furnished authentic and reliable data to the Association as to the increased costs of operation with 5 kilowatt day power as compared to costs of technical operation before shifting over from their low operating powers, it is found that the average rise in technical operating expenses was 18.9 per cent. These stations have the necessary equipment to operate with 5 kilowatt power at night as well as during the day time. They have necessarily had to provide practically all of the prerequisites necessary for operating with 5 kilowatt power at night and on the basis of the facts reported by these same 5 representative stations, it is found that the increased cost to cover mechanical operation with 5 kilowatts power at night time would be another 2.58 per cent. This cost would be largely for power and tube replacements and like expenses.

In these inquiries information of the most exact nature was asked for and received touching the question of program expenditures. It is interesting, if not indeed heartening, to note that these five stations which were studied in detail have shown a definite willingness to increase their program expenditures materially. The average increase made by them in program expenditures when they were authorized to operate with 5 kw. day power was 12.73 per cent, and it is estimated that these program expenditures would be increased by another 17 per cent if they were authorized to operate with 5 kw. night power. These increased expenditures would be met because the stations would be more valuable to advertisers, and because they would become more valuable, the advertisers would not object to reasonable increases in rates. This is shown by the fact that regional stations operating with 5 kw. power day time could increase their day time rates and instead of losing business increase their revenues. It is only reasonable to expect like results from 5 kw. night time operation.

Experience of Regionals

Based on the experience of regional broadcast stations in general, and more particularly upon the specific information which has been furnished by stations having experience in operating regional stations with 5 kw. day time power, there can be little if any question but that the increased volume of business would easily offset the relatively small increased cost of operation which would arise out of regional stations operating with 5 kw. night time power.

That reasonable increases in station rates may be made is also shown from the most reliable estimate of radio receivers now in operation, as compared to the number in use in 1930. This increase in the number of radio sets in use has increased the potential audiences so that more valuable results accrue to the advertiser. The official 1930 census showed that there were 12,078,000 radio families in the country. The Joint Committee on Radio Research (maintained by the National Association of Broadcasters, the Association of National Advertisers, and the American Association of Advertising Agencies) in its report issued July 2, 1936, showed 22,869,000 radio families in the United States in 1936, or a gain of 94.2 per cent over the number shown by the official census of 1930.

Compared to 1931, station rates in 1934 had declined 8.6 per cent. This decline has probably been made up since then, but it is doubtful if the 1931 rates have been exceeded. (*Harvard Business Review*, Autumn 1935, p. 24.) With the potential radio audience almost doubled, it would seem fair to assume that regional stations would be able to increase their rates to meet any added cost of operation growing out of their being authorized to use 5 kw. power at night.

With the increased and constantly increasing number of families having radio receiving sets, the reliability of radio signals should increase at least to the same extent. The technical evidence which has been adduced on behalf of the regional Association shows what vast improvements would be made in the reception from regional stations if the commission should authorize their operation with 5 kw. at night. This is so conclusively shown by the technical evidence, and from this irrefutable evidence it appears with such complete certainty that the percentage of listeners who could receive reliable service from regional stations is so great that when all the evidence as to effect and result is taken into account it is hard to find any logical argument which can be used against such an increase in power for regional stations. We have tried to anticipate what, if any, reasoning could be interposed against the proposed increase in power, and we have frankly been unable to find any disadvantage which would result from such an increase that approaches anywhere near in importance the great improvements which such an increase would bring about.

Argument in Opposition

The only argument which has been advanced in opposition to granting 5 kw. power at night to regional stations is the argument that at some time in the future the commission might find it desirable to authorize the construction and installation of a new regional broadcast station in some small city which does not now have such a regional station, and the argument that such a small city might not be able to afford commercial support for a 5 kw. regional station, although it might support a 1 kw. station. We have already shown from actual experience of representative stations that the cost of technical operation incident to a 5 kw. regional station so far as daytime costs are concerned is, on the average, only 18.9 per cent. We have also shown that on the basis of the actual experience of these same representative stations it is estimated that if those stations which are now authorized to operate with 5 kilowatts power during day time and licensed to operate with 5 kw. at night, the increase in the cost of mechanical operation will be only 2.58 per cent. From this it is deduced that if those stations are permitted to operate with 5 kw. both day and night the additional mechanical and technical cost of operation will be 21.48 per cent greater than was their average technical and mechanical cost of operation before they began operating with 5 kw. day power. While this increase in cost of operation by 21.48 per cent might be considered great if that percentage was based on a basic cost of operation which ran into the hundreds of thousands of dollars, yet the fact remains that this increase in cost of operation, in dollars and cents, and from a practical viewpoint nowhere near approaches the practical effect if like increases in power should be made in some other station class. To say the most which can be said in support of such argument, in the final analysis, leads to the simple conclusion, on a practical economic basis, that if a city can not support a regional broadcast station operated with 5 kw. power both day and night, there is the gravest doubt that such a city could or would support a regional station which operated with only 1000 watts power.

Although we have, as already stated, tried to ascertain and determine what, if any, logical reasons or argument could be offered in opposition to the proposal that regional stations be authorized to operate with 5000 watts power during night as well as during daytime, the one mentioned is the only argument we have heard advanced and the reasoning used in support of such an argument fails of its own weight.

Increased Power

The National Association of Regional Broadcast Stations in asking that the upper limit of permissible night time power for regional stations be changed so that the rule will fix the maximum night time power at 5 kilowatts instead of the lower powers now provided. It is clear from the commission's notice calling this hearing and the thought which runs through it that what the commission is interested in is in ascertaining what general policy should govern and what general rules should be applied to broadcasting in the future. It is just as definite from the notice that the commission is not interested in having presented at this hearing evidence in support of any individual station or small group of licensees which may be operating regional stations. In keeping with what we understand the notice to mean, we respectfully submit that the commission's rule fixing 1 kilowatt as the maximum night time power with which any regional station will be permitted to operate should be changed and with just as much sincerity we urge that the rule which limits the power of regional

stations operating on Canadian-shared channels to even less power should be changed so that the maximum power permitted will be uniform and that all regional stations may come within a single rule so far as the maximum authorized power is concerned.

We believe that so far as stations operating on exclusive American regional frequencies are concerned, there is no good reason why this change should not be made and every reason why it should be made.

Although the United States has a gentleman's agreement with Canada and is a party to the Madrid Treaty of 1932, we still cannot see any reason for fixing the power limits for stations operating on Canadian-shared channels as they are in the existing rules and regulations of the commission. Should the Canadian authorities find it desirable to increase the power of Canadian stations operating on regional frequencies shared with this country, it would be necessary for American stations operating on these frequencies to make like increases in their operating powers. To fix the maximum power permitted uniformly for all regional stations does not mean that the commission would automatically permit all of them to operate at such maximum powers. To keep a rule in force when this possibility points to becoming a probability serves no good purpose.

Ask General Rule

As we have already tried to make clear, this Association is asking that the general rule fixing the limit on power which a regional station may use be changed not for the benefit of any individual licensee or small group of licensees. We submit that to pick out and set aside a limited number of regional channels and to authorize them to operate with 5 kw. power day and night on the basis of engineering or technical considerations only is to lose sight of the two controlling factors which should, and we are sure will, guide the commission in this matter. The economic and social considerations involved, as already emphasized, must be first considered and determined. If only a small number of regional stations should be permitted to increase their night time operating power to 5 kw. on the basis of technical considerations only, it might be and probably would be found that many other regional stations are so located that the economic and social demands are such as to require an increase in operating power and this requirement for the latter might exceed in importance the benefits which would come from increasing the power of a limited number of regional stations without regard to the social needs and economic demands of the listening public.

Change in Rules

The National Association of Regional Broadcast Stations takes the unqualified position that the change in the rules should be made general and should apply to regional stations as a class, and that individual applicants should be permitted to apply for authority to increase their respective operating powers and the commission in turn should decide such individual applications on the basis of the economic, social and technical questions involved in considering them. Can the commission, without inquiry or other knowledge except the separations involved between stations and without knowing the needs and demands of the public which are served by them, pick out at this great distance on the basis of technical considerations and nothing more, the most meritorious cases for increasing operating power of regional stations? We submit that to ask this question makes impossible the giving of but one sensible answer, and that answer is most certainly in the negative. This, to this Association, appears conclusive that the change should be made so as to apply generally and so as to permit individual applicants or groups of applicants operating stations on common frequencies to come in and urge the merits of their respective cases. It appears just as conclusive that to pick out a few without regard to their merits and without considering the social and economic questions involved and to give them authority to increase their operating power without giving it to others would be most unfair, both to the regional station licensees and even to a greater degree to the American public.

Opposition to 500 kw. Station Menace

Consideration of any basic radio policy, including the proposal to establish 500 kw. stations, must begin with an investigation to determine what are the fundamentals which govern the development and operation of a broadcasting system. Unless such fundamentals are considered and carefully weighed in the light of the results to be expected in the future, it will be impossible to evaluate the effect of the policy being studied or contemplated.

We begin with the axiomatic assumption that the sole reason for the existence of a broadcasting system is the fact that people listen to radio programs. The listener is the sole excuse for broadcasting and the service the listener receives, together with his viewpoint, must dominate all radio policy.

Listening to a broadcasting system or any of its component units implies two things: (1) The ability to receive and hear the signal of one or more stations and (2) the desire to listen to the programs conveyed by the radio signal or signals in question. Both the technical and program aspects of service to the listener, therefore, are to be considered as fundamental in the development and determination of radio policy and they are controlling factors which must guide the commission in formulating regulations to govern the future of radio broadcasting.

Providing an adequate signal and program service requires the expenditure of large sums of money, which must be raised from some source before it is disbursed for either purpose. Economic laws and economic aspects of listener service therefore are as fundamental, as important and as controlling as are the program and technical questions involved.

These fundamental facts with respect to economics, program service and technical operation lead inevitably to this conclusion: Any system of allocation must be able to be justified on three bases:

- (1) Any station or class of stations included in any such system of allocation must render unique and fundamental listener service.
- (2) It must be economically practicable.
- (3) It must be technically feasible.

We do not believe that these fundamentals or the fact that they must be considered as fundamental in determining policy to guide and govern future broadcasting will be challenged.

In the light of these fundamentals and the dominating and controlling influence which they should exert, we submit that the proponents of super power stations who would have the commission authorize the operation of stations with 500 kw. power must show three things:

- (1) That 500 kw. clear channel stations will render unique listener service which is not available and which cannot be provided under the existing broadcasting structure.
- (2) That such stations will be economically practicable as a group, and the economic practicability of super power stations must be judged on the basis of a large number of 500 kw. stations and not on the isolated existence of one or two.
- (3) That the creation of such stations will in no way impair or disturb the fundamental service rendered by important classes of existing stations.

Tests Fundamental

We maintain that 500 kw. stations can meet none of these three tests. These three tests standing separately are each fundamental.

The principal argument which has been advanced from the allocation of 1928 to this day to justify the necessity for this type of station has been the service which it was alleged such stations would render to rural listeners. This claim has been based largely upon the theory and conjecture, and more recently on a post card and interview survey made public by the commission in its allocation of September 1, 1936, although we know they do render a very worthwhile service to rural listeners.

Allocation Survey

We respectfully suggest and urge that those references in the allocation survey released on September 1, 1936, dealing with listener behavior be wholly disregarded in any determination of future policy having to do with the allocation of radio facilities. This sincere request is based on the fact that the post card and interview survey in question, both in basic technique and in the presentation of results, follows few if any of the principles of sound research and is of no practical value.

To be more specific, the short-comings of this survey may be summarized as follows:

1. The questions asked on the post card are of such a nature and are stated in such a way as to be completely invalid as a means of collecting information for use in determining what principles should govern the allocation of radio facilities.
2. The sample gives indication of being entirely too small to allow for the drawing of any final conclusions from the informa-

tion secured. The number of post cards returned to the commission constitute but a small fraction of 1 per cent of the radio homes of this country.

3. The units used in the tabulation and summarization of the information collected are such as to make a detailed scientific analysis, and therefore, deduction of sound conclusion impossible. The survey refers only to states and the returns are not broken down into any units smaller than the states.

4. Such conclusions as have been drawn appear superficial and some of them at least are open to serious question.

Post Card Survey

While these faults and objections relate principally to the post card survey, they hold with equal, if not greater force, in the case of the listener interviews conducted by the commission's field inspectors.

Considering first the post card, we find the questions asked are not valid means of securing any fundamental information worthy of consideration. The desired information might be of two kinds: It might be desired to determine (1) which stations rural listeners in various parts of the country *could hear* most satisfactorily. The stations should preferably be listed in the order in which their signals were acceptable from the viewpoint of strength, clarity and reliability. Or else, the information requested might be designed to determine (2) which stations rural listeners in various specific parts of the country *listen to regularly*, the stations preferably being listed in the order of the amount of time which each of them was used on the average. If a large enough and sufficiently representative group of questionnaires was returned on the first of these points, one might be able to derive from them a general idea of where various stations and classes of stations *could be heard*. A similar representative sample on the second point would give a general idea of the habitual use of stations.

It should be noted with emphasis that *habitual use* and *ability to receive* signals are two different matters. Listening to a radio station is compounded by (1) the ability of the listener to hear its signal and (2) the desire of the listener to hear the programs broadcast by that signal. Habitual listening is therefore the result of signal *and* programs. Listening by no means varies directly with quality and reliability of signal alone; listeners, if necessary, being willing to put up with a certain degree of inferiority of signal if this is compensated for by program superiority. The listener survey referred to should have secured information on both the reception and use if the public service aspects of various classes of stations were to be studied and analyzed.

The questions asked on the post card reveal neither type of information accurately. The basic question is: "Name your favorite radio stations by call letters in order of your preference," and this question is followed by four blank spaces numbered 1 to 4 for convenience in listing the listeners' favorite stations.

Measure of Reception

The word "favorite" is so vague and indefinite as to have little, if any, practical value. It most certainly is not a measure of reception. Moreover, there is a sufficient connotation of *desirability* as against *accessibility* to make the question a most dubious measure of habitual listening. One may have a favorite station, the programs of which one always selects when they are available, but unfortunately reception conditions may make it impossible to hear the station for more than a small fraction of the time, and this unfortunate inability to receive the favorite station may exist during a major portion of the whole time and may co-exist during the same time that other stations are delivering reliable signals which could be received satisfactorily.

This aspect of desirability is further intensified by the phrase "Order of preference." Preference is a very different thing from use. One may prefer a station but reception conditions may be such as to make reception from it impossible and these conditions likewise may co-exist over the vast majority of the time when the listener could receive service of a satisfactory order from other stations.

Experience in research by sampling, we are informed, has shown time and again that defects in the wording of questionnaires are sufficiently serious to destroy the entire value of a survey, since they either mislead the reader as to the information desired or may induce an element of confusion which will cause different people to answer the same question in various ways.

We do not assume to know the perfect manner in which these questions should have been asked, but we do believe and we are in fact sure that the inadequacy of the question used can be clearly

illustrated by presenting a type of question which would have been more desirable and much more fruitful. "List the stations which you can hear most satisfactorily, in the order of the strength and regularity with which you can receive programs broadcast by them," and follow as in the case of the post card survey with blank spaces numbered from 1 to 4.

The suggested question should most certainly be asked separately for day and nighttime reception and careful check should be made of results in various areas to ascertain whether the questions were answered accurately.

If further information is desired to indicate the habitual use of stations, then the following question might be asked, again separately for day and night, "List the stations to which you listen regularly in the order of the amount of time to which you listen to each of them. (Put the station you listen to most first, etc.)" and follow with spaces as before.

Allocation Survey

Comparison of the questions asked on the post cards which were returned and formed the basis for that portion of the allocation survey released on September 1, 1936, which refers to this data with these suggested questions clearly indicate the total inadequacy of the questions asked on the cards which were used. The post cards which were used were therefore not designed to secure any reliable information on station coverage.

The second factor which raises grave question as to the value of the listener survey being considered is the relatively small number of returns secured. The sample of 32,671 returns, when scattered over nearly 3,000 counties—as it should be if it is to cover all counties having a rural population, is indeed a small sample. If the information desired is general enough, it may be an adequate sample if no specific data is wanted. But if detailed information is desired or if detailed breakdowns of the information are needed, then a much larger sample is essentially required. In this instance, as we shall show, detailed breakdowns are required if any sound analysis or interpretative work is to be made possible.

Another important question in securing representative rural sample, and which must be investigated in a case such as this, is the fact that "rural" and "urban" in spite of attempts at definition, are relative terms. It is estimated that nearly one-half of our total population lives within a 20 to 50 mile radius of the 96 cities and metropolitan centers of 100,000 or more population. This one-half includes among its numbers more than 8 per cent of the population of the country which is classified as rural. It is safe to say that this so-called "rural" population is much more urbanized in every way than is the urban population of a small town of 2500 to 3000 situated far away from any other center.

The important thing here is, that if we measure "rural" listening we must make certain that it is neither too much nor too little rural—that it is a real cross section.

These questions have been raised to indicate the problems involved in making an adequate rural survey. Since no information beyond state-breakdowns has been made available as to distribution of sample, and has confined its presentation of material to state data, it is impossible to judge the soundness of the survey or to appraise the value and the exact nature of its results. This not only makes impossible the use of the data in an intelligent manner by the outsider, but robs the summaries and attempted interpretations of any value which they otherwise might possess.

Defect of Survey

This brings us to the third defect of the survey, namely, that the units used in presenting summaries are of such a nature as to preclude intelligent use of the results. For the reasons mentioned previously, state data are of little significance. This is all the more true because of the number of important stations situated sufficiently close to state lines to affect important portions of more than one state. Detailed analysis of county information would make possible the determination of the exact location of a station's principal influence within a state. Where smaller size stations are being considered—regional and local stations—their relatively more restricted coverage areas make such county analysis especially important. Exactly what stations rural listeners in counties adjacent to regional stations listen to is a highly important consideration in determining future policy toward classes of stations. This lack of county analysis is the most serious defect in the presentation of results.

Station Preference

The presentation of station preference, granting that they are at all significant when based on a question such as the one used, also

has been made in a way to make impossible their practical evaluation. There is even grave question as to whether the classification of stations as "clear channel" is correct. On page 2 of the allocation survey it is found that in arriving at the percentages given, 95 stations are listed as "clear channel." This number includes many stations of regional and local power, some of which operate limited time and some of which operate daytime only. As will be pointed out, it is impossible to arrive at the percentages given by states in favor of clear channel stations without including these limited time and daytime stations. Everyone knows that there are not 95 "clear channel" stations operating in this country, and it seems elementary to us that if all the votes cast for daytime and limited time stations operating on frequencies used by some dominant clear channel station are credited to clear channel stations, the result will be highly exaggerated, if not indeed very much bloated. The summaries on pages 2 and 3 of the study do not say whether the percentages set forth are merely the first choice or a summation of all four choices. If percentages are for first choice alone, and we understand they are, they are of particularly doubtful significance. One may assume in this study, that ability to hear the station is the most basic fact to be determined; to borrow a phrase from the report (top of page 4), "the relative effectiveness of stations of the various classifications in rendering rural coverage in different states."

First choice is the least desirable measure which could be used for such a purpose. If it has any meaning, it connotes the most popular station. Popularity is especially dependent upon programs as contrasted to coverage.

First Choice

In addition, first choice is a highly relative matter. If more than one station can be heard with any degree of satisfaction whatsoever, the listener is almost certain to habitually utilize the service of more than one transmitter. The degree to which he utilizes or prefers his first choice station more than his second choice may vary from a hairline distinction to a much more pronounced partiality.

For this reason, first, second, and third choices, at least must be considered. They must be considered first separately and individually, and then probably cumulatively. Only by following this general type of procedure can habitual listening and true measure of service be analyzed to any degree at all. This information must be studied on a county basis to be significant.

This brings us to our final reason for believing that the listener survey portions of the allocation study as released possesses little practical value, namely, that the results which have been drawn from the data and the results possible on the basis of the data as presented, are seemingly so superficial as to be of little, if any, value.

The foregoing statement regarding the type of analysis which should have been made in itself indicates the superficiality of the summary and interpretation which was presented. A few additional examples may suffice to further indicate this point. The editorial matter on page 4 indicates that even in the highly populated eastern states "though there are many broadcasting stations of the regional and local classification operating, a high percentage of the rural listeners preferred service from clear channel stations."

In the first place, we should like to know the location of the rural listeners in question. In the second place, we venture to predict that if urban listeners were taken in a number of these states, this still would be true.

As we have said previously, programs determine listening as much as signal. Notwithstanding the splendid local service rendered by regional and local stations and the importance of that service to listeners, it is the network presentation-sustaining programs and even more especially the big sponsored shows, which have the greatest popular appeal. They will weigh largely in station popularity; so that the network affiliated station enjoys an advantage over the independent at the present time in securing a large habitual audience. An examination of a number of the highly populated eastern states reveals some interesting information. In New York State, of the stations affiliated with the networks of NBC or CBS, five are clear channel, one is high-powered regional station, five are regional stations and one local. The clear channel stations in the state also are located in the most populous areas, viewed from the rural as well as the urban angle. It is only natural that large numbers of listeners should turn to them for network programs. It is probably the program which exerts the major influence.

Network Stations

In New Jersey two stations, WOR and WPG, are the only network affiliated stations in the state. The highly populated areas

of North Jersey range no more than 50 miles from New York City and even include the transmitters of two of the New York clear channel stations. South Jersey, including rural as well as urban population, is immediately adjacent to Philadelphia, where two of the three national network affiliated stations are clear channel. If listeners in these areas want network programs they must turn to clear channel stations. Do they turn to them because they are clear channel stations or because they carry network programs?

In other states the same general situation prevails.

There is evidently more to this pronounced preference of clear channel stations than signal or the stations' own home programs. Except in some remote areas, network service is a deciding factor in all probability. One might ask whether the coverage of the Rhode Island regionals is the answer to the Rhode Island preference for regional stations, or the fact that two out of three are national network affiliated and the third is a member of the Yankee network.

Examination of states in other sections gives rise to the same question. In Illinois 87.4% of the listeners preferred clear channel service and 6.8% regional service, according to the table on page 2. Amazingly, 5.6% preferred local stations. In Illinois, there are six clear channel stations all affiliated with national networks, and one regional, WMBD, Peoria. If an Illinois citizen, farmer or otherwise, wants a network program, he must listen to a clear channel station.

In Iowa, enjoying excellent coverage from at least one clear channel station, only 64.3% preferred clear channel service and 34.1% preferred regional service. Within that state, there is one clear channel national network affiliate and five regionals, only one of which is on a low frequency—WMT on 600 kilocycles.

We do not wish in any way to draw final or all-embracing conclusions from the aforementioned instances. We merely wish to indicate that there is more to a practical, layman's analysis of the situation than can be found in the scant summaries presented. And these are things which the layman can easily understand, and I speak as a layman on research of this character.

Interviews by Inspectors

No record so far released shows the total number of interviews made by field inspectors and which are referred to and taken into account in arriving at the percentages shown in the first portion of the allocation survey released on September 1st. The only way the number could be ascertained would be by making guesses. It is apparent that all of the objections to the post card survey obtain with respect to these interviews, but we cannot and do not propose to guess what the degree of such objections are.

The regional group which I represent most certainly does not take the position that clear channel stations are not operating in such a way as to render a high order of service to the public. On the contrary we realize full well that as the most of them are now operated the clear channel stations of the country are rendering a most meritorious service. Any survey such as the post card survey referred to, however, which attempts to show such a great preponderance of service by the clear channel stations as compared to the regional stations of the country cannot go unchallenged in the light of the facts.

To determine just what the post card survey referred to did show, we made detailed studies of the post cards returned from certain states which we were informed might be regarded as typical. To go into all of these would serve no good purpose, but to give the Commission the benefit of the actual facts from at least one of these typical states is essential.

We went over the individual post cards returned from the State of Nebraska and at the time these post cards were examined a count was made of both the first and second choices or preferences as to station on each. These preferences were kept by counties and by stations preferred by those responding from each county.

Our count of the individual post cards from Nebraska which showed such station preferences totaled 814. Since our study was completed information has been released to the effect that 868 such responses were used in tabulating the post card survey from Nebraska in connection with the allocation survey released September 1, 1936. The cards have been in the Commission offices for many months and it is probable that our study may have missed the 54 cards which represents the difference between those we examined and those considered in the beginning.

Based on a tabulation of the 814 cards which we had occasion to study, it is impossible to credit 65.4% of the first choices or preferences to clear channel stations. Only 46.2% of the 814 choices were for clear channel stations. If every one of the additional 54 cards taken into account in making up the September 1st release

should be credited as having given clear channel stations as their first choice and not one of them counted for a regional, limited time or daytime station, the first choices which would be thus credited to clear channel stations would be *only* 48.33%. (The last percentage based on 868 cards.)

Examination of Post Cards

In view of this it is apparent that the 65.4 percentage of first choice returns credited to clear channel was by no means based on clear channel stations. The difference must have been made up by adding to the first choice returns which actually mentioned clear channel stations, a large number of first choices or preferences for daytime or limited time stations. On the basis of our examination and tabulation of the 814 cards, it is found that a very large portion of this number actually showed a daytime station to be their first choice. These daytime station choices were for two 500-watt, two 1 kw., one 2½ kw. and one 5 kw. daytime stations. It is obvious therefore that the 65.4% credited to clear channels was so credited on the basis of the daytime stations in question being licensed to operate during daytime hours on a channel occupied by some distant, dominant, bona-fide clear channel station.

The impression one gets from the percentages of preferences shown by states for clear channels is that these preferences were for clear channel stations. This positively is not true in the Nebraska case. Not only does one get this impression, but since the release of the figures in question they have been widely publicized to this effect. This is not giving credit to regional stations as should be the case, and produces an exaggerated picture of the relative popularity of clear channel stations against that of regional stations.

Who would ever claim that a daytime station operating with 500 watts, regardless of what frequency it might occupy, is more akin to a clear channel station than to a regional station? This Commission has classified stations into four general groups. The public has become accustomed to referring to them as clear channel, regional, high-power regional and local stations. The public has come to think and in fact the Commission has considered that a 500-watt daytime station, a 1 kw. daytime or a 2½ kw. daytime station are, during the daytime, merely nothing more nor less than counterparts of regional stations. They have done this regardless of frequency for the very good reason that power has been the determining factor in this manner of thinking. We most respectfully submit that stations which operate during daytime hours only with from 500 to 5,000 watts, and especially since two of them here in question operate with only 500 watts, two with only 1 kw., one with 2½ kw. and only one of them with 5 kw. day power, if they are to be included in such tabulations along with either clear channel stations on the one hand or regional stations on the other, should have been included with and credited to regional station popularity. A better way and one which would have made this tedious job wholly unnecessary, would have been to have shown the responses received which showed daytime stations as the favorites in a separate classification from either clear channel or regional stations.

Question of Importance

This question is of grave importance to regional stations. It means much to them economically and the manner and character of service which they shall continue to give depends more upon their economic status than on any other thing. If the percentages shown on pages 2 and 3 of the portions of the allocation survey referring to station popularity were taken as final and without the necessary explanation which has been made, the effect on business done by regional stations would be tremendous and that effect would most assuredly be adverse to them.

It may be said that the percentages represent rural popularity and that they do not indicate the relative popularity of classes of stations among urban listeners, yet the all-important fact remains that it is the easiest thing in the world to forget to use the qualifying word "rural" in connection with them.

We are at the same time fully cognizant of the fact that regional stations for years have been and still are the backbone and main-spring of the broadcasting system enjoyed in this country. And when we consider that nearly half the total population of this country is located within a radius of 50 miles of the 93 cities having a population of 100,000 or more; that these centers are all served by regional stations; when we stop to consider that the majority of regional stations in this country are located in cities of less than 100,000; when we stop to consider that a large number of daytime and limited time stations are likewise located in centers where they can and do serve large rural audiences, we are sure the Commission realizes that this class of station is serving an in-

dispensable need. Add to this the fact that in the State we have gone into in detail—Nebraska—32.7 per cent of all the returns tabulated and taken into consideration in making up the allocation survey referred to, showed regional stations as their preference or first choice, the social importance of regional stations is definitely shown to be of unsurpassed importance. Add to these the further fact that a very large proportion preferred day time stations of regional powers and it at once becomes apparent that any step taken which might adversely affect them would upset the most important sectors of our broadcasting system.

Economic and Social Considerations

To justify themselves socially, 500 kw. stations must show that they will provide listeners with program service which is not available to them at the present time.

The Commission is thoroughly familiar with the affiliations of the various clear channel stations and knows that every one of them, since the acquisition of KNX by the Columbia Broadcasting System, that operates any appreciable amount of time, is affiliated with and carries the programs of the National Broadcasting Company, the Columbia Broadcasting System or the Mutual Broadcasting System. Had we had sufficient time we might have prepared data and tables showing the portion of time devoted by clear channel stations to carrying network programs. Because of the lack of time this was impossible but we realize that the Commission is fully acquainted with the facts. An examination of the Commission's own records will reveal that clear channel stations are devoting as much of their time to broadcasting network programs as are regional stations carrying such network programs. Further examination will disclose that the percentage of time devoted to carrying chain programs by clear channel stations has not decreased on clear channel stations as a group since the Federal Radio Commission established the policy of permitting them to operate with 50 kw. Clear channel stations devoted most of their time to network programs before they were authorized to operate with 50 kw., they have devoted most of their time to the carrying of such programs since and they are still doing this. It has been said that "By their fruits, ye shall know them," and if this test is applied to clear channel stations this Commission can make no other finding than that clear channel stations will continue to devote the greatest portion of their time to broadcasting network programs in the future. It is therefore obvious that the service which the public will receive from tuning and listening to clear channel stations in the future will be as it is today and as it was yesterday—network programs.

In view of these facts this Commission should give consideration to the present coverage by network programs. The networks and the stations, including practically all classes of stations affiliated with these networks, have done this job for the Commission and have done it well. Both the National Broadcasting Company and the Columbia Broadcasting System have conducted thorough and painstaking surveys to determine coverage of their respective networks. The thoroughness with which these surveys were conducted and the results analyzed cannot be compared with the post card survey which we have discussed. The networks have done a much more thorough job.

Results of Survey

The survey and the results of the survey made most recently by the Columbia Broadcasting System are set out at great length and in detail in their publication "Day and Night." In this will be found a description of the thorough manner in which the Columbia Broadcasting System went about making and analyzing the coverage its programs get. Maps for individual outlet stations affiliated with it and a map of the United States showing the composite coverage by the combined stations carrying Columbia programs show definitely what the night time primary listening areas of this total network are and what the national area is.

We have taken this survey and, based on it and facts disclosed in it, we have prepared two tables. The first of these (Table I) shows a breakdown of coverage by states and opposite each state we have shown in the first column the percentage of population of the whole United States which is located in any given state and in the primary night time listening areas of Columbia outlet stations. In the second we have shown for each state the percentage of the total United States population in that state which is outside the primary night time listening areas of Columbia stations, and have then shown the total percentage the population of each state as compared to the population of the whole country. These three columns are all under the main heading "Population". The population figures shown are from the U. S. Census of 1930. In

a like manner we have shown in three columns under the main heading "Radio Families", first, the percentage of radio families of the whole United States in the respective states which are in the primary night time listening areas of Columbia outlet stations; second, we have shown like percentages of radio families for the respective states outside such primary night time listening areas of Columbia stations, and third, have shown the state total percentage of radio families, such percentages being percentages of the whole United States. These figures are based on the Estimates of the Joint Committee on Radio Research as of January 1, 1936, already referred to. Under the main heading "Retail Sales" we have shown the same kind of information on retail sales for the respective states divided between retail sales in counties which are within the primary night time listening areas of Columbia stations and those which are outside such night time primary listening areas, and finally, have shown the percentage of national retail sales for each of the respective states.

Breakdown by States

In addition to the breakdown by specific states for Columbia coverage, we have grouped the states by divisions and have prepared a table (Table II) showing like information for the nine divisions of the United States and totals for the whole country on this same table. The result of this investigation shows that 90.2339% of the total population of the United States is within the primary nighttime listening areas of stations affiliated with and carrying the programs of the Columbia Broadcasting System, and shows that only 9.77661% of the population of the country is not included in some night time primary listening area served by a Columbia station. This breakdown also shows that 94.7992% of the radio families in the United States are included in the night time primary listening area of one or more Columbia stations and only 5.2008% of them are not so included. Based on retail sales from the 1933 Census of Business, it is found that 95.9118% of such retail sales are included in the nighttime primary service areas of Columbia stations, and only 4.0882% of such retail sales are outside the Columbia nighttime primary listening areas. Since making the survey, WJR has changed from NBC to CBS but still serves as many listeners.

Following methods differing in detail as to mechanics but conducted for the same purpose and with like thoroughness to the survey made by the Columbia Broadcasting System, the National Broadcasting Company has determined the population and has published data showing the nighttime primary listening areas of stations affiliated with both the Blue and Red Networks of that Company.

Coverage

Coverage maps for the individual affiliated stations and a composite map showing the combined coverage of stations affiliated with each of the networks of the National Broadcasting Company were prepared and published along with the supporting and explanatory data in the National Broadcasting Company's "Aireas".

In making up tables from the individual maps and the composite map showing combined coverage of the stations carrying programs of the Blue and Red Networks, it was found possible but at the same time a most inconvenient task to eliminate from the coverage that which is credited to WLW. As in the making up of the tables showing coverage by the Columbia Broadcasting System, we have picked this coverage up county by county and state by state with the result that we have prepared a table showing the same information as to coverage in population, radio families and retail sales for both the Red and Blue Networks of the National Broadcasting Company. Table III shows the coverage of the Red Network by states and the information referred to. It does not include any coverage by WLW. The coverage of WLW was carefully eliminated so that no question of 500 kw. station operation would in any way affect the results which are shown on the table. As was done in the case of the Columbia survey, we prepared a table showing population, radio families and retail sales for the nine divisions of the United States and the totals for the whole country. This data is shown in Table IV and refers only to present coverage by stations carrying the Red Network programs of the National Broadcasting Company at night without including, but specifically excluding, coverage by WLW.

Primary Listening

Information made up in the identical manner was prepared to show the population within the primary nighttime listening areas of stations carrying the Blue Network programs of the National Broadcasting Company, the number of radio families and the retail

sales in these nighttime primary listening areas. As was done in connection with the data prepared on coverage by stations carrying the Red Network programs of the National Broadcasting Company, WLW is not included, but is specifically eliminated for the reason stated. This information on coverage by stations carrying Blue Network programs is shown in Table V for the various states and the information for the nine divisions of the United States and the totals for the country are shown in Table VI.

Had we been able to secure information as to the nighttime primary listening area of WLW while it operated with 50 kw. power, we would have included it, but not being able to secure this data it is impossible to give any specific figures in that connection. These figures would most certainly have increased the percentage of population, the percentage of radio families and the percentage of retail sales included within the primary nighttime listening areas of the National Broadcasting Company. WLW was well and favorably known while it operated with 50 kw. Had the figures for that station based on 50 kw. operation been available I am sure that both the National Broadcasting Company and the management of WLW would heartily agree that if they were added to the coverage by the National Broadcasting Company exclusive of WLW, they would at least equal the coverage which the Columbia Broadcasting System has.

Here let us emphasize that the coverage figures for the Columbia Broadcasting System and for both the Red and Blue Networks of the National Broadcasting Company are intended to show and do show coverage by primary listening areas. We have not dealt with nor attempted to show what the secondary nighttime listening areas of these networks are. Both of them claim almost complete coverage of the remaining portion of the country as coming within their respective secondary nighttime listening areas. If any appreciable percentage of the small portion of the population and families having radio receivers who are not included in the primary nighttime listening areas of these three networks receive secondary service from them, it certainly leaves almost no population and few families who have radio receiving sets outside their present coverage.

CBS and NBC

The Columbia Broadcasting System and the National Broadcasting Company have evidenced such faith in and have put such reliance on their respective surveys that they have given them general circulation. They cannot, and I am sure they will not, question the accuracy of the facts as we are presenting them. Not only have they made use of this data, but it is common knowledge that the management of stations affiliated with both the National Broadcasting Company and the Columbia Broadcasting System have made extensive use of the survey of their particular stations. To question the accuracy of the composite survey is to question the accuracy of its individual units, the individual station's coverage. Since it is shown that the data collected on and forming the basis for arriving at the coverage of individual outlet stations was done in the same way for all of the stations affiliated with either of the networks in question, it must be said that all are accurate or none are accurate. We are therefore likewise convinced that no individual station, be it a clear channel or a regional station, the coverage of which is reflected in the surveys mentioned, can question the accuracy of such survey. The individual stations having made use of the individual coverage surveys, and this is common knowledge, adds to the standing of the survey as a whole and to the credit which each of the surveys should be given. The individual stations must, and we are sure they will, agree that the surveys are accurate and reflect the true conditions as to present coverage by the three networks discussed.

The coverage shown for Columbia stations in the composite coverage for all stations affiliated with that network were based on and determined from 700,000 returns. The details of how these returns were secured will not be gone into. The fact that the results are based on 700,000 returns shows that the reliability of the survey is as many times as good as that number compares to the number of post card returns tabulated in connection with the allocation survey of September 1st.

The coverage of the stations affiliated with the National Broadcasting Company and the composite coverage shown for its Red and Blue Networks are based on a combination of field intensity and the analysis of one and one-half million pieces of mail. This ought to give a fair cross-section and representative picture of listening habits and accessibility of signals. We believe it does this.

Computing Areas

Engineers employed by the National Association of Regional Broadcast Stations have spent many days computing the areas and preparing maps to show coverage of the country by clear channel stations. The technique and results of these studies have already been fully covered by the testimony of Mr. Pickard. He has not, however, covered a most important phase of this coverage, and that is the population breakdown by counties and by states so that the number or percentage of families having radio receiving sets could be determined. We have made these investigations and have the computations. This data shows that 90.2% of the families having radio receivers would receive signals from clear channel stations if operated with 50 kw. with the minimum intensity of .414 MV/M. Without counting or in any way considering the population served by any other class or classes of stations, it is therefore found that 90.2% of the entire radio population of the United States is within the areas in which the several clear channel stations would deliver a minimum signal of such order as to give the character of rural service in signal intensity referred to in the allocation survey. As has already been pointed out and as is common knowledge, the reason which has always been given the greatest weight in supporting clear channels has been their service to rural listeners.

We submit that it is fundamentally unsound to permit the operation of clear channel stations with 500 kw. power and thus to give them only a ten percent increase in population which they could serve, if in granting this authority it might in any way tend to disturb the status of other important classes of stations.

Reliable Survey

Another, and what we consider to be the most important as well as the most reliable survey of all with respect to the population served by clear channel stations has been made, using as a basis therefor the testimony of Mr. Pickard and the exhibits which he has prepared showing the coverage of 35 clear channel stations under present allowable conditions and showing what the coverage of these stations would be if they were authorized to operate with 500 kw. As was carefully pointed out by Mr. Pickard, the contours within which service by clear channel stations is now received is limited to the .414 MV/M line. The contours within which a .414 MV/M signal would be delivered if these stations should increase their operating powers to 500 kw. is likewise shown on the exhibits introduced by him.

Using these areas it is found that 99.78% of the radio homes of the United States could receive at least one and 98.41% two clear channel network services based on a minimum signal intensity of .414 MV/M and counting present clear channel stations alone, if they are operated with 50 kw. power.

The areas within which two, three or four clear channel services would be received with a minimum signal of .414 MV/M have been carefully studied and the counties which would receive these various numbers of clear channel services have been determined, together with the total population of each based on the 1930 Census figures and the number of radio homes in each based on the estimate of the Joint Committee on Radio Research which has already been referred to. So that the Commission may see the population by states which is within the areas thus receiving two, three or four clear channel services with a minimum signal of .414 MV/M, we have prepared Table VII. This table shows, alphabetically, each of the states of the Union, its 1930 population and the number of radio homes estimated to be therein as of January 1, 1936. The table also shows both the population and estimated number of radio families which could, based on 50 kw. power, receive two, three or four clear channel services of the order described. As already pointed out, it shows that nearly all of the radio homes and population of the United States would receive a minimum of two clear channel services. It also shows the portion of the population and radio homes within each state which would receive three or four such clear channel services. The fourth service is, of course, limited to services from the two clear channel stations affiliated with the Mutual Broadcasting System and not affiliated with any other network, viz., WGN and WOR.

Radio Homes

The table shows the population and number of radio homes for each of the states which would receive service from clear channel stations if these stations should all be authorized to operate with 500 kw.

The final tabulation or recapitulation set out in the table shows the composite figures for the United States as a whole. Under present policy governing operating conditions in addition to 99.81% of the population and 99.78% of the radio homes of the country which would receive a minimum of one clear channel service, it also shows that 98.41% of the population and 98.35% of the radio homes of the country would receive two such services, 97.25% of the population and 90% of the radio homes of the country would receive three of these services. It emphasizes the small percentage of additional radio homes which would be served if not a few but if all of the 35 clear channel stations should be authorized to operate with 500 kw., and although this is emphasized it nevertheless is the true picture based on recognized engineering standards and data which were described and testified to by Mr. Pickard.

This Association is convinced and respectfully submits that the installation and operation of equipment for stations with an operating power of 500 kw. is economically unsound. After intensive study of the questions involved the engineers employed by the Association have advised that the cost of mechanical or technical operation of a 500 kw. station would be slightly more than two and a half times and less but closely approaching three times the technical or mechanical cost of operating a 50 kw. station. To determine a close approximation of the mechanical or technical operating cost of a 500 kw. station is therefore relatively easy. Such a determination has been made relatively easy because a group of well known radio engineers have determined and reported what the *minimum* cost of operating a 50 kw. station would be. These gentlemen constituted the Advisory Committee on Engineering Developments of the National Advisory Council on Radio in Education. The Committee making the report was headed by Dr. Alfred N. Goldsmith, Vice President and General Engineer of the Radio Corporation of America, and Messrs. C. W. Horn, Chief Engineer of the National Broadcasting Company; E. K. Cohan, Chief Engineer of the Columbia Broadcasting System; Lloyd Espenschied of the American Telephone and Telegraph Company; John V. L. Hogan, Consulting Engineer; C. M. Jansky, Consulting Radio Engineer; O. H. Caldwell, former member of the Federal Radio Commission, and others. The Committee referred to, without dissent, reported that the cost of maintaining and operating the plant of a 50 kw. station including depreciation and obsolescence on transmitter and other equipment, buildings, furnishings, taxes and insurance on land and buildings, salaries, power, maintenance of equipment, but excluding wire lines and all other costs incident to studios and offices, would be \$194,750.00. These figures are based on the operation of such a station only twelve hours per day and, as already stated, the Committee reports that they are to be "regarded entirely in the light of approximations of the minimum costs involved." If consideration is given to the fact that full time clear channel stations operate sixteen to eighteen hours per day these *minimum* costs would have to be increased to cover the additional power consumed in the operation of a 50 kw. station. The minimum cost of current to operate a 50 kw. station twelve hours per day is given as \$30,000. If sixteen hours daily operation is considered this figure will be increased \$10,000 and become a total operating cost of \$40,000. Our engineers advise that under such operation the costs of tube replacements would be increased. The Committee composed of the eminent engineers mentioned give the annual cost of tubes, etc., necessary in the operation of a 50 kw. station only twelve hours per day as \$50,000. Without increasing these costs in direct ratio to the increase from the twelve hours per day operation on which these figures are based to the sixteen hours per day operation, but increasing this figure by only one-fifth it is found that an additional \$10,000 must be added for this item alone. If these two \$10,000 items, one covering additional power and the other tube replacements, etc., are added to the \$194,750 taken from the Committee's report, it is found that the annual technical cost of operating an efficient 50 kw. clear channel station will be a minimum of \$214,750.00.

Difference in Cost

Our engineers after investigating the difference in cost of operating a 500 kw. station as compared to the cost of operating a 50 kw. station, advise that the cost of operating a 500 kw. station will be more than two and one-half times and slightly less than three times as much as the cost of operating a 50 kw. station. If we take the minimum difference and multiply the cost of operating a 50 kw., which is \$214,750 by two and one-half it is found that the minimum cost of operating a full time 500 kw. station will be \$536,875, or \$322,125 more than the minimum annual cost of operating an efficient 50 kw. station.

Late last Saturday afternoon, after the preparation of this statement had been completed, I received a new edition of the report. The figures have been changed and the cost of operating a 50 kw. or a 500 kw. station have been, according to the same committee, somewhat reduced. The amazing disclosure that comes from the new report of the committee is that in 1936 it cost only \$10,000 to cover all the power needed to operate a 50 kw. station 16 hours per day whereas the report of the same committee showed that the power bill in 1932 to operate a 50 kw. station would be \$30,000. This means that power rates have been reduced 75% and that they are now only 25% as much as they were in 1932. Does anyone believe that such reductions have been made in power rates? If you do not believe that power rates have been reduced 75% since 1932, you cannot take the new report as being accurate. The new report on page 1 is dated July, 1936, and on page vi it is found that the foreword is dated August 1, 1936. Is it a mere coincidence that this report should be brought out *after* the Commission called this hearing, and *after* the question of 500 kw. operation was being considered? This new report does more than support certain other figures given to you on the necessary *new* investment if stations are to be operated with 500 kw. power. The figure is given by us at half a million dollars and the new report referred to by the committee of eminent engineers gives the figure of \$582,000 as the cost of those items incidental to the transmitting plant only without accounting for one penny to cover studios or other necessary investments. It has been necessary to add this paragraph to our original statement as prepared but in deference to the Commission and its right to all facts we could find, we have added it here.

Costs

The only factor open to question is the information which has been given by our engineers to the effect that it will cost more than two and one-half times and slightly less than three times as much for technical and mechanical operation of a 500 kw. station as it would cost to operate a 50 kw. station. We do not believe that this ratio is open to question. It was arrived at after the engineers had made painstaking investigations to determine what the difference in cost of operating the two classes of stations would be.

No additional expense for improved programs or other expenses incidental to the operation of a 500 kw. station with the sole exception of the items mentioned are included in the figures given.

In view of these facts it becomes necessary to look to the present operating revenues of stations so that it may be ascertained whether there is sufficient clear channel business to support 500 kw. stations; whether the rates charged by them must be increased; whether any additional advertising will be necessary to cover the increased cost of operation, or whether the increase will come from business now held and carried by regional stations.

To ascertain what clear channel stations of the country are doing in the way of business, during the month of August we went over the sworn statements contained in the renewal applications of the clear channel stations of the country, with the exception of clear channel stations owned and operated by the National Broadcasting Company and the Columbia Broadcasting System, and took from the last six renewal applications of each station then on file the sworn statements made by them as to their average monthly revenues and arrived at averages on the basis of these figures. When the averages were arrived at it was found that the average monthly revenues reported in the last renewal applications filed by the clear channel stations were higher than the average and because those figures are higher and because they are more recent, it is believed that they are, having been sworn to by the stations, representative of the average monthly revenues received by clear channel stations.

On the basis of the sworn statements as to monthly revenues just referred to, it is found that one clear channel station operates in a city having a population of less than 50,000 and that its monthly revenue reported was \$3,055. Five clear channel stations located in cities having populations between 50,000 and 99,000 reported total gross average monthly revenues of \$94,000.23, or an average monthly gross revenue per clear channel station in such cities of \$18,800.05. There are six clear channel stations located in cities having a population of 100,000 and less than 200,000 and these six clear channel stations reported total average gross monthly revenues of \$132,763.65, or an average of \$22,127.17 per clear channel station in cities of this size. Twelve clear channel stations operating in cities of 200,000 to 499,000 population showed total average gross revenues per month of \$357,259.21, or an average gross monthly revenue of \$29,754.93 per station. In cities having

a population of 500,000 and over, thirteen stations reported a total average gross monthly revenue of \$800,678.68, or an average gross monthly revenue per clear channel station in the largest cities in the United States of \$61,590.67.

Monthly Revenue

The average gross monthly revenue of all the stations mentioned in various size cities as reported under oath by the various stations is found to be \$37,506.93.

The same stations classified in the same way by population of cities with one exception (a station operating in a city having a population of more than 100,000 and less than 199,000) showed the following: The station which operates in a city having a population of less than 50,000 reported an average expenditure for talent for the last six renewal application periods up to the time the investigation was made and the data collected in August of \$762.50. The five stations located in cities of 50,000 to 99,000 show an average report for the same periods of monthly talent expenses averaging \$2,379.21 per station. The six stations located in cities of 100,000 to 199,000 showed average monthly talent expenditures for the same periods of \$4,804.59 and stations in cities having a population of 200,000 to 499,000 showed for the same periods average monthly expenditures for talent of \$4,221.14 per clear channel station. For the same periods the thirteen stations located in cities of 500,000 and over reported average monthly expenditures for talent of \$13,947.95. The average for all of the clear channel stations in cities of various sizes showed that their average monthly expenditures for talent during the periods mentioned was \$7,307.48.

(The station not included in accounting for talent expenditures located in a city having a population between 100,000 and 199,000 showed average monthly expenditures for talent of \$95,000. This is obviously so far out of line that it was necessary to eliminate it and we believe we were justified in eliminating it on the theory that the statement was a typographical error.)

It will probably be said that these figures include some time-sharing stations who do not operate full time on a clear channel. They do include such part-time clear channel stations, but regardless of how much time a station operates it must have a transmitter to operate at all. It is therefore necessary that all of them be included or the resulting picture would be wholly incorrect. Moreover, if average figures on expenditures for talent include part-time stations this will result in a lower final figure on the cost of operating a clear channel station. This is to the benefit of the clear channel stations and is ultra-conservative on our part. To be conservative and fair to the clear channel stations in arriving at whether or not the operation of such stations would be economically sound, we have, as clearly indicated, taken the average monthly expenditures for talent over the six last renewal periods and in doing this the cost of operation is less than if we had taken the most recent average monthly expenditures for the same purpose. Again we have leaned backwards in favor of the clear channel stations.

Chain Programs

We have already indicated that the major portion of the time used by clear channel stations is consumed in broadcasting chain programs. This the Commission can find easily from its own records. If stations should be permitted to go to 500 kw., are they to continue merely as outlets for network programs in the future as they have in the past, or will the Commission expect and demand that they do something original to merit their place on such a high pedestal in the broadcast spectrum? If they render any different service or any service that is unique, their talent expenditures will soar far above what they are or what they have ever been in cities where sufficient talent is available to produce high quality programs. It is common knowledge that the number of cities which afford sufficient talent to perform such a job is very small. The cost of talent in cities other than talent centers will be even higher, or else those stations will continue in the future as in the past as outlets from which network programs are broadcast. We have already shown that this country is now being served by network programs and that there is no justification for increasing the power of clear channel stations to 500 kw. to afford coverage by Columbia and NBC programs. It follows, therefore, that there is no excuse for a 500 kw. station unless that station will do something original and render a unique service not now available to the listening public.

An examination of the figures already given on average monthly revenues most recently reported, and these averages are higher

than if the last six renewal periods had been taken into account, show that the average monthly gross revenue of clear channel stations in cities of 500,000 and over is \$61,590.67, or an average annual gross revenue of \$739,188.01. If the cost of operating a 500 kw. station, which we have found to be \$536,875.00, is subtracted from this average gross annual revenue, it shows that stations in such cities now have an average annual gross profit of only \$202,313.01 more than the annual cost of mechanical operation. If from this the average annual talent expenditure referred to is subtracted, it leaves only \$34,575.53 to cover any return on investment in plant and studios, to cover all sales expense, rental of studios and all other expenses incident to the operation of the business and offices except the specific items mentioned. It has been stated time and time again that a 500 kw. station would entail a minimum new investment of half a million dollars. In a business such as broadcasting, the remaining \$34,575.53 represents less and certainly not more than a reasonable return on the actual new investment in the station. It is found, therefore, that if good business practices are followed, 500 kw. stations are economically unsound even in cities of 500,000 and more. If good business practices are not followed the station will not continue in operation.

Costs of Operation

If the cost of operating a 500 kw. station is compared with the hope for profit if operated in a city with a population of less than 500,000, based on these averages taken from sworn statements as to revenues and talent costs, it is found that no such station can operate except at an extremely great loss. Figuring the average monthly revenues, average monthly expenditures for talent, the cost of mechanical or technical operation of a 500 kw. station for these cities and taking into account the same consideration, exclusive of any return on investment, it is found that the average 500 kw. station if operated in such cities would be so operated at an average annual loss of \$230,269.44. As figures are developed for cities of less than 200,000 population the annual out-of-pocket loss from the operation of such 500 kw. station increases in substantial amounts.

What will be the result of clear channel stations operating after this fashion?

It will mean the financial ruin of such stations or else it will mean that these stations must increase the amount of business done by them to offset these losses. This brings up a practical question. Will this necessary amount of additional business done by them come from new business, from increased advertising budgets, or will it come from regional stations, and if from regional stations, what effect will the depletion of their revenues have on them?

We have been unable, after diligent search, to find where the vast amount of new business will come from. This question is of such momentous importance that the Commission should never authorize the operation of 500 kw. clear channel stations until it has been satisfactorily answered and to date no such satisfactory answer has been made, nor is such satisfactory answer being attempted. The facts are that until this question is definitely and conclusively answered, this Commission cannot assume to say that such new business will offset these extraordinary out-of-pocket losses and it must necessarily conclude that if such clear channel stations secure enough business to offset these heavy losses, it must come from increased rates, greater participation in advertising budgets and from regional stations. No facts have been pointed out and none have been found by us indicating that advertisers are going to increase their budgets by anything like the percentage necessary to leave their existing business on regional stations and add a sufficient sum to take care of the losses incident to the operation of 500 kw. stations and pay a reasonable return on the investment of the owners of these stations.

Must Make Decision

In the final analysis the question of what to do about 500 kw. stations is to make a decision that such stations will not be permitted, or else to look for a fight to the death and finally for the survival of the fittest as between regional and clear channel stations. Such a fight will not help either. Moreover, if the 500 kw. stations are authorized and they increase their rates to such an extent that their present business at the new rates will make it possible for them to operate without loss, and if the advertising budgets from which these revenues come are not increased, this means that enough business will be taken from the regional stations of the country to put them all in the red. This is especially true of national spot advertising. If 500 kw. stations are authorized, these stations are going to do their dead level best to sell the

national spot advertiser on the theory that the coverage which he will get from using these 500 kw. stations is so great that they can afford to pay the increased cost and that they do not need regional stations now used by such national spot advertisers to reach the American public. If 500 kw. stations continue in the future as they have in the past to carry chain or network programs, it follows as a matter of course that the rates for carrying these by 500 kw. stations must be severely increased, and if the advertisers using chain programs having fixed budgets determine, as many if not the majority of them will, to use 500 kw. stations as outlets to broadcast their programs, these increases in rates by the clear channel stations will absorb and eat up the entire budgets of such advertisers, leaving nothing for the regional stations.

This is further supported by the fact that the management of 500 kw. stations will be going to the advertiser and to the agency to sell them on the idea that their coverage is so great that regional stations within their service areas will not be necessary to secure complete coverage. The exhibits which have been prepared by the engineers for the National Association of Regional Stations show this possibility clearly. Take Chicago, Illinois, as an example, and within the areas of the stations in Chicago and if the power of the clear channel stations is increased to 500 kw. it will be found that the signal of these 500 kw. Chicago stations will be just as strong, if not indeed stronger, in cities now served by regional stations than these regional stations deliver in those cities themselves. Milwaukee, Wisconsin, is a good example of this. In this city one regional station serves as the outlet for NBC programs and another regional serves as the outlet for CBS programs. It will be relatively easy to make field intensity measurements of the stations in Chicago operating with 50 kw. and compare them with the intensities delivered in and about the Milwaukee area by the Milwaukee stations, and if this is done it will show that these Chicago stations have invaded the Milwaukee area and the result will be that national spot advertisers and chain advertisers will be shown that the 500 kw. station in Chicago is all he needs and that the use of a Milwaukee station is unnecessary.

Typical Examples

These are but typical examples. Philadelphia, Bridgeport and others could be pointed out. One case of a regional station already proves this so far as chain programs are concerned. There is a high class regional station, the area of which is covered by a 500 kw. station. The regional station was affiliated with the National Broadcasting Company and because the chain advertisers would not use this regional station sufficiently, although it is a very high class station, the regional station no longer serves as the NBC outlet but has affiliated itself with the Columbia Broadcasting System. The facts with respect to this case have become common knowledge and if this has happened in this case, who will say that it will not happen to all regionals whose areas are covered by 500 kw. stations located in distant cities?

Reverting to the Milwaukee stations, it is essential that the high status of the stations be maintained and that they continue to receive the patronage of the chain and the national spot advertiser. If they should lose these or any appreciable portion of them it would be extremely costly to the regional station to build comparable programs to take the place of those which they lose and they would therefore not only lose the revenues received for carrying the program, but they would lose the additional amount necessary to produce comparable programs to take the place of those which they lost. If large amounts are not spent to produce high class programs to take the place of programs lost by the regional stations, it is elementary and merely common sense which leads us to know that the listening audience of that station would be severely reduced. Its value in carrying local advertising programs would be materially lessened. Its value to the community in furthering civic projects, civic movements and in publicizing and supporting the educational, religious, charitable and general community services, institutions and organizations would be lessened even more.

Spot Business

If half the national spot business and half the chain business now carried by regional stations should move over to 500 kw. stations, and this percentage of movement and more would probably take place in short order, it is seriously doubted that it would offset the losses incident to the operation of 500 kw. stations. What is more important, our investigations disclose that if anything approaching this percentage of chain and spot advertising should move from regional stations to 500 kw. stations, it would destroy the economic status of regional stations and cause them to operate at a loss if

their continued operation could be carried on at all in many places.

This question of opposition to 500 kw. stations is not founded on some flimsy pretext. The facts indicate that the stake of the regional stations in this question is great and that it may mean life or death economically to them, and death to them economically means the destruction of their service in a social way to the important communities in which these stations are located.

There are other questions which should be considered by the Commission before it authorizes the operation of 500 kw. stations. It should be remembered that broadcasting is, relatively speaking, a new industry and that no one can tell what tomorrow may bring in the technical advancement and development of the art of radio broadcasting. If the Commission should authorize the operation of 500 kw. stations and they are constructed, the investment in each of them and in the group will have the practical effect of freezing development along current lines and will act as a positive and important impediment to future progress along such technical lines. Such investments will be so great that even though great and important advances may be made and may come from the laboratories ready for practical use, it will be impossible to use them. With knowledge on the subject of radio increasing by leaps and bounds, it seems to us that any step by the Commission which might freeze future broadcasting to present developments and preclude the inclusion of the advances which may come later would be dangerous.

There is another question, and it is in important consideration. Everyone knows that radio broadcasting in its influence over the land has come to rival and many claim surpass in power the influence of the press. We do not believe that this powerful and probably most powerful medium for swaying public opinion and directing public thought should be concentrated in the hands of so small a number as would be the case if the operation of 500 kw. stations is permitted. To state this proposition brings up at once numerous facts to support it which are self-evident.

Technical Evidence

As part of the technical evidence introduced by Mr. Pickard, it is clearly shown that if 500 kw. stations are licensed they will set up interference in foreign countries. The information and the exhibit showing this international angle and complication is based on interference to foreign stations 20 percent of the time, or twice the amount of time the Commission has heretofore adhered to as the time interference could be received without being objectionable and intolerable. It is therefore safe and ultra-conservative to say that if 500 kw. stations are licensed they will interfere with stations in foreign countries over twice as much time as the Commission has heretofore permitted to exist in the way of interference as a standard for stations in this country. If this testimony and the exhibit illustrating the interference which 500 kw. stations in the United States would do by way of interfering with foreign stations had been prepared on the basis of interference only 10 percent of the time instead of the ultra-conservative 20 percent, the resulting degree of interference would have been much greater and more severe than that shown by Mr. Pickard's testimony or the exhibit illustrating this point.

The testimony of Mr. Pickard and the exhibit referred to show that interference to foreign stations operating on frequencies occupied by 500 kw. stations if permitted to operate in the United States would be objectionable in Europe and in both North and South America. It may be argued that the time difference between European stations and American stations may compensate somewhat for this. The fact remains, however, that European stations like American stations have the right under international agreements, to which this country is a party, and as a matter of common sense and right, to operate twenty-four hours per day. If European stations should do this the time differential must be entirely eliminated as an excuse for operating 500 kw. stations in America and delivering an interfering signal in European countries.

The Central and South American nations are in the same time zones with the United States. No time differential can be injected here, and the testimony of Mr. Pickard based on the 20 percent time-interference and based on the standards which this Commission has followed in establishing the standard of 20 to 1 of the desired over the undesired signal for stations on the same channel to give satisfactory service, his testimony and the exhibit showing the contours of interference, show conclusively that during 20 percent of the time American stations operating with 500 kw. would interfere with stations on the same channel at night operating in practically every Central and South American country. If these contours of interference had been based on field intensities which would be delivered in these distant foreign countries only

10 percent of the time, they would have shown and his testimony would likewise have proven that interference to foreign stations would be still worse and more severe.

Aware of Facts

This Commission is not unmindful of the delicacies involved. It is fully aware of the facts and the precarious condition into which American broadcasting in general could be thrown by foreign stations if we do unto them as we have sought to prevent them doing unto us. The United States cannot have its cake and eat it. The establishment and operation of 500 kw. stations in this country, knowing the severity of the interference they would set up in foreign countries, would be tantamount to making an attempt to do just this. This question of international interference is loaded to the guards with dynamite. If this Commission would license 500 kw. stations and authorize their operation with that power, it might well be, and most likely would be, the force which would set off this charge and result in such a conflagration as would be embarrassing and adverse in effect to the whole American system of broadcasting. The National Association of Regional Broadcast Stations sincerely entreats this Commission not to set off this explosion in this manner.

If any 500 kw. stations are established, and this Association opposes the establishment of any of them, and if the facts which we have given are considered insufficient to prevent their operation, then the facilities must be granted upon the following bases:

Bases

1. The stations must be located where they will actually render unique service which cannot be duplicated by any other means—if such areas exist.

2. Consideration must be given to all applicants possessing the requisite capital and general qualifications to operate a 500 kw. station. Authorizing the operation of such stations by the present licensees of clear channel stations only without making inquiry into their past operations and like inquiry of many regional licensees who have done a much better job than many clear channel stations have, would be to license these 500 kw. stations without regard to the ability of the licensee to carry on in the highest and most commendable fashion. We do not need to remind this Commission that numerous regional stations are today rendering just as good service as are the clear channel stations, nor do we need to remind this Commission that many regional station licensees are doing a superior job to many licensees of clear channel stations. Many regional station licensees would welcome a comparison of their performances and service rendered to the performance and service rendered by many of the clear channel stations. We believe that such a comparison should be made and that if any 500 kw. stations are established, the fact that someone now operates a clear channel station should not give him any preference over other station licensees, and this is especially true if the other licensees can show that they have heretofore performed a higher degree of service than some of the clear channel stations. This is also true because many regional station licensees are better able to make the necessary investment to operate an efficient 500 kw. station than some clear channel station licensees, and the fact that the investment in such a station must be made anew by whoever constructs it should place all licensees on an equal footing.

The National Association of Regional Broadcast Stations reiterates, however, its unqualified opposition, for the reasons already given, to the regular licensing of any 500 kw. stations.

Duplication of Stations on Clear Channels

We have proposed that the Commission's rules be amended to permit and to license the operation of more than one station, unlimited time, on the so-called clear channels.

The fundamental facts and conditions surrounding this question are stated in connection with other classes of stations already discussed. The technical or engineering evidence of Mr. Pickard not only explains the mechanics and engineering facts to be considered but shows definitely what the effect of such operation would be. His testimony shows that interference to other stations would not result and to prove this has prepared exhibits and produced them here showing concrete cases. His testimony and exhibits are so clear-cut and conclusive that there can be little, in fact no doubt that such stations may be operated without interference. This evidence shows that large areas and large populations would receive service in addition to those now receiving service from a given frequency on which only one full-time station operates. It proves

that stations now operating alone on such frequencies, regardless of power, are not serving and cannot serve the areas which would be added and that they cannot and do not serve the thousands upon thousands of listeners who could receive additional service if these stations are authorized to operate in addition to those now operating full time on the clear channels. The only conclusion which can be reached as to the best use to be made of these frequencies is that such duplication should be permitted and if not permitted the waste growing out of the partial use of such frequencies will be extremely great.

Fundamental Factor

We have already stated as a fundamental factor that social and economic needs and demands should control the proper solution of these problems. Without going further into cold statistics, suffice it to say that, as this Commission knows full well, there are many regional stations in this country operating on regional frequencies, the coverage and service of which could be materially improved and expanded if some of them should be authorized to duplicate the use of clear channels. The engineering testimony shows that the interference now received by regional stations is such as to limit them, on the average, to slightly less than 2 MV/M at night. This condition has been brought about by crowding regionals in too large numbers too close together geographically. If some of these regional stations should be permitted to move off regional channels and onto clear channels, a large percentage of this interference would be obviated, great improvement to the listening public would result and the stations would be generally better able to serve their audiences and be of much greater social value to them. There is nothing so sacred about a clear channel as to put it beyond being so used that it will render service based on the greatest good to the largest number. It is clear that duplication of stations on these channels will not interfere with any worthwhile service now being rendered; that such use of channels can be made to improve the regional service to a very great degree and that thousands upon thousands of listeners will be provided a much greater variety of programs and the number which would be afforded such greater latitude in program selection is much greater than the number which would be thus accommodated by being added to the present audiences through increasing the power of clear channel stations to 500 kw.

In asking that duplicate operation of stations on clear channels be permitted, stations of such powers as have been operated successfully for many years are suggested. No suggestion is made for any change in the rules except for stations on these frequencies to operate with 5 to 50 kw., depending on the comparative need for such stations in given communities, separations between stations and ability of the respective communities to make the operation of such stations commercially successful or economically sound.

Effects of Operation

The effects from operation of these stations as to social and economic facts to be considered can be definitely determined, not on one or two isolated examples but from a great mass of data and facts based on the long and successful operation of a large number of stations.

The facts we have presented indicate a great upheaval and upset in the economics affecting regional stations if 500 kw. operation should be permitted. No such disturbance would result from moving some existing regional stations to duplicate operation on clear channels. As we have already pointed out, such duplication would make possible great improvements and there would be no such exodus of business from regional stations as would, we are convinced, take place if the Commission should authorize 500 kw. stations to be constructed and operated.

Another advantage which would be found would be the fact that the service of these stations would be over the proper areas and within the sphere of influence of each where it should be. This would tend to ally them more closely with the general social and economic needs of these areas and the degree of their usefulness would be enhanced in direct proportion to this union. The natural areas which regional stations have sought to serve have been the trade territories centering in the cities where they are located. The moving of some regional stations to clear channels would assist in rendering and improving this service. It has already been pointed out that the problems of those within these trade territories are much more common than their problems are to some distant city or area.

We submit that the operation of these stations on clear channels

should be provided for in view of the facts that their operation would not limit or interfere with any worthwhile service now being rendered; would make for a greater use of facilities and less waste in their use; would tend to relieve interference to regional stations and generally expand and improve their service, and generally improve radio service by providing a greater number and greater variety of programs to a much larger population than could be done in any other way. The proposal is sound socially and economically and these are of primary importance. It is, of secondary importance, technically feasible.

Conclusion

The National Association of Regional Broadcast Stations, on the bases of the social and economic facts, which are of primary importance, and the technical facts as well, all of which we believe sincerely to have supported our proposals, once again most respectfully urges the promulgation of rules or changes in rules so as to permit the operation of regional stations with 5 kw. night power; permit duplication and operation of more than one station on the clear channels, and retain the present rules fixing 50 kw. as the maximum power with which any station will be regularly licensed to operate.

Cross Examination

Under cross examination Mr. Spearman admitted that he is neither a radio engineer nor an economist. He added that the only qualification necessary to a complete understanding of his statement was a knowledge of elementary arithmetic as taught in the grammar school. In this connection and in a facetious vein he said that he thought the engineers had been running the radio game long enough and that now lawyers and economists should have their chance.

Mr. Spearman said in connection with a direct question on the subject that local stations are undoubtedly a very important factor in radio but his group has deliberately stayed away from the subject of local stations in its presentation.

Network affiliations of the regional stations which were contained in his direct testimony Mr. Spearman stated were taken from the Commission's own records.

Regionals Serve Cities

In connection with a further question Mr. Spearman said that regionals can become associated with any network that they want

to legally but not economically. He contended that many regional stations serve cities of 50,000 inhabitants which have no stations of their own. The regionals he stated want higher power to overcome city noises.

Every man, woman and child would be able to get reception clearly from 96 stations with 96 separate programs Mr. Spearman said if he had his way but this is clearly a practical impossibility.

The regional group he stated is not asking for any horizontal increase of power to 5 kilowatts. He asked that radio be not put into a straight jacket and then on interrogation from Mr. Craven said "except clear channels". Duplications on clear channels should be used he asserted to improve the regional set-up. Some part time stations he testified are not making good financially but they might make good if they were granted full time and this might be done through duplication of clear channel stations.

If regional stations went to 5 kilowatts Mr. Spearman stated it would have no marked effect on local stations; at least it would not have as much effect on local stations as the clear channel stations would have by increasing their power to 500 kilowatts on regional stations. Up to this time he said no local stations have ever complained when a regional station has increased its daytime power from 1 to 5 kilowatts.

Allocation Survey

Mr. Spearman said that in his opinion the Commission's allocation survey developed nothing on which the Commission could base an allocation plan and he made some criticism of the post card survey.

The Commission, Mr. Spearman said, should not set up standards of service, because on some channels there is much more interference than there is on others. Mr. Spearman qualified himself as a real radio fan.

He said that the association which he represents is against granting any 500 kilowatt stations and when asked specifically about WLW he called attention to the fact that this has only an experimental license and that his association has taken no specific position regarding that station. He expressed his opinion that if regional stations went to 5 kilowatts that these stations would be able to increase their rate which would undoubtedly take care of any additional expense incurred. Mr. Spearman stated that in his opinion there are several clear channel stations in the country who could not make the grade from a financial standpoint if they had to go to 500 kilowatts.

Lohr Presents NBC Case at Allocation Hearing

Lenox R. Lohr, president of the National Broadcasting Company at today's allocation hearing before the Federal Communications Commission discussed the economic and social aspects of the case as they appear to his company. Arthur Van Dyck, engineer in charge of the RCA License Laboratory, also presented a statement on behalf of NBC in which he supplied facts concerning the performance of receivers in the home today.

Paul M. Segal, counsel, and Raymond M. Wilmotte, engineer, also appeared on behalf of the stations on the 940 kilocycle channel.

During the course of Mr. Lohr's testimony he recommended that the period of broadcast licenses be extended to three years, the maximum permitted under the law. He also suggested that the Commission take no action which would limit the existing capacity of clear channel stations "or preclude the development of a better and more extensive service by them."

Mr. Lohr recommended also that regional station power be increased to 5 kilowatts for both day and night and he further suggested power increases for local stations "whenever the engineering and economic factors warrant the use of such power."

Lenox R. Lohr

Mr. Lohr said:

It is my purpose in appearing before you today to discuss some of the economic and social aspects of the tremendously complex problems with which these proceedings deal. Before doing so I want to make clear that I speak only for the National Broadcasting Company, and the stations which the National Broadcasting Company is licensed to operate. We have not been authorized by any affiliated station to present its case to you nor have we joined with any other station or group of them. Of course, none of them have purported to speak for us.

In its preparation for this Conference the National Broadcasting Company's objective has been to express its opinions in the form of specific recommendations wherever possible. At the conclusion of the Conference, you gentlemen will have before you not only our specific proposals but many others representing widely divergent views. If you adopt some you must reject others. And, in the process, each proposal will be subjected to the test of whether its adoption will serve the public interest, convenience and necessity. Because our suggestions reflect our interpretation of the phrase "public interest, convenience and necessity" I would like to set forth, necessarily in general terms, what we conceive to be the connotation of these words.

First

We believe the term implies that *the dominating influence at this proceeding must be the welfare of the listener*. We place this requirement first, both in position and importance, because the welfare of the listener may be too easily subordinated in some of the differences of opinion existing between stations or groups represented here today, merely because the listener himself is not present and is therefore inarticulate.

Not Altruism

We would not have you believe that the National Broadcasting Company's concern for these listeners is one of pure altruism. We do want to impress upon you that National Broadcasting Company's only business is that of broadcasting; that our planning and thinking are based upon the premise that we will be in it for

many years to come; and that, in the long run, he who serves best, profits most, in this business above all others.

There are two methods by which broadcasting may be conducted. One is to compel the listener to subscribe for the service and to discontinue it when he ceases to pay. That is the foreign method.

The American system of broadcasting differs in one marked respect so extraordinary as to be unparalleled in any other business or in any other country—its listeners support it voluntarily through their purchases of radio advertised products. Their good will is the National Broadcasting Company's most valued and vital asset; upon our ability to retain it depends our very existence. Their welfare cannot be an academic matter to us.

Second

We believe that the term "Public Interest" means the welfare of *all* listeners throughout the United States.

It is unnecessary to tell this Commission that, from a narrow business viewpoint, it is easier and usually more profitable to render broadcasting service to those areas where there is heavy concentration of population. Sparsely settled areas are not only more difficult to serve because they require greater power, with larger capital investment, but this service is frequently less profitable. Unfortunately these sparsely settled areas are also the areas where there are fewer theaters, newspapers, schools and other sources of entertainment and information. They are the areas where broadcasting means the most. We believe that these considerations must be accorded weight in deciding how much and what kind of service rural listeners are entitled to receive. And in this connection we ask you to note that the recent amendment to the Communications Act declares it to be the intent of Congress that all the people of the United States be given *fair, efficient, and equitable* broadcasting service. The standard is not merely one of *equal* service.

Difference of Opinion

It is no more than natural that there should be differences of opinion among the various parties represented at this Conference as to what constitutes a fair and equitable distribution of radio service to all the people of the United States. The American System is based upon competition and competition engenders divergent views. Each individual station owner competes with his neighboring stations for audience and for advertising. He competes with others more distantly located for increased power, a better frequency, or some other advantage which will permit *him* to improve *his* service to *his* listeners and thus to increase *his* net profit from operations.

We would not have you believe that National Broadcasting Company is immune to these influences. But we do want to emphasize that for many years we have supplied programs to outlying stations, frequently at a monetary loss, in order that our service might be national in scope. The National Broadcasting Company relies for its support upon *all* listeners throughout the country.

Third

The term "public interest" means high quality programs. The American audience has become accustomed to a broadcasting service which, for eighteen hours a day, day in and day out, supplies programs which could not possibly be originated in any single city. Our talent resources are, literally, those of the entire world. Programs of the character, quality and diversity which we now regard

as commonplace could not be broadcast by any single station or for any advertiser using a single station. But they can be built for release over a network of stations—and the larger the network the larger the audience and the better the program can be.

This practice of syndication not only brings a wealth of fine program material to all parts of the United States, but it has made American network programs the finest in the world. Nearly half the stations which you now license to operate receive some sort of network service either from a national or sectional network. These stations and their network programs constitute the cornerstone of American broadcasting.

Fourth

The term "public interest" means signals of sufficient intensity to permit satisfactory reception. It is not remarkable that the high quality signal of a few years ago has become the unsatisfactory signal of today. Neither is it mere coincidence that high-quality programs and high-quality reception almost invariably go together. No matter how strong its signal may be no station will retain its audience against present day competition unless it furnishes an attractive program schedule. By the same token, however, unless the station is able to deliver its programs to the loud speaker sufficiently free of interference from other stations, and sufficiently above the noise level of its community, to render an acceptable and enjoyable service its listeners are not receiving the maximum service which it is possible to give them.

Finally

The term "public interest" means an industry operating upon an economic foundation strong enough to carry these current obligations and to provide resources for the laboratory development of the radio to tomorrow.

The history of broadcasting is that of an industry existing in a hand to mouth fashion, under six month licenses, against a background of constant change and rapid obsolescence. Some stations favorably located have rendered excellent service and returned substantial profits to their owners over a long period of years. Some, particularly those having limited hours or operating at some other competitive disadvantage hang on from week to week in the hope that a miracle will eventually bring a sufficiently increased income to justify their existence.

In the long run, most of the economic problems facing this industry must be decided by the owners of stations themselves. But it is obvious that to whatever extent undue economic burdens are imposed upon the broadcaster by regulations, to that same extent must his capacity to render service suffer. Or, by exercising your regulatory power wisely, you can bring about an ascending spiral wherein the industry, built upon sound economics, supplies better programs through better stations to a better satisfied public and thus become increasingly prosperous itself.

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Service to Listener

So much for our interpretation of the words "public interest, convenience and necessity." Because it is predicated upon service to the listener and is national in scope, and therefore coextensive, geographically, with the Commission's own sphere of jurisdiction, we feel that it is one with which the Commission can properly agree.

May I call to your attention the fact that next month the National Broadcasting Company completes ten years of national network operation. All that anybody knows about nation-wide network service has been gained within that single decade. We have obtained a fairly good idea, I think, of what the American listener wants and what he may reasonably expect to get from his loud speaker.

Ten years ago there were 5,200,000 receiving sets in use in the United States. By the end of this year there will be approximately 30,000,000. In proportion to population Europe has about one-fourth as many. America's six-fold increase in ten years is attributable, in a large measure, to the excellence of American network programs. At the same time there could hardly be a more persuasive indication that the policies and the fundamental engineering principles for the allocation of broadcasting stations, adopted in 1928, were sound.

Not only has the American radio audience continued to increase every year through prosperity and depression but every single year this audience has given the American system of broadcasting the finest possible endorsement—a constant and continued willingness

to patronize broadcast advertisers. From time to time the size and satisfaction of our radio audience under the American system is explained away. We are told that the intellectual level of these listeners is not very high and that they lack powers of discrimination and critical analysis. We urge you not to rely too heavily upon any such explanations. In working out your problems you can still tie to one fact above all others—that it is not yet possible to fool all the people all the time.

Development of Industry

In the development of the broadcasting industry, National Broadcasting Company's interest has always been a dual one. On the one hand it operates stations some of which are clear channel stations, others regional and one a part-time station. On the other hand our networks include not only our own stations but a much larger number of stations, independently owned and operated, which are associated with us. Each, we believe, is rendering a public service of a high order within its own sphere.

We have given serious consideration to the possibility of improving service through a general reallocation of all station assignments such as took place in 1928. In many ways the prospect is more intriguing to us as a network than it can be to any single station. If it were possible to rearrange the power and frequency of all stations so as to bring about a network in which the service areas of the individual stations would fit together like the pieces of a jig-saw puzzle most of our present problems would be answered. Notwithstanding the fascination of this prospect, in the end we have been compelled to return to the point from which we started out—that there are some 680 stations and not more than 100 channels for their operation. You may divide and subdivide, shuffle and reshuffle these stations and channels in an infinite variety of combinations. In the process you may improve some stations but inevitably what you give to one must be taken away from someone else. We perceive no substantial benefit to the public as a whole or to the industry which could be accomplished by any such reallocation.

We do not mean to imply that the present system is so perfect that there is no room for progress or that we do not anticipate many adjustments in the future. We do say that it should not be changed unless the public will profit substantially thereby and that a heavy burden of proof rests upon those who advocate changes in the fundamental structure.

Increased Power

We consider that the most important single issue before all stations today is that of increased power. Since its earliest days power has been the outstanding controversial issue of the industry—there has been more misinformation available upon it than upon all other subjects combined. Your records of past conferences are filled with the fears of false prophets who deplored increases in power but who failed to stay the progress of the radio art.

There are two valid objections to increased power. One is an engineering objection—that of actual physical interference. Our engineers have already given you our views as to what should be considered serious objectionable interference.

The other is economic. In most instances increased power will necessitate substantial expenditures for new equipment. We believe that it would be unwise and unduly disturbing to the industry for you to require large expenditures for this purpose by any class of stations at this time. And in using the word "require" we mean to include not only affirmative mandatory regulations but also any action which would permanently penalize the station owner who fails or is unable to install higher power upon short notice.

Satisfactory Evidence

Your present practice is to require that each applicant who comes before you seeking increased power shall present evidence satisfactory to you that he has adequate financial ability to incur the increased operating expenses involved, including depreciation, without jeopardizing his economic ability to render service. We see no reason to change this requirement. What shall be considered adequate financial responsibility must be a question to be determined upon the facts in each case and therefore, the only standard we can suggest is that of reasonableness. We do think that the prospect of increased profit subsequently is not a complete justification for the grant. Considerable weight should be attached to the applicant's ability to prove that he has been able heretofore to do something more than merely to balance his books.

There are no valid social objections to higher power. You have been told that if you authorize higher power on some stations

it will enable them to deliver satisfactory signals in areas not now served by them and that, because their program service is superior, these higher powered stations will attract listeners who must now be content with something less. This has not been the experience of the industry. On the contrary, it has been our experience, and that of the receiving set manufacturers, that when broadcasting service improves in any community the interest of that community in all broadcasting increases proportionately. Moreover, higher power will not come over night. It will come gradually and will be assimilated over a period long enough to give each station an opportunity to readjust its methods of operation and to find its proper place in the economic and social structure. In any event, it is no answer to protect a station thus affected by depriving the listening public of a superior service. The solution is to improve the service of the smaller station. To that end within the past few years the National Broadcasting Company and others have undertaken to supply recorded programs of high quality at relatively low cost.

Now as to our specific recommendations:

First—We earnestly recommend in the interest of economic stability for the industry that in your new regulations you lengthen the license period for all broadcasting stations to the three year maximum permissible under the law.

Second—With respect to the continuance of clear channels your record will disclose that upon the forty frequencies designated as clear channels in 1928 fifty stations were licensed to operate, each as a dominant clear channel station. In order to bring about this result the Radio Commission required twenty stations to share time upon ten channels. On the whole the past eight years have demonstrated that part time operation of this sort is not successful either from the listeners' standpoint or for the station operator. In some instances the stations have worked out their own salvation by joint use of a single transmitter, synchronization, directive antennas, or some other means. A number of the stations still operating part time on clear channels have asked that they be permitted to submit a plan to the Commission which will give each of these stations full time operation and they propose that a hearing be held upon such plan. We believe such a hearing should be held and an earnest effort made to find a solution to the problem.

There remain out of the original forty clear channels some twenty-five or thirty upon which progressive forward looking stations are being operated today. Their value as a means of service to rural listeners has been reaffirmed by the recent Clear Channel Survey. We recommend that your Commission take no action which will either limit the existing service capacity of stations of this type or preclude the development of a better and more extensive service by them.

Third—With respect to the power of clear channel stations we recommend that your regulations be revised to remove any limitation of maximum power to be used by the dominant station upon these channels. Having adopted regulations of this sort we recommend that each individual application be considered and acted upon with due regard for the interference problems and the economic justifications which each case presents. Following this reasoning my Company has concluded that at one station, WJZ, 500 kw power would be desirable when measured by the standards referred to previously.

Fourth—With respect to power on shared channels we recommend increases in power for regional stations to 5 kw, day and night, and we recommend increases in power for local stations whenever the engineering and economic factors warrant the use of such power.

Fifth—With respect to differentiation in the maximum power permitted in the daytime and at night we see no objection if the benefit to be derived from the greater power justifies the expense of maintaining the added equipment.

I want to add just a few more words upon the possible future use of frequencies in the band above 30,000 kc for aural broadcasting and for television.

For the past several months the National Broadcasting Company has been operating a transmitter at the top of the RCA Building in New York City with power of 100 watts on a frequency of 42,000 kc. The details of these experiments have been made known to you in the reports which we have submitted. I want to add to those reports the general comment that for the most part the results of this operation have been highly gratifying. However, our engineers have encountered some difficulties with which we do not have to contend in the present broadcast band. They have found that while ultra high frequency signals are relatively free of natural static, man-made noise, from automobile ignition and diathermy machines for example, is much more objectionable.

We think it very probable that sometime we will be rendering a service of greater fidelity than at present to urban audiences through stations operating in that part of the spectrum above 30,000 kc. Before we can do so it will be necessary for all these listeners to purchase receivers designed for the new service. Obviously, this will not come about over night.

Television

The National Broadcasting Company's views with respect to television are derived from experience which we have gained through operating experimental television stations continuously since 1928. For the past several months we, in cooperation with other RCA Companies, have been operating a new television transmitter from the top of the Empire State Building in New York City as part of a practical field test. We now have in daily use some seventy receivers of standardized design most of which have been placed in homes and are operating under service conditions. We have designed and built the first studios for the production of television programs. Not only has there been substantial progress within the past few years in television and facsimile, but that there is likely to be greater progress in the next few years. Here again, however, it will be necessary to re-equip the public with entirely new receiving facilities.

High Frequencies

We have discovered nothing in our investigation of ultra high frequencies, either with respect to sound broadcasting or television, which would militate against the recommendations which we have made here for stations operating between 550 kc and 1600 kc. We believe that the American audience is going to continue to receive its aural broadcast service upon present frequencies for several and perhaps for many years. Our proposals have been made with a view to giving the best service that it is possible for this audience to receive.

In conclusion may I repeat for the purposes of the record in this proceeding, the announcement which was made when the National Broadcasting Company was organized:

"Any use of radio transmission which causes the public to feel that the quality of the programs is not the highest, that the use of radio is not the broadest and best use in the public interest, that it is used for political advantage or selfish power, will be detrimental to the public interest in radio, and therefore to the Radio Corporation of America."

* * * * *

"If others will engage in this business the Radio Corporation of America will welcome their action whether it be cooperative or competitive."

* * * * *

"The necessity of providing adequate broadcasting is apparent, the problem of finding the best means of doing it is yet experimental. The Radio Corporation of America is making this experiment in the interest of the art and the furtherance of the industry."

* * * * *

Stumps To Be Pulled

That announcement dates back ten years—to a time when there was still many stumps to be pulled and many rocks to be blasted in the field of broadcasting. The industry has now reached a point where there is plowed land available for cultivation. And the paramount issue before this Commission is whether we shall continue the process of clearing new acres.

On this issue the National Broadcasting Company takes the same position that it took in 1926—its purpose is still to develop and not to exploit broadcasting. If ten years of experience have proven anything to us they have proven that the public interest is also the best interest of the National Broadcasting Company, its advertisers and its associated stations. If higher power, which is one of the problems before us today, means better service to the public then let there be higher power. If it produces hazards to our present methods of network operation then let us adjust our methods to meet the public interest. The art must be allowed to develop along progressive lines and always in the fullest measure for the best interests of the public. No responsive Government agency can do more than this—none dares do less.

Lohr Cross-Examination

At the conclusion of Mr. Lohr's testimony he was given a short cross-examination by T. A. M. Craven, chief engineer of the Commission. Answering questions of the chief engineer, Mr. Lohr stated his experiences up to the time he went with the NBC and indicated that he had only been president of NBC for something less than two years. However, he stated that he thought he was beginning to understand some of the problems of the broadcast industry.

Mr. Craven during the course of the cross-examination several times referred to the possibility of thirty 500 kilowatt stations but Mr. Lohr doubted he said whether there would be that many in the near future. However, he said that in his opinion the effect of the creation of high power stations would be beneficial to the country. Mr. Craven called his attention to the fact that there are now pending before the Commission 14 applications for 500 kilowatt stations and he suggested that there might be more; possibly 20. Mr. Lohr said that undoubtedly each application should be decided on its own merits. The broadcast industry, said Mr. Lohr, can certainly take care of 500 kilowatt stations as well as new developments in the industry.

Answering further questions of Mr. Craven, Mr. Lohr said that the chain renders a national rather than a local service and it should cover as many people in the United States as possible. If thirty high power stations were in existence he said that he was informed by his engineers that the primary coverage would be extended only 25 to 30 miles. In his opinion, said Mr. Lohr, use of 500 kilowatts would be a technical advance and if thirty 500 kilowatt stations were constructed that the NBC would undoubtedly keep substantially its same network.

Interference With Locals

In connection with the effect which 500 kilowatt stations might have on locals Mr. Lohr said that there probably would be a few cases in which the local stations would be affected but he contended that the matter should be looked at from a long range standpoint and the greatest good to the greatest number. He said of course in his opinion there must be local means for local self-expression.

Mr. Lohr admitted that there is an international problem in connection with high power stations and in answer to questions by Commissioner Stewart he contended that the Commission would have to decide for itself the number of 500 kilowatt stations which any one person should own or control; that he believed 500 kilowatt stations should not be required to originate their own programs; and that the question of overlapping programs by high power stations must be decided by the Commission.

Arthur Van Dyck

During the course of Mr. Van Dyck's testimony today he took up the receivers now in use, a discussion of general considerations of broadcast receivers, and classes of interference. Mr. Van Dyck also discussed at some length the method of measurement and entered into a discussion of various kinds of interference. In summarizing his conclusions Mr. Van Dyck said:

Identifying subjects by the same numbers used in the Commission's Notice of Hearing, the following summarized conclusions are submitted.

6 (a) Frequency Separation

From the quantitative conclusions tabulated above it is seen that the most serious interference limit resides in the 10 kc. heterodyne beat condition, and it is the determining 10 kc. factor rather than the 10 kc. cross talk. At lesser separations than 10 kc. this factor becomes increasingly worse and intolerably limiting.

6 (b) 50 Kilocycle separation between stations in same community.

From data presented it appears that the improved receiver selectivity existing today could be used to advantage in either reducing separation of stations in the same community to 40 kc, or by maintaining the 50 kc. separation and permitting higher field intensities. From the results of the clear channel survey conducted by the Commission, the latter alternative is obviously preferable, since it gives improved service in rural areas without causing objectionable interference close to the transmitter.

6 (c) Mileage frequency separation tables.

In spite of the fact that the broadcast system determination of overall performance involves consideration of numerous

factors, it is possible to set up tables showing relations between essential factors, which will take satisfactory account of the great majority of allocation problems. There will of course be special cases where general, average condition tables are not suitable, but in the main, and used with discretion, averaged tables can be highly useful.

We therefore believe that suitable tables may be set up if appropriate standards are utilized for their preparation. The standards must include those for wave propagation, including factors of attenuation, transmitter power, antenna efficiency and directivity, and those for receiver performance including selectivity, fidelity, percentage of receivers which may experience interference, and the lower limit of field intensity from desired station necessary to protect.

It is believed that the frequency separation tables now used by the Commission can be reviewed and revised with advantage, in view of the additional and later data submitted herein, which was not available at the time when the present tables were set up.

6 (d) Permissible disparity in power between stations on adjacent frequencies.

This is merely one particular case of the general problem of allocation as influenced by frequency separation and relative field intensities. The data which has been given herein, together with propagation data, can be used to determine the performance of stations on adjacent frequencies with any disparity in power, and the permissible disparity determined therefrom for any given case.

7 Blanketing Signal.

The present Commission definition blanketing signal is believed to be satisfactory in general, except that where it is expressed in terms of area and an average broadcast receiver, it might be expressed more usefully in terms of signal intensity and receiver percentages as used in the data presented herein. In these terms, and imposing the reasonable conditions that the desired signal intensity be five millivolts per meter, and frequency separation be fifty kilocycles, a blanketing signal is one which causes interference in more than 20% of existing receivers, as determined from standard performance curves.

From this fundamental definition it results that for receivers existing in homes today, a blanketing signal is one having field intensity of 1,000 millivolts, or one volt, per meter.

Mr. Van Dyck will be cross-examined at the opening of tomorrow's session.

Paul M. Segal

Mr. Segal on behalf of the stations on the 940 kilocycle channel said that they would offer no specific amendments to the Commission's regulations.

Mr. Segal said:

I want to begin by saying that the 940-kc. stations, whom I represent in this matter, are proposing no specific amendments to your regulations as to any named frequency, nor is it our purpose to discuss individual stations or frequencies. Rather we intend to confine ourselves to general considerations.

Paragraph 120 of the Rules and Regulations establishes a classification of regional frequencies allocated for use by regional stations. It designates the frequencies so classified and prescribes that the operating power of such stations shall not be less than 250 watts nor, during nighttime, greater than 1000 watts.

Among the matters to be considered at the present conference is the question whether or not some change is desirable in this classification so as to permit greater power during nighttime upon some or all of these frequencies.

I assume that anything in the character of an engineering study of this question which has been conducted with care, and which can be presented in detail would be acceptable as helpful to the commission in its labors.

For some years there has been a unique cooperation among the stations assigned for nighttime operation to the 940-kc. frequency, to the extent that they have acted in cooperation in matters affecting their allocation, have exchanged technical information among themselves, and have from time to time appeared before the Commission under common legal representation.

Asked 5 Kw.

Six years ago these stations jointly initiated consideration of 5 kw power for a regional frequency and filed and prosecuted appli-

cations requesting authority to use 5 kw nighttime. Those applications were denied by the Federal Radio Commission on August 12, 1932, by a divided vote, Commissioner Lafount dissenting. In the Commissioner's dissenting opinion he urged the soundness of the technical considerations for 5 kw power on this frequency.

I think it is fair to say that the principal reason for the denial of the applications was the then-prevailing quota system.

Since that date, and from time to time, the 940-kc. stations have renewed their request and have made cooperative studies of the problem.

Our purpose here today is to present to the Commission the results of those studies.

We do not appear to urge consideration of the merits of any station on 940 kc., or demand any specific regulations for any one or more frequencies.

Our presentation is for the purpose of indicating the general considerations to be borne in mind on the 5 kw question and when examples are given, they are given for illustrative purposes.

We hope that our studies may be of assistance to the Commission in its determination whether or not there are regional frequencies which permit horizontal increases in power, and if there are, then the determination of the standards which may be used in selecting such frequencies from the whole group of regional frequencies.

I wish to offer the testimony of Mr. Raymond M. Wilmette.

Raymond M. Wilmette

My name is Raymond M. Wilmette. I have a First Class Honors Degree (M.A.) from Cambridge University, England.

I have worked on radio propagation problems at the National Physical Laboratory in England. This Laboratory is the British equivalent of the Bureau of Standards. In the course of this work I was connected with the British Post Office in the design of its long distance radio transmission service.

In this country I was in charge of the research work of the Aircraft Radio Corporation, and am now a consultant with offices in New York City.

In 1931 I designed and built the first directional antenna for a broadcasting station to be approved by the Commission. I have published some thirty papers in the technical press, dealing with propagation problems, allocation and design of equipment.

Introduction

In this discussion, I intend to consider the possibilities and limitations of the service that may be provided by regional broadcast stations. Before considering the engineering problems involved, the difference in the service required of stations on clear channels, regional channels, and local channels must be reasonably well agreed upon.

Clear channels are ideally suited to provide service over large areas, areas that may be so large that programs of national interest may and should be broadcast from them. Local stations serve only restricted areas. These areas are so small that these stations are suitable for service for towns or cities. The purpose of regional stations is to provide a type of service lying somewhere in between these two extremes. There is room in the United States for programs which are of interest over rural as well as urban areas, and which are not necessarily of national interest. A kind of service is desirable, therefore, which will serve large local areas comprising both urban and rural communities. It is with this service in view that the regional station differs in its purpose from that of the clear channel and local station. In certain cases, the regional station may have a further special reason for existence. In large centers of population, the noise level is high. There it becomes essential to provide strong signals to overcome this form of interference. It is frequently impossible to allow local stations sufficient power for this purpose, for they would interfere with other stations on the same frequency, or adjacent frequencies, for which an increase in power may be neither desirable nor economically possible. Clear channel and regional stations may provide this service satisfactorily.

In this discussion I am assuming, therefore, that the main purposes of regional stations are:

- a. To provide programs of local interest, which should not and cannot be satisfactorily provided by clear channels.
 - b. To serve reasonably large centers of population.
 - c. To serve as much of the surrounding rural area as possible.
- The engineering problem is, then, to allocate sufficient, but not too much, power to the stations on regional channels, and space

them a sufficient distance apart in order to obtain this desirable service in the best possible manner.

Station Separations

The separation between stations limits the possible service area free from interference. Having once settled on the location of the stations on one frequency, there is a certain radius around each station beyond which the ratio of its signal to the interfering signals from the other stations on the same frequency is too small, and the programs from the interfering stations become objectionable. Since the interfering signals are on the same frequency, this radius is independent of the type of receiver used. It is also independent of the general power level of the stations; the power of the stations could be increased ten or a hundred times without affecting this radius, provided that the power of all the stations was increased in the same ratio.

What, then, is the advantage of a horizontal increase of power? The advantage is a reduction in the apparent noise level at the receiver; the effect of power lines, of telephone dials, refrigerators, etc., will be less noticeable to the listener when the power is increased. With the present trend of the art toward higher fidelity in both receivers and transmitters, the need for overcoming extraneous noise is gradually increasing for two main reasons: first, the trend of receiver design is toward the reception of a broader audio-frequency band, and consequently toward receiving more of the undesirable noise; and second, the trend toward high quality of transmission is leading the better stations to adjust their normal operation to a lower average modulation percentage than was common a few years ago. Still another trend is the increasing use of so-called midget sets. Many of these sets now on the market have very poor sensitivity, and even in quiet surroundings are unable to pick up weak signals satisfactorily. All these factors seem to lead in the same direction, that as the art progresses, more power will be required.

Adjacent Channel

The effect on adjacent channels limits the extent by which the power of all stations on a single frequency may be increased horizontally. If the power is so increased, the interference which these stations will cause to the stations on adjacent channels will be also increased. If it is desired to retain a *status quo* of interfering patterns, the power on the adjacent channels would have to be increased in proportion. This argument may be applied from channel to channel, until finally a situation will be reached in which an increase in power on a single channel would lead to a horizontal increase in the power of all broadcast stations. The development of a receiver design may be of assistance, however. Modern receivers are much more selective than they used to be some six or seven years ago, and with the gradual elimination of tuned radio frequency sets and the substitution of superheterodynes, the discrimination between stations on adjacent channels is gradually improving. Broadcast channels are therefore gradually becoming more nearly independent of each other.

Fundamental Difference

There is a fundamental difference between the engineering problem of the proper allocation of stations on a single frequency, and the allocation of these stations relative to stations on adjacent frequencies. The separation and power required by stations on a single frequency to provide good service is practically independent of the design of the receiver. The allocation of stations within a single frequency is therefore entirely within the control of the Federal Communications Commission. The separation between stations on adjacent frequencies is only indirectly controlled by the commission. In this case, there are two forces acting toward each other. One is the effort of the commission to adjust the separation of stations in adjacent channels to fit the selectivity of the receivers in use, and the second is the efforts of manufacturers of receivers to design receivers which can satisfactorily meet the interference which the commission thinks proper.

I am therefore going to consider separately the two problems of the interference by stations on the same channel, and the interference by stations on adjacent channels. I shall first of all consider the coverage possible on a single frequency, assuming that there is no need to meet the problem of interference with adjacent channels. I will then consider what are the limitations introduced by these adjacent channels. In the first section, when considering the service area limited only by the interference caused by stations on the same frequency, I shall analyze four cases:

- A. A single isolated station.
- B. Two stations 2,000 miles apart.

- C. A few fairly spaced stations.
- D. A few closely spaced stations.

I will then compare these cases (Section E) and consider whether different operation of the stations could improve their service (Section F).

940 Channel

For the fairly spaced stations, I have selected an actual case—the 940-Kc. channel. This channel is convenient as an example because it is near the middle of the broadcast range, and the stations operating on it are reasonably well spaced. For the more closely spaced stations, I have selected an arbitrary situation. The arrangement selected approximates and may be considered typical of a number of regional channels as they exist at the present time.

In making the calculations, I have made much use of the information gathered by the Engineering Division of the commission.

The Division is to be congratulated on the material it has recently gathered in the field strength surveys of the clear channel stations. The analysis of the results is already extremely valuable. If the variables, such as time of night, direction of transmission, nature of the ground at the receiver and the transmitter, are segregated, it is possible that the variations shown in the published curve may disappear. We will then have a far more complete and accurate picture of radio transmission within the broadcast band than we have ever had before.

Possible Coverage Without Interference from Adjacent Channels

When there is no interference, the area which can be satisfactorily served depends upon the power of the station and the noise level at the receiver. Exhibit I and Table I show the service area in square miles during the day and the night, at selected power levels.

TABLE I.

Service area of a single station on 1000 kc. with a ground conductivity of 5×10^{-14}

Service area for a minimum signal of

	-20 db.		-6 db.		0 db.		+6 db.		+20 db.	
Power of station	Radius miles	Area sq. miles	Radius miles	Area sq. miles	Radius miles	Area sq. miles	Radius miles	Area sq. miles	Radius miles	Area sq. miles
0.5 kw. regional	55	9,000	29	2,700	21	1,500	15	800	7	150
1 kw. regional	63	13,000	33	3,600	24	1,900	17	1,000	8	200
5 kw. regional	750	1,800,000	49	8,000	35	4,000	27	2,300	13	500
10 kw. regional	850	2,200,000	150	70,000	41	5,000	32	3,500	15	800

I have used decibels instead of millivolts per meter as the unit for signal strength, taking $1 \text{ mv/m} = 0 \text{ db}$. In making calculations it is frequently easier to use decibels instead of millivolts per meter. Decibels are proportional to the logarithm of the signal strength measured in millivolts per meter. The convenience for calculations of signal levels lies in the fact that, when they are measured in decibels, in order to find the ratio between two signals, it is only necessary to subtract their value. If one is not accustomed to this unit, it can be very readily transferred back to millivolts per meter after the calculations have been made. I have assumed a frequency of 1,000 Kc., and a conductivity for the ground of 5×10^{-14} . Throughout this discussion, I have used for the strength of the sky ray the average value obtained by the Engineering Division in their recent survey on clear channel stations. The curve used was that corresponding to two hours after sunset. If a later time were taken, the numerical results would be changed, but the general deductions would remain substantially unaltered. In making these calculations, the curve for the sky ray has been assumed to indicate the strength of the signal as definitely as though it were a ground ray. It must not be forgotten, however, in interpreting the results of these calculations that the value of the signal from the sky ray varies up and down over a considerable range from day to day, season to season, and year to year.

The lines in Exhibit I show the service area for signals of -20, -6, 0, 6, and 20 decibels. These figures are equivalent to 0.1, 0.5, 1, 2, and 10 mv/m respectively. There are two charts in Exhibit I. The only difference between them is a difference in scale. The right hand chart shows the service areas down to a signal of -20 db., while in the left hand chart, the minimum signal is -6 db. The scale of one chart is five times that of the other.

Large Change

It will be noticed that there is an extraordinary large change in the area covered by signals greater than -6 db. when the power is increased from 5 to 10 kilowatts. Exhibit II gives the explanation of this effect. This exhibit shows how the signal varies with the distance for a 1-kilowatt regional station. It will be seen that at a distance of about 60 miles, the mean value of the sky ray is equal to the ground ray. Up to 60 miles, then, the ground ray predominates. At further distances, the sky ray does. It happens that the attenuation of the sky with distance is very slight; in fact, the strength of the signal remains practically constant up to about 200 miles. Consequently, as soon as the sky ray becomes strong enough to be used for service, the area covered is enormously increased. The broadcast band of frequencies and the frequencies immediately above and below it are particularly well suited for this sky ray to be used. If it is not used, this excellent property of having an unusually low attenuation at comparatively short distances (100 to 400 miles) is not only lost, but actually causes trouble by interfering in the service area of other stations. It happens that the sky ray 60 miles away from the 5-kilowatt station has an average value of -10 db., corresponding to .33 mv/m, so that a power of 5 kilowatts is just on the verge of having a large potential service area with a signal of -6 db.

Possible Coverage of Two Stations 2,000 Miles Apart

Exhibit III and Table II show the day and night coverage of two equal stations 2,000 miles apart at selected power levels. The horizontal lines are the lines of interference for different modes of operation.

TABLE II.

Interference in the case of two equal stations on the same frequency 2000 miles part.

Ground conductivity = 5×10^{-14} Frequency 1000 kc.

Degree of synchronization	± 50 cycles		± 5 cycles	Synchronism
Ratio desired to undesired signal in db.	26		20	12
Service radius in miles	55		200	700
Service area in square miles	9,000		120,000	1,500,000
Minimum signal free from interference with				
0.5 kw	-20 db.			
1 kw.	-17			
5 kw.	-9		-11	-19
10 kw.	-6		-8	-16

The interference begins at a distance which is independent of the power, provided the power of the two stations remains the same. The area free from interference may therefore be represented by a horizontal line of interference, cutting all diagrams, corresponding to different powers on the same level. Such interference lines are shown dotted. The level of the lines depends on the mode of operation of the two stations: the top dotted line, for instance, in Exhibit III is the interference line corresponding to the operation of the two stations within ± 50 cycles. If the stations were operated within ± 5 cycles, the ratio of the desired to undesired signals at the interference line could be reduced from 20:1 to 10:1. The line corresponding to this mode of operation is the second dotted line on the diagram. The third dotted line corresponds to synchronous operation.

In order to make full use of the available service area free from interference, it is necessary to increase the power so that the signal at the interference line is high enough to be of use. For instance, a one kilowatt station has a signal well below -20 db. at the interference line corresponding to operation within ± 5 cycles. Evidently much of the potential service area of this station is not used because its power is too low. What power should be used in any particular case will depend on the noise level which it is intended to overcome.

Limits of Service Area

In calculating the limits of service areas due to interference, the limiting ratio of the desired to undesired signals has been taken as that suggested by the commission in Table 6 and Figure 1, page 20, of its Seventh Annual Report, 1933. In this report, it was suggested that the limiting ratio of desired to undesired signals should decrease with the distance of the interfering station. An important reason for suggesting this decrease with distance was paucity of the experimental results available, on which an estimate of the strength of the interfering signal could be based. With the recent work of the Engineering Division of the commission, it seems no longer necessary to make such an allowance for lack of accurate information. I have not used, therefore, the so-called allocation factor suggested in Figure 2 of the same Annual Report. The value I have used for the limiting ratio of the desired to the undesired signals is the one given by the dotted curve BD in Figure 1 of the Seventh Annual Report.

In making the calculations on the interference between stations, I have also assumed that satisfactory reception will be obtained, if objectionable interference occurs less than 10 per cent of the time. The analysis made by the Engineering Division of the Commission has proved very useful in estimating the percentage of time during which interference is objectionable between two signals. This ratio is different if the interference is caused by a sky ray on a ground ray, or by a sky ray on another sky ray. In the case of two sky rays, the ratio should be about 4 db. (equivalent to 1.6 times) greater than in the case of the interference between a sky ray and a ground ray. The difference is due to the fact that the strength of the ground ray remains constant at any given location, while that of a sky ray is continually varying. I have also assumed in these calculations that the interfering signal was constant over the whole service area. Actually, the signal is generally greater in that part of the service area which is nearest to the interfering station. When the area is very large, an appreciable and sometimes large error may be introduced by this assumption, but it will not affect the conclusion materially. Some diagrams showing coverage of many hundreds of thousands of square miles, must not be considered as accurate, they merely indicate that the coverage is very large.

Possible Coverage of a Few Fairly Spaced Stations

As an example for the study of the coverage possible by several stations operating on the same frequency when they are spaced a fair distance apart, a channel in actual operation has been selected. The channel chosen is near the middle of the broadcast band. It is the regional channel on 940 kc. The stations on this channel are: KOIN, located in Portland, Ore.; WDAY, in Fargo, N. D.; WAVE, in Louisville, Ky.; and WCSH, in Portland, Maine. Their relative location is shown in Exhibit IV. On the present method of operation, with the stations within ± 50 cycles of each other, the service area free from interference of each is shown by the middle section of Exhibit V, and in Table III.

TABLE III.

Interference in the case of four fairly spaced stations on the same frequency.

Station	Interfering station	Separation miles	Strength of interfering signal db.	Frequency 940 kc.		
				Conductivity 5×10^{-14}	Minimum signal free from interference db.	Service Radius miles
KOIN	WDAY	1,230	-40	-6	33	3,600
WDAY	WAVE	810	-30	+4	19	1,200
WAVE	WDAY	810	-30	+4	19	1,200
WCSH	WAVE	880	-32	+2	24	1,900

Possible Coverage of a Few Closely Spaced Stations

For the purpose of the discussion of the coverage possible with a few closely spaced stations operating on the same frequency, an arbitrary case has been taken as an example. The selected locations of the stations in this case are shown in Exhibit VI. There are three stations, A, B, and D, having one kilowatt each, and a fourth smaller station, C, with half a kilowatt. On this Exhibit, the location of the stations of 940 kc is also given for purposes of comparison. The minimum spacing on the 940 kc channel is about 50 per cent greater than that between the one-kilowatt stations in the arbitrary case chosen. This arbitrary case was picked after considering a number of regional channels in actual operation. While the separation is admittedly small compared with the standards advocated by the Commission, there are in existence a number of channels operating under somewhat similar conditions. The possible areas free from interference around each station are shown in the right hand section of Exhibit V, and in Table IV.

TABLE IV.

Interference in the case of four closely spaced stations on the same frequency.

Station	Power kw.	Interfering station	Separation miles	Frequency 1,000 kc.		
				Conductivity 5×10^{-14}	Signal free from interference db.	Service Radius miles
A	1	B	550	10	14	600
		C	450	9		
B	1	C	400	10	14	600
		D	650	8		
C	0.5	B	400	10	12	500
D	1	B	650	8		
		C	480	9	15	800

The half-kilowatt station C has been located to produce about the same degree of interference with the other stations as they produce on each other. Station C does not, therefore, increase appreciably the mutual interference between the stations.

Possible Coverage of Several Stations of the Same Frequency

Exhibit V shows the relative service areas possible in the case of two stations, of four fairly spaced stations, and of four closely spaced stations. The calculations assume that sufficient power is economically possible to make use of the full area free from interference. The reduction in the service area as the separation between the stations is decreased is very marked. From 9,000 square miles around each of the two stations in the first case, the service area falls to around 600 square miles around each station in the arbitrary case selected of four closely spaced stations. The total area which may be served without interference in the case of two stations 2,000 miles apart, is 18,000 square miles. The area covered by all four stations on 940 kc. is 8,000 square miles, and the total area covered by the four closely spaced stations in the arbitrary case is less than 2,000 square miles. It is surprising how large is the difference between these three cases, more especially between the 940 kc channel and the arbitrary case selected, since in these two cases the separations between the stations are not enormously different.

Coverage of Stations on a Single Channel by Modification of Their Mode of Operation

There are several ways in which stations on a single frequency may cooperate to increase their service areas. One of the simplest ways is to operate more closely in synchronism. In the Seventh Annual Report of the Commission, page 20, the Engineering Division suggested that the ratio of the desired to undesired signals need only be 10:1 when the synchronization was within ± 5 cycles, instead of 20:1 when the synchronization was within ± 50 cycles. When the carriers of the two signals were in perfect synchronism, the ratios could be still further reduced to 4:1. For the present calculations, I have assumed that these ratios are satisfactory, keeping in mind, however, that further experience may lead to changes in these standards.

Besides improved synchronism, there is the possibility of the stations protecting each other by using partially directive antennas. A station like WAVE, for instance, would permit a greater service area to WCSH, if it built a directional antenna to reduce the signal in the direction of WCSH. The interference from WAVE at WCSH would then occur at a greater distance from WCSH than if no directional antenna were used.

In making a comparison of the increase in service area possible by means of improvements in operation, I have taken a typical station from each of the three cases considered previously. These cases are: two stations 2,000 miles apart; four fairly spaced stations on the 940 kc channel; and four closely spaced stations in the arbitrary case.

The combination of improved synchronization and directional antennas allows of many possibilities. It would involve more careful study than I have given to the cases under consideration to find what combination was the most effective and the most economical. As a guide, I have calculated the improvement possible with some of these combinations arbitrarily chosen, on the assumption that these improvements could be installed without raising other difficulties.

Increases in Service Area

These increases in service area possible under different conditions of operation are shown in Exhibit VII and Table V. In the case of the two stations 2,000 miles apart, the change from operation within ± 50 cycles to within ± 5 cycles brings the sky ray into service with a corresponding enormous increase in the possible service area from 9,000 square miles to some 120,000 square miles. Synchronous operation increases this area still further.

TABLE V.

Possible increase in coverage of stations on the same frequency by modification of their mode of operation.

Conductivity 5×10^{-14} Frequency 1,000 kc.

A. Two 1 kw. stations 2000 miles apart.

Types of operation	Minimum signal free from in- ference.	Service	
	db.	Radius miles	Area sq. miles
± 50 cycles	-17	55	9000
± 5 cycles	-19	200	120,000
Synchronism	-27		

B. Four fairly spaced stations (WCSH)

Type of operation	Minimum signal free from in- ference.	Service	
	db.	Radius miles	Area sq. miles
± 50 cycles	+2	24	1900
± 5 cycles	-4	30	2400
Synchronism	-12	44	6000
± 5 cycles with 7 db. directional	-11	42	5500
Synchronism with 7 db. directional	-19	200	120,000

C. Four closely spaced stations (Station D)

Type of operation	Minimum signal free from in- ference.	Service	
	db.	Radius miles	Area sq. miles
± 50 cycles	9	15	800
± 5 cycles	3	20	1300
Synchronism	-5	31	3000

In the arbitrary case of the closely spaced stations, improving synchronization still does not allow the sky ray to be of use to provide service. The service area of about 800 square miles available when the synchronization is within ± 50 cycles, is increased to only 3,000 square miles with perfect synchronism. Major improvements by the use of directional antennas are almost impossible, for it would be difficult to build a directional antenna at any one of the stations to protect a second without damaging the service area of the third or fourth. Directional antennas may produce minor improvements that may be worth while, but no great increase in service area can reasonably be expected for all the stations.

Four Stations

In the case of the four fairly spaced stations on 940 kc., I have selected WCSH as typical of this channel. Operation within ± 5 cycles increases the service area of this station from 1900 square miles to 3700 square miles, and synchronous operation increases it still further to 7400 square miles. If a directional antenna is installed at WAVE, so that the interfering signal is reduced by slightly more than one-half, compared with the average signal transmitted in other directions, and the stations are operated within ± 5 cycles, the possible service area will be roughly equal to the service area with synchronous operation but without directional effects. In none of these cases, however, does the sky ray come into service. As a source of service, it is wasted. It can become useful, however, if synchronous operation is combined with the directional effects. The service area would then be enormously increased.

These increases in service area depend, of course, on the stations having sufficient power to make use of gains permitted by improved operation. In the present state of the art, it is difficult to obtain perfect synchronization, but there is no reason to assume that future developments will not permit such operation to be applied economically.

In suggesting directional antennas, I have no intention of advocating them for all cases. Although I was the first to build and have approved by the Commission a directional antenna to protect one broadcast station from another, I think that there are definite limitations in their application, and I would like to take this opportunity to list broadly the cases where, in my opinion, they are useful, and the cases where they may appear as an ideal solution to a particular problem, but may lead eventually to difficulties.

Directional Antennas

The principal objection to the use of directional antennas is that they limit future changes in allocation. For instance, turning to Exhibit VI, if a station were located at P, halfway between WDAY and WAVE, in order to prevent interference with either of these two stations, a directional pattern approximating a figure eight would have to be used, with the zeros in the directions of WDAY and WAVE. Such a station would effectively prevent any appreciable increase in the service areas of WDAY and WAVE by improved operation, such as have been discussed above. Station P would also tend to freeze the allocation of stations of the 940 kc. channel to the present arrangement, for any major changes, however desirable they might seem, would be likely to involve radical changes in the antenna, and such changes might make the location and even the existence of the station undesirable. This station would also prohibit the erection of a new station in the direction of Southwestern New Mexico, except at a great distance, because in that direction the interfering signal from P would be very large. Against these disadvantages would have to be balanced the advantage of the service provided around the Station P. The service area would be very limited, however, because of the strong interference from WDAY and WAVE, and that service, moreover, would be weak in two directions. While a directional antenna would appear ideal for a station at P, it would produce disadvantages which might not be balanced by the special service provided around P.

Generally speaking, it is dangerous to permit the erection of a directional antenna which suppresses the signal in one or more directions fairly completely, because it tends to freeze the allocation of stations on that particular frequency. There are some special cases where a substantial decrease in signal in some particular direction is desirable. For instance, in the case of WFLA in Clearwater, Florida, the antenna substantially prevents transmission into the rest of the United States, and pushes the signal toward the south of Florida. This station serves Florida without causing appreciable interference in the rest of the country. Even in this case, however, it was found desirable to allow a small signal in the direction of suppression in order to serve a town a few miles away from the station in that particular direction.

Where directional antennas are particularly valuable are in such cases as have been discussed above, in which it is possible to increase the coverage of stations spaced a considerable distance apart by giving to each other partial protection from interference.

Another valuable application of directional antennas is to provide a sufficiently loud signal in densely populated areas where the noise level is high, provided, of course, that the service to the rural community is not unduly reduced.

Directional antennas may be used with good effect on channels where stations are so close that improvements in service can hardly be expected through technical developments such as improved synchronization or better allocation. The stations on these channels are inherently limited to provide only local service. There does not seem to be any harm in building additional stations fitted with directional antennas, and locating them in such a way that the service provided to the cities served by the other stations on the same frequency is not materially impaired. It is often comparatively simple to achieve such results because the service area of the stations is so limited.

Generally speaking, we may conclude that a directional antenna is desirable, if it improves service without prohibiting developments either in allocation or in better conditions of operation. It is undesirable in cases where its erection would reduce flexibility of allocation and improvements. On those channels where stations are located close together, much of this flexibility is already lost. There may therefore be comparatively little harm in reducing it still further by introducing directional antennas.

There have been many applications of directional antennas to solve certain problems of individual stations. Their application by stations on the same frequency to improve each other's service areas is not yet common, yet directional antennas could prove to be a valuable weapon to increase these service areas. A limiting factor in the use of directional antennas is the location of the station relative to the town being served. The town should not lie in the direction of minimum signal. In granting a license it may, therefore, be worth while for the Commission to consider carefully the location of the new station relative to the nearest town, and to the

other stations, in case it should be found at some later date desirable to give them greater protection because of some new technique or other reason.

Interference With Adjacent Channels

As explained in the introduction, it is more difficult to make any broad generalization on the problem of the interference between stations on adjacent channels than it is between stations on the same channel, because, in the case of the interference of stations on adjacent channels, the selectivity of the receiver is one of the most important factors. There is little available information on the selectivity of receivers in general use.

A single case will be taken as an example of the problem of interference between adjacent channels. I have taken for this example the case already used of the stations operating on 940 kc. This case is comparatively simple because the interference created with adjacent channels is unusually low, and is negligible, to all practical purposes, on all channels more than 10 kc distant. The fact that the case selected as an example is unusually simple does not change the general principle involved.

Interference

The interference produced is depicted in Exhibit VIII and Table VI. The interference caused by the stations on 930 and 950 kc with each other was calculated, giving the maximum possible service area under normal conditions of operation. This area is shown in Exhibit VIII by the closely shaded sections. The interference caused with these stations by the stations on 940 kc was also calculated. This interference also limits the service area of the station. This area is shown in the same exhibit by the lightly shaded sections. It is seen that in no case is the interference by the stations on 940 kc. in the service area of the station on adjacent channels greater than the interference of these stations with each other. Under present conditions of operation, therefore, the stations on 940 kc. do not interfere with any stations on adjacent channels.

(See Exhibit VIII)

TABLE VI.

Interference on adjacent channels to 940 kc.

A. Interference from station on the same frequency.

Station			Nearest station on same frequency			Service		
Call Letters	Power Kw.	Frequency	Call Letters	Separation Miles	Strength of signal free from interference	Radius Miles	Area Sq. Miles	
WDBJ	1	930 kc.	WBRC	430	12	12	500	
KROW	1	930 kc.	KMA	1140	-4	30	2900	
KMA	1	930 kc.	WBRC	660	7	16	900	
WBRC	1	930 kc.	WDBJ	430	12	12	500	
WRC	0.5	950 kc.	KMBC	900	1	18	1100	
KFWB	1	950 kc.	KMBC	1200	-5	31	3000	
KMBC	1	950 kc.	WRC	900	-2	27	2300	

B. Interference from stations on 940 kc.

Station	Nearest station on 940 kc.	Separation miles	Strength of signal free from interference	Radius miles	Service Area Sq. miles
WDBJ	WAVE	320	-6	33	3,600
KROW	KOIN	540	-10	40	5,000
KMA	WDAY	420	-7	35	4,000
WBRC	WAVE	340	-6	33	3,600
WRC	WCSH	480	-9	38	4,600
KFWB	KOIN	830	-17	55	9,500
KMBC	WAVE	470	-8	36	4,000

Ideally, the best allocation would be one in which the stations on adjacent channels produced exactly the same degree of interference as the stations on the same channel. From an allocation point of view, therefore, the lightly shaded areas in Exhibit VIII represents a waste. It would be possible, and theoretically beneficial, to increase the power of all the stations on 940 kc uniformly by 6 db (four times) without causing interference to adjacent channels. At this point, the interference caused by WAVE on 940 kc with KMBC on 950 kc would be effectively equal to the interference by the other stations on 950 kc. At the same time, the interference by KOIN on 940 kc with KROW on 930 kc would also be effectively equal to the interference by other stations on

930 kc. Such an increase in power would reduce the lightly shaded areas on all the stations shown in Exhibit VIII, and thus eliminate some of the wasted facilities of allocation. In the case of KMBC and KROW, these wasted areas would be reduced to zero.

If it were possible to use a partial directional effect to protect KROW from KOIN and KMBC from WAVE, to the extent of 4 db (which corresponds to reducing the signals in those particular directions by one-third, relatively to the average signal transmitted in the other directions) it would be possible to permit a horizontal increase of power of all the stations on 940 kc by as much as 10 db (which corresponds to increasing the power 10 times), without

interfering with any of the stations on adjacent channels to an extent greater than they already interfere with themselves.

Conclusion

There are many possibilities available with the development of the art which would allow considerable increase in the service areas of certain stations, an increase which in some cases may lead to the use of the sky ray for service. When the sky ray can be used, the possible service area is tremendously increased. The full use of the area free from interference can only be made, if the power is sufficient to produce a reasonable signal strength at the boundary of this area.

When the separation between stations is small, the advantages possible by improved operations are also small. This is clearly shown in Exhibit VII. Reducing separation will therefore tend to limit the possibilities of improvement with the development of the art, and will indirectly tend to retard them. Moreover, when the stations are close together, the service area becomes very small. Only local service can be provided, and practically no rural area can be covered. By far the greatest part of the signal goes to create interference instead of service. The sky ray, with its astonishingly low attenuation at broadcast frequencies, is completely wasted. From a purely engineering point of view, without giving any consideration to the economic problem, such local service would be provided most satisfactorily by broadcasting at such high frequencies that no sky ray returned to the ground to create interference with other stations. If the only economic consideration was the extra cost of the receivers, such a high frequency broadcast service would not seem, off-hand, to be outside the realm of possibility.

If, however, the broadcast band is retained as it exists at present, when there are many stations on a single frequency, their usefulness will be limited to serving densely populated areas where the interfering noise level is high. They should, therefore, produce a sufficient signal in such areas to overcome this noise. On the other hand, there is no use in producing a signal which is unnecessarily high, for the service area is not increased by allowing all the stations a proportional increase in their power.

A happy compromise may be made for the purpose of providing local service to rural areas of a reasonable size, with a number of well spaced stations on the same frequency. In this case, at the limit of their service area, where interference begins to become

objectionable, the signal should be well above, but not excessively above, the probable or possible noise level. These stations, by cooperating with each other and protecting each others' service areas (with directional antennas, better synchronization of their frequencies, etc.) may adjust their operations so that the area within which they do not interfere with each other is greatly increased.

Interference Problem

On the problem of interference with adjacent channels, the ideal conditions occur when the interference to the service area of a station by stations on adjacent channels is effectively equal to the interference by the nearest station on the same frequency. To the extent that stations on adjacent channels do not create interference with stations on the same channel, there is a theoretical waste of allocation facilities. On the sole basis of interference, therefore, all stations on one channel could have their power increased or decreased until the interference they cause with one or more of the adjacent channels was effectively equal to the interference caused by other stations. In the example considered of the 940-Kc. channel (see Exhibit VIII), it is possible, with partial directional effects, to increase the power horizontally ten times, without causing more interference on adjacent channels than exists already. We have also seen that this power could be effectively used by these stations and their service areas considerably increased with suitable operation and cooperation among themselves.

It seems a pity that regional stations do not make more use of the low attenuation of the sky ray at broadcast frequencies, for, if this ray could be used, the service area of the stations would be enormously increased and real local service provided to rural areas.

In final conclusion, I would like to urge the commission that, in granting licenses, it give careful consideration to the location of stations, not only relative to other stations, but relative to the nearest town, so that better synchronization, directional effects, etc., may be used when wanted to the best possible advantage. Our present knowledge and future developments (to the extent that we can forecast them) should be allowed full opportunity and as much latitude as possible so that our total knowledge may be useable to provide the best service possible.

I make a special plea that future engineering developments and the progress of broadcasting be not endangered by freezing the space available on the basis of our present knowledge and technical skill. There should be room, much room for evolution.

The National Association of Broadcasters

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RECOMMENDS WMFF BE GIVEN UNLIMITED TIME

Broadcasting station WMFF, Plattsburg, N. Y., operating on a frequency of 1310 kilocycles, 250 watts daytime, applied to the Federal Communications Commission that it be allowed to operate unlimited time with 100 watts at night.

Examiner R. H. Hyde, in Report No. I-294, recommended that the application be granted. He found that there is a need for nighttime service in the area covered by the station. He states further that the proposed nighttime operation "would not materially change the present interference conditions on the frequency of 1310 kilocycles."

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

Wellington Foundation, Inc., Philadelphia, Pa. (2-2492, Form C-1)
American Airlines, Inc., Chicago, Ill. (2-2493, Form A-1)
Great Northern Gold Mines, Inc., Pittsburgh, Pa. (2-2494, Form A-1)
Cannon Shoe Company, Baltimore, Md. (2-2495, Form A-2)
New Britain Machine Company, New Britain, Conn. (2-2496, Form A-2)
Best Drug Stores, Inc., Los Angeles, Calif. (2-2497, Form A-1)
Tampax, Inc., New York City. (2-2498, Form A-1)
L. F. Serrick, Inc., Defiance, Ohio. (2-2499, Form A-2)
Pearson Company, Inc., Indianapolis, Ind. (2-2500, Form A-2)
State Loan Company, Mount Rainier, Md. (2-2501, Form A-2)
Equity Fund, Inc., Seattle, Wash. (2-2502, Form A-1)
American Carrier-Call Corp., New York City. (2-2503, Form A-1)
Hilton-Davis Chemical Co., Cincinnati, Ohio. (2-2505, Form A-2)
Mock, Judson, Voehringer Co., Newark, N. J. (2-2506, Form A-2)
Harris-Seybold-Potter Co., Cleveland, Ohio. (2-2507, Form A-2)
Loomis-Sayles Second Fund, Inc., Boston, Mass. (2-2508, Form A-1)
Menasco Manufacturing Co., Los Angeles, Calif. (2-2510, Form A-1)
Huttig Sash & Door Co., St. Louis, Mo. (2-2511, Form A-2)
Fuller Manufacturing Co., Kalamazoo, Mich. (2-2513, Form A-1)
Bath Iron Works Corporation, Bath, Me. (2-2514, Form A-2)
Eason Oil Company, Enid, Okla. (2-2515, Form A-2)
Sterling Aluminum Products, Inc., St. Louis, Mo. (2-2516, Form A-2)
Union Sugar Company, San Francisco, Calif. (2-2517, Form A-2)

Lexington Foundation, Inc., New York City. (2-2518, Form C-1)
Enterprise Manufacturing Company, Augusta, Ga. (2-2519, Form E-1)
Beech Aircraft Corporation, Wichita, Kans. (2-2520, Form A-1)
J. W. Carter Company, Nashville, Tenn. (2-2522, Form A-2)
Salt Dome Oil Corporation, Houston, Tex. (2-2523, Form A-1)
Frederick Pierce et al., Philadelphia. (2-2524, Form F-1)

INCREASED DAY POWER RECOMMENDED FOR KSO

Broadcasting station KSO, Des Moines, Iowa, applied to the Federal Communications Commission to increase its day power from 1,000 to 2,500 watts. The station operates unlimited time on 1430 kilocycles.

Examiner Melvin H. Dalberg, in Report No. I-299, recommends that the application be granted. The Examiner states that with the increased power the station not only would expand its service area but would supply a stronger signal in the area now served. He states also that granting of the application would not cause mutual objectionable interference with respect to any existing or proposed stations and it would be in the public interest.

POLITICAL BROADCASTS

John B. Reynolds, acting secretary of the Federal Communications Commission, has sent identical letters to Mrs. Archibald E. Stevenson, general counsel of the National Civic Federation of New York City, and Mrs. Ralph M. Easley, chairman of the Committee on National Defense through Patriotic Education, Manhattan Chapter, National Society of the Daughters of the American Revolution, at Rye, N. Y., in connection with the alleged refusal of Station WCAE, Pittsburgh, to broadcast a talk of Earl Browder. Mr. Reynolds says:

Permit me to acknowledge receipt of your letter of September 14, 1936, addressed to the Chairman regarding a newspaper report concerning the Commission's investigation of the alleged refusal of Station WCAE, Pittsburgh, to broadcast the August 28th address of Earl Browder, Communist candidate for President.

In reply your attention is invited to Section 315 of the Communications Act of 1934 (copy enclosed) providing among other things that if any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station and that the Commission shall make rules and regulations to carry this provision into effect.

Upon receipt of a complaint against Station WCAE filed by William Z. Foster, Chairman, National Campaign Committee, Communist Party, the Commission directed both the complainant and the station licensee to submit statements under oath setting forth all facts in order that the Commission might be fully informed in the matter for the purpose of performing its duty under Section 315 of the Communications Act of 1934.

In your letter you state that other offenses are being committed, making particular reference to Section 6, Title 18, of the United States Criminal Code. Your courtesy in offering voluntary legal assistance is appreciated. This Commission, however, has no jurisdiction over the enforcement of the provisions of that section of the law. It is suggested, therefore, that you may wish to present full information concerning any evidence of violations of the United States Criminal Code to the United States District Attorney in the appropriate district, who may prosecute delinquents for crimes and offenses cognizable under the authority of the United States.

RECOMMENDS DISMISSAL OF CASE

The Duluth Broadcasting Company applied to the Federal Communications Commission for a construction permit to erect a new

broadcasting station at Duluth, Minn., to use 1200 kilocycles, 100 watts, and unlimited time on the air.

Examiner P. W. Seward, in Report No. I-297, recommended that the application be dismissed with prejudice for want of prosecution. The Examiner states that at the hearing "the applicant did not appear nor did any person representing the applicant appear in support of said application, whereupon the attorney representing the Commission moved that the case be dismissed for want of prosecution."

FREQUENCY AND POWER CHANGE RECOMMENDED FOR KUJ

Broadcasting station KUJ, Walla Walla, Wash., applied to the Federal Communications Commission to change its frequency from 1370 to 1250 kilocycles, and to increase its power from 100 to 250 watts. The station asks to continue its unlimited time operation.

Examiner Robert L. Irwin, in Report No. I-300, recommends that the application be granted. He found that the station operates the only primary service in that area and that there is need for such improvement as the use of the frequency applied for. The proposed change would not cause interference, the Examiner states, and it would be in the public interest.

RECOMMENDS DISMISSAL APPLICATION TO TRANSMIT PROGRAMS TO FOREIGN COUNTRIES

The Ogdensburg Advance Company, Inc., of Ogdensburg, N. Y., applied to the Federal Communications Commission for authority to transmit programs to foreign countries.

Examiner George H. Hill, in Report No. I-298, has recommended that the application be dismissed with prejudice. The applicant filed an application for a permit to locate, maintain, or use a studio or apparatus for broadcasts of programs to be transmitted or delivered to foreign radio stations. The applicant planned to construct and maintain a studio at Ogdensburg at which programs would be produced and transmitted by remote control to CFLC located at Prescott, Ontario, Canada.

It appears from the opinion that the Canadian Radio Commission filed a protest whereat the applicant withdrew its application. The Examiner states that "in view of this request and since a respondent appeared and participated in the hearing of this matter, the Examiner is of the opinion that the application should be dismissed with prejudice."

DISMISSAL WITH PREJUDICE RECOMMENDED

The Magnolia Broadcasting Company applied to the Federal Communications Commission for a construction permit for a new broadcasting station to be erected at Jackson, Miss., to use 1420 kilocycles, 100 watts power, and unlimited time.

Examiner P. W. Seward, in Report No. I-296, recommended that the "application be dismissed with prejudice for want of prosecution." The Examiner states that the applicant appeared by counsel and presented a motion for continuance, predicated upon the withdrawal of one of the parties constituting the applicant partnership. Opposition to the granting of this motion was offered by other parties to the hearing, predicated on the fact that at least one respondent had brought two witnesses to Washington from Jackson for the purpose of the hearing.

RECOMMENDATION TO DENY CALIFORNIA STATION

A. Tornek, operating under the trade name of the Metro Broadcasting Company, applied to the Federal Communications Commission for a construction permit to erect a new station at Los Angeles, Calif., to use 820 kilocycles, 250 watts power, and using limited hours with WHAS.

Examiner P. W. Seward, in Report No. I-295, recommends that "the application of A. Tornek, operating under the assumed name of Metro Broadcasting Company, for a construction permit, be dismissed with prejudice for the reasons assigned," or that the application for the construction permit be denied.

The examiner states that the applicant "has not shown by evidence adduced at any one or all of the three hearings on this application that she is a citizen of the United States, as required by section 310 of the Communications Act of 1934, or that she is legally, technically, financially, or otherwise qualified to construct or operate the proposed station." The Examiner found that the operation of the proposed station "would cause objectionable

interference to existing stations within the good service area of such stations."

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints against the following firms. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

No. 2938. Pike-Hansen, Inc., 1113 North Franklin St., Chicago, engaged in the sale of men's clothing, is respondent in a complaint charging unfair methods of competition in violation of Section 5 of the Federal Trade Commission Act.

The respondent corporation allegedly represents that it will make and deliver to purchasers tailor-made garments fashioned from material of the color, weave and quality selected from samples exhibited by its salesmen, who number about 500 in various parts of the country. According to the complaint, the delivered garments, in many instances, are not tailor-made, as that term is understood by the purchasing public, and do not fit properly, either because the salesmen lack skill and experience in taking measurements or because the respondent's workmen are not skilled in making the garments.

In some cases, the complaint alleges, the respondent corporation delivers a garment made from a material other than that selected by the customer, and of inferior quality. Salesmen are said to represent that they will make personal delivery of garments so as to afford customers an opportunity to inspect their purchases, but, according to the complaint, the merchandise is shipped by parcel post, cash on delivery for the balance of the purchase price, and no inspection is permitted.

No. 2940. Alleging unfair competition in the sale of spirituous beverages a complaint has been issued against **E. O. Jackson Distilling Co.**, 8440 South Chicago Ave., Chicago.

Through use of the word "Distilling" in its corporate name, in advertising matter and on labels, the respondent company is said to represent that it manufactures through the process of distillation the whiskies, gins and other liquors it sells in interstate commerce, when, the complaint charges, it is not a distiller and does not own or operate a plant where its products are distilled, but is engaged in the business of rectifying, blending and bottling liquors.

To promote the sale of its "Cotton Club" whiskey, the company allegedly represents that this brand is "Kentucky's Best," of high quality, and was distilled at Distillery No. 17, 5th District of Kentucky, which, between 1903 and 1935, was favorably known by reason of the production there of high grade whiskey.

According to the complaint, the respondent company leased Distillery No. 17 from July 1, 1935, to January 1, 1936, and there produced at high proof by the "charred chip process" 5000 barrels of whiskey of a quality inferior to a good grade of Kentucky Bourbon and not of the high quality indicated by the claims made for "Cotton Club" brand.

No. 2941. A complaint alleging collusive bidding and fixing and maintenance of uniform prices, in violation of Section 5 of the Federal Trade Commission Act, has been issued by that Commission against 9 companies engaged in the manufacture and sale of turbine-generators and condensers. **The Heat Exchange Institute**, a trade association with headquarters in New York, also is a respondent. The respondent companies are:

General Electric Company, Schenectady, N. Y., manufacturing turbine-generators; **Westinghouse Electric & Manufacturing Company**, East Pittsburgh, Pa.; **Allis-Chalmers Manufacturing Company**, Milwaukee; and **Elliott Company**, Jeanette, Pa., manufacturing both turbine-generators and condensers; **Worthington Pump & Machinery Corporation**, Harrison, N. J.; **Ingersoll-Rand Company**, Jersey City, N. J.; **Foster-Wheeler Corporation**, New York; **C. H. Wheeler Manufacturing Company**, Philadelphia, and **Ross Heater & Manufacturing Company**, Buffalo, dealing only in condensers.

The respondents, who allegedly entered into their price-fixing agreement in 1933, are said to constitute a group so powerful that they are able to control the turbine-generator and condenser business in the United States. The complaint sets out that the principal purchasers of these products are public utilities, either publicly or privately owned, and municipal, state and federal governments.

For the purpose of eliminating competition among themselves, the complaint charges, the respondents, under their agreement, fix and maintain uniform prices as well as uniform performance guarantees for their products; adhere to pricing sheets compiled

by one of their number, although such pricing sheets bear no relation to the individual costs of the respective respondents in the manufacture of their products; submit identical bids, not only for turbine-generators and condensers, but for the "extras" necessary for their installation, and take disciplinary action against any of their group who fail to abide by the prices in accordance with their agreement.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

No. 2762. The American Mint Corporation, 114 East 13th St., New York City, and Mack R. Keshen and Oswald Freund have been ordered to discontinue selling candy so packed and assembled that sales to ultimate purchasers are made by means of a lottery, gaming device or gift enterprise.

Under the order, the respondents also are prohibited from packing in the same assortment pieces of candy of uniform shape and size, some of which have coins concealed within them, and from furnishing dealers with display cards bearing statements informing purchasers of that fact.

No. 2923. M. & J. Becker, Inc., 2961 Atlantic Ave., Brooklyn, has been ordered to discontinue representing, directly or by implication, that certain of the hats and caps it sells and which are manufactured from old, discarded and second-hand felts, are made from new and unused felts.

It is the practice of the respondent corporation, according to the findings, to sell to wholesalers and retailers baseball caps made from old and discarded felts which have been cleaned, shaped and refitted with new bands and trimmings, but without disclosing to purchasers that the caps have been worn previously, renovated and made over.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, October 19

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Tribune Printing Co., Jefferson City, Mo.—C. P., 1130 kc., 100 watts, daytime.

Tuesday, October 20

HEARING BEFORE AN EXAMINER

(Broadcast)

KFPM—Voice of Greenville, Greenville, Tex.—Renewal of license, 1310 kc., 15 watts, specified hours.

KFPM—Dave Ablowich, tr/as The New Furniture Co., Greenville, Tex.—Voluntary assignment of license, 1310 kc., 15 watts, specified hours.

KFPM—Voice of Greenville, Greenville, Tex.—C. P., 1420 kc., 100 watts, daytime. Present assignment: 1310 kc., 15 watts, specified hours.

NEW—WREC, Inc., Youngstown, Ohio.—C. P., 890 kc., 1 KW, unlimited time.

Wednesday, October 21

HEARING BEFORE AN EXAMINER

(Broadcast)

WHBI—May Radio Broadcast Corp., Newark, N. J.—Modification of license, 1250 kc., 1 KW, 5 KW LS, shares with WMEW. Present assignment: 1280 kc., 1 KW, 2½ KW LS, shares with WMEW.

WHAT—Independence Broadcasting Co., Inc., Philadelphia, Pa.—C. P., 1220 kc., 1 KW, unlimited time. Present assignment: 1310 kc., 100 watts, shares with WTEL.

NEW—Orrin P. Kilbourn, Albany, N. Y.—C. P., 1240 kc., 250 watts, unlimited time.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Modification of license, 1280 kc., 1 KW, shares with WTNJ and WCAM. Present assignment: 1280 kc., 500 watts, shares with WTNJ and WCAM.

Thursday, October 22

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-223

NEW—Wilbur H. Havens, Chas. H. Woodward, Calomb B. Jones, Wilfred H. Wood, d/b as Petersburg Broadcasting Co., Petersburg, Va.—C. P., 880 kc., 500 watts, daytime (requests facilities of WPHR).

WPHR—WLBG, Inc., Petersburg, Va.—Renewal of license, 880 kc., 500 watts, daytime.

WPHR—WLBG, Inc., Petersburg, Va.—C. P., 880 kc., 500 watts, daytime (requests to move to Richmond, Va.).

Examiner's Report No. I-229

WHB—WHB Broadcasting Co., Kansas City, Mo.—C. P., 1120 kc., 500 watts, 1 KW LS, unlimited time. Present assignment: 860 kc., 1 KW, daytime.

Examiner's Report No. I-233

KFOX—Nichols & Warinner, Inc., Long Beach, Calif.—C. P., 1250 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 1250 kc., 1 KW, unlimited time.

Examiner's Report No. I-234

NEW—B. A. Thompson, Santa Cruz, Calif.—C. P., 1310 kc., 100 watts, 250 watts LS, unlimited time.

NEW—Wm. B. Smullin, Sacramento, Calif.—C. P., 1310 kc., 100 watts, 250 watts LS, unlimited time.

NEW—Howard N. Mitchell, Sacramento, Calif.—C. P., 1310 kc., 100 watts, unlimited time.

NEW—The Press Democrat Pub. Co., Santa Rosa, Calif.—C. P., 1310 kc., 250 watts, daytime.

Examiner's Report No. I-222

WMBG—Havens & Martin, Inc., Richmond, Va.—C. P., 1350 kc., 500 watts, unlimited time.

NEW—Century Broadcasting Co., Richmond, Va.—C. P., 1370 kc., 100 watts, daytime.

Examiner's Report No. I-285

NEW—The Times Dispatch Publishing Co., Inc., Richmond, Va.—C. P., 1500 kc., 100 watts, unlimited time.

Friday, October 23

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Walker Jamar, Duluth, Minn.—C. P., 1200 kc., 100 watts, unlimited time.

APPLICATIONS GRANTED

WLBZ—Maine Broadcasting Co., Inc., Bangor, Maine—Granted C. P. to install new transmitter.

WKOK—Sunbury Broadcasting Corp., Sunbury, Pa.—Granted C. P. to install new equipment.

WSAJ—Grove City College, Grove City, Pa.—Granted C. P. to change equipment.

KFRO—Voice of Longview, Longview, Tex.—Granted C. P. to make changes in equipment and increase day power from 100 to 250 watts. (1370 kc.)

KFRU—KFRU, Inc., Columbia, Mo.—Granted C. P. to install new transmitter.

KMMJ—KMMJ, Inc., Clay Center, Neb.—Granted C. P. to install new transmitter.

WGL—Westinghouse E and M Co., Fort Wayne, Ind.—Granted C. P. to install new transmitter.

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Granted C. P. to make changes in equipment, move present licensed auxiliary transmitter to 28th Ave. S. W., and Fla. Sts., West Waterway, Seattle.

KGGM—New Mexico Broadcasting Co., Albuquerque, N. Mex.—Granted C. P. to move transmitter locally; install new equipment and vertical radiator; increase night power from 250 watts to 1 KW, and day power from 500 watts to 1 KW.

KLS—S. W. Warner & E. N. Warner, d/b as Warner Bros., Oakland, Cal.—Granted C. P. to install new transmitter.

- KFAC—Los Angeles Broadcasting Co., Inc., Los Angeles, Cal.—Granted C. P. to install new transmitter.
- KFVD—Standard Broadcasting Co., Los Angeles, Cal.—Granted C. P. to install new transmitter.
- WNLC—Thames Broadcasting Corp., New London, Conn.—Granted license to cover C. P.; 1500 kc., 100 watts, day-time.
- WCAO—Monumental Radio Co., Baltimore, Md.—Granted license to cover C. P. for auxiliary transmitter; transmitter move locally; 600 kc., 250 watts for emergency purposes only.
- W3XEX—WTAR Radio Corp., Norfolk, Va.—Granted license to cover C. P. and modification, new high frequency broadcast, experimental; frequencies 31600, 35600, 38600 and 41000 kc.; 50 watts. Also granted modification of C. P. to change site of transmitter to Virginia Beach Boulevard, 1.7 miles from Norfolk, Va.
- WMMN—A. M. Rowe, Fairmont, W. Va.—Granted license to cover C. P. as modified authorizing changes in equipment, increase in power 500 watts night, 1 KW day, 890 kc., unlimited and move transmitter.
- WDBJ—Times World Corp., Roanoke, Va.—Granted license to cover C. P. which authorized installation of new equipment, increase in power to 1 KW night, 5 KW day, unlimited, 930 kc.
- WDBJ—Times World Corp., Roanoke, Va.—Granted authority to determine operating power by direct measurement of antenna power.
- KGFF—KGFF Broadcasting Co., Inc., Shawnee, Okla.—Granted license to cover C. P. as modified for new equipment, increase in power to 100 watts night, 250 watts day, 1420 kc., unlimited and move transmitter.
- WSIX—Jack M. Draughon, Louis R. Draughon, d/b as 638 Tire and Vulcanizing Co., Nashville, Tenn.—Granted license to cover C. P. as modified for removal of studio and transmitter, install new antenna.
- KANS—Charles G. Theis, Wichita, Kans.—Granted license to cover C. P. for new station; 1210 kc., 100 watts, unlimited.
- WQDM—E. J. Regan & F. Arthur Bostwick, d/b as Regan & Bostwick, St. Albans, Vt.—Granted modification of C. P. to move transmitter and studio locally, change frequency, install new equipment, increase power, change specified hours, 1390 kc., 1 KW night and day, S. H. (subject to Rules 131, 132 and 139).
- KNX—Western Broadcast Co., Los Angeles, Cal.—Granted modification of license to change name from Western Broadcast Co. to Columbia Broadcasting System of Calif., Inc.
- WJBC—Arthur Malcolm McGregor & Dorothy Charlotte McGregor, a partnership, Bloomington, Ill.—Granted authority to make changes in automatic frequency control equipment.
- WPAD—Paducah Broadcasting Co., Inc., Paducah, Ky.—Granted authority to make changes in automatic frequency control.
- World Broadcasting System, Inc., New York City, N. Y.—Granted extension of authority to transmit programs from World B/C System, Inc., to the Northern Electric Co., Ltd., of the Dominion of Canada, in accordance with provisions of Section 325 of the Act.
- WNYC—City of New York, Dept. of Plant & Structures, New York City, N. Y.—Granted extension of temporary auxiliary license pending final action on license for main transmitter; 810 kc., 1 KW day and night, emergency purposes only.
- WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Granted modification of C. P. for authority to install new equipment.
- NEW—Radio Air Service Corp., Portable-Mobile, Cleveland, Ohio—Granted C. P. for new experimental relay broadcast station; frequencies 38900, 39100, 39300 and 39500 kc. on an experimental basis; 100 watts.
- NEW—The Crosley Radio Corp., Portable-Mobile, Cincinnati, Ohio (2 Applications)—Granted C. P. for new experimental relay broadcast station; frequencies 31100, 37600 and 40600 kc.; 2 watts.
- WGAL—WGAL, Inc., Lancaster, Pa.—Granted C. P. for authority to move transmitter locally, make changes in frequency control equipment and erect approved type of antenna system.
- KOVC—George B. Bairey, Valley City, No. Dak.—Granted modification of C. P. approving transmitter and studio locations and installation of new equipment and vertical radiator.
- KABC—Alamo Broadcasting Co., Inc., San Antonio, Tex.—Granted C. P. to install new transmitter.
- KFEQ—KFEQ, Inc., St. Joseph, Mo.—Granted amended C. P. for authority to make changes in equipment.
- KORE—Frank L. Hill & C. G. Phillips, d/b as Eugene Broadcast Station, Eugene, Ore.—Granted C. P. approving transmitter and studio sites, changes in equipment and vertical radiator.
- WCAX—Burlington Daily News, Inc., Burlington, Vt.—Granted license to cover C. P. to install new transmitter.
- WBNX—Standard Cahill Co., Inc., New York City, N. Y.—Granted license to cover C. P. and modifications thereof, authorizing new equipment, move transmitter and approval of directional antenna, 1 KW day and night; 1350 kc., S-WAWZ.
- WTRC—The Truth Publishing Co., Inc., Elkhart, Ind.—Granted license to cover C. P. authorizing equipment changes, increase in power and change in name; 1310 kc., 100 watts night, 250 watts day, Simul-D WLBC, share night WLBC.
- WEW—The St. Louis University, St. Louis, Mo.—Granted license to cover C. P. authorizing changes in equipment.
- WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Granted modification of C. P. approving transmitter site and extension of commencement date from 7-12-36 to 30 days after grant and completion date to 180 days hereafter.
- WJBK—James F. Hopkins, Inc., Detroit, Mich.—Granted modification of C. P. authorizing installation of new equipment and extension of commencement date to 60 days after grant and completion date to 180 days hereafter.
- WROK—York Broadcasting Co., York, Pa.—Granted authority to make changes in automatic frequency control equipment.
- WDEL—WDEL, Inc., Wilmington, Del.—Granted authority to make changes in automatic frequency control.
- WAZL—Hazleton Broadcasting Service Inc., Hazleton, Pa.—Granted authority to make changes in automatic frequency control.
- KFXD—Frank E. Hurt, Nampa, Idaho—Granted C. P. to install new transmitter.
- KGKB—East Texas Broadcasting Co., Tyler, Texas—Granted license to cover C. P. authorizing move of transmitter, installation of new equipment and vertical radiator; 1500 kc., 100 watts night, 100 watts day, unlimited time day, specified hours night.
- KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Granted temporary authority to operate simultaneously with station WSMK from 10 to 11 P. M., EST, Sept. 30, Oct. 7, 16, 21, 1936, in order to broadcast football games.
- WHLB—Head of the Lakes Broadcasting Co., Virginia, Minn.—Granted special temporary authority to operate without an approved frequency monitor during program test period, for a period of 30 days, pending repair to frequency monitor.
- WBAA—Purdue University, W. Lafayette, Ind.—Granted special temporary authority to operate from 4 to 8 P. M., CST, Oct. 10, 1936 (provided WILL remains silent), in order to broadcast football games.
- KNET—Calvin Welch, Wm. M. Keller & Bonner Frizzell, d/b as Palestine Broadcasting Assn., Palestine, Texas—Granted special temporary authority to operate from 5:45 to 10:30 P. M., CST, Oct. 16 and 30, 1936, and from 5:30 to 10:30 P. M., CST, Nov. 20, 1936, in order to broadcast football games.
- KSOO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—Granted special temporary authority to operate station on Oct. 9, 1936, from 6:30 to 7:15 P. M., CST, for the purpose of broadcasting President Roosevelt's speech by remote control from station KSTP; and from 9 to 9:30 P. M., Oct. 9, for the purpose of broadcasting a political speech by remote control from station WCCO.
- WTCN—Minn. Broadcasting Corp., Minneapolis, Minn.—Granted special temporary authority to remain on the air after 7 P. M., CST, the night of Oct. 9, 1936 (provided WLB remains silent), until the conclusion of President Roosevelt's address at St. Paul, Minn.
- WDGY—Dr. Geo. W. Young, Minneapolis, Minn.—Granted special temporary authority to remain on the air after 6:30 P. M., CST, Friday, Oct. 9, 1936, for the purpose of broadcasting President Roosevelt's speech only.
- WMC—Memphis Commercial Appeal, Inc., Memphis, Tenn.—Granted license to cover C. P. authorizing changes in equipment and directional antenna system; increase in day power from 2½ KW to 5 KW, and change transmitter site locally, 780 kc.
- WJBY—Gadsden Broadcasting Co., Inc., Gadsden, Ala.—Granted authority to make changes in automatic frequency control equipment.

WJAY—Cleveland Radio Broadcasting Corp., Cleveland, Ohio.—Granted C. P. to move transmitter to Pleasant Valley Road, Village of Seven Hills, Ohio, adjacent to present site of WHK; install vertical radiator and new equipment.

KOBH—Black Hills Broadcast Co. (Robert Lee Dean), Rapid City, S. Dak.—Granted modification of C. P. for change in type of equipment.

WDWS—Champaign News Gazette Inc., Champaign, Ill.—Granted modification of C. P. for approval of transmitter and studio sites, equipment and antenna, amended to correct transmitter site for 600 feet south of Kirby Ave., Champaign, Ill.

KRMD—Radio Station KRMD, Inc., Shreveport, La.—Granted C. P. for changes in equipment, install vertical radiator and increase day power from 100 watts to 250 watts, **1310 kc.**

KMO—KMO, Inc., Tacoma, Wash.—Granted C. P. to install vertical radiator, exact site to be determined with Commission's approval, increase power from 250 watts to 1 KW.

WTMV—Miss. Valley Broadcasting Co., Inc., E. St. Louis, Ill.—Granted amended C. P. for installation of new equipment, increase day power to 250 watts, **1500 kc.**, unlimited.

WKBN—WKBN, Broadcasting Corp., Youngstown, Ohio.—Granted C. P. to move transmitter site locally from Y. M. C. A. Building to 3120 Sunset Boulevard, and install vertical radiator.

WOI—Iowa State College of Agriculture & Mechanic Arts, Ames, Ia.—Granted special authority to rebroadcast over WOI the emergency programs of station KGHQ licensed for emergency police service in Des Moines, Ia.

KFJR—Ashley C. Dixon, KFJR, Inc., Portland, Ore.—Granted voluntary assignment of license to KALE, Inc. (**1300 kc.**, 500 watts night, 500 watts day, S. H.).

WJIM—Harold F. Gross, M. B. Keeler and L. A. Versluis, d/b as Capital City Broadcasting Co., Lansing, Mich.—Granted voluntary assignment of license to Harold F. Gross (**1210 kc.**, 100 watts night, 250 watts day, unlimited).

NEW—Ben S. McGlashan (Portable), Los Angeles, Cal.—Granted C. P. for new station (low frequency relay broadcast); frequencies **1622, 2058, 2150, 2790 kc.**, 100 watts.

APPLICATIONS DENIED

WINS—Hearst Radio, Inc., New York City.—Denied special temporary authority to operate 8:15 p. m. to 12 midnight, EST, 9-30-36, and from 7:30 to 12 midnight, EST, 10-7-36, to broadcast professional football games of new Professional Football League.

WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Denied special temporary authority to operate from local sunset to 8 p. m., EST, from 10-3-36 to November 1, 1936, inclusive, in order to broadcast civic programs and events of national importance connected with national election.

WINS—Hearst Radio, Inc., New York City.—Denied special temporary authority to operate from local sunset (October, 5:15 p. m.) until 12 midnight, EST, October 21 and 28, 1936, in order to broadcast professional football games, and from local sunset, November 3, 1936 (November, 4:45 p. m.), until 2 a. m., EST, November 4, 1936, in order to broadcast election returns.

WPHR—WLBC, Inc., Petersburg, Va.—Denied special authority to operate from local sunset to 7:30 p. m., EST, October 10, 17, 24, 31, and November 7, in order to broadcast football games.

APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were dismissed at the request of applicants:

NEW—Palmer Broadcasting Syndicate, Inc., Portland, Me.—Applied for C. P., **1210 kc.**, 100 watts, unlimited.

WSMK—WSMK, Inc., Dayton, Ohio.—Applied for modification of license, **1380 kc.**, 250 watts, unlimited.

KRKO—Lee E. Mudgett, Everett, Wash.—Applied for voluntary assignment of license, **1370 kc.**, 50 watts, shares KVL.

Detroit National League Football Club, Inc., Detroit, Mich.—Applied for authority to transmit description of certain football games from University of Detroit Stadium, Detroit, Mich., to Station CKLW, Windsor, Ontario, Canada, through the facilities of the Michigan Bell Tel. Co.

SET FOR HEARING

NEW—Lawrence K. Miller, Pittsfield, Mass.—Application for C. P. for new station to operate on **930 kc.**, 250 watts daytime, site to be determined.

NEW—Knoxville Journal Broadcasting Co., R. R. Spilman, Ira A. Watson, Roy N. Lotspeich, R. H. Claggett, Knoxville, Tenn.—Application for C. P. for new station to operate on **1200 kc.**, 100 watts night, 250 watts day, unlimited time, site to be determined.

WILM—Delaware Broadcasting Co., Wilmington, Del.—Application for C. P. to install vertical antenna, move studio and transmitter approximately 9 miles to Chester, Pa., site to be approved. (Present assignment: **1420 kc.**, 100 watts, S-WAZL.)

WMMN—A. M. Rowe, Inc., Fairmont, W. Va.—Application for C. P. to install new equipment, increase night power from 500 watts to 1 KW and day power from 1 KW to 5 KW. (Present assignment: **890 kc.**, 500 watts night, 1 KW day, unlimited.)

WGAR—WGAR Broadcasting Co., Cleveland, Ohio.—Application for C. P. to install new transmitter and increase power from 500 watts night, 1 KW day, unlimited time, to 5 KW. (To be heard before the Broadcast Division.)

NEW—Rev. Edward Warren Cromey, Rector, Church Wardens & Vestrymen of St. Michael's P. E. Church, Brooklyn, N. Y.—Application for C. P. for new station to operate on **1130 kc.**, 1 KW daytime only, site to be approved. Desires facilities of WOV. Amended to change antenna. To be heard November 16, 1936.

WOV—International Broadcasting Corp., New York City.—Application to transfer control from John Giustina B. and Mariannina G. Iraci, to Arde Bulova, 766 shares of common stock. Present assignment: **1130 kc.**, 1 KW, daytime. To be heard November 16, 1936.

NEW—Daily News Corp., St. Paul, Minn.—Application for C. P. (amended 8-31-36) for new station to operate on **580 kc.**, 1 KW, daytime only. Transmitter site to be determined with Commission's approval.

NEW—Walter H. McGenty, Rice Lake, Wis.—Application for C. P. (amended 8-8-36) for new station to operate on **1210 kc.**, 250 watts, daytime only. Exact site of transmitter to be determined with Commission's approval.

NEW—WRBC, Inc., Cleveland, Ohio.—Application for C. P. (amended 8-13-36) for new station to operate on **950 kc.**, 1 KW, unlimited time, using directional antenna for day and nighttime operation.

NEW—The Trenton Times, Trenton, N. J.—Application for C. P. for main transmitter of 3 new synchronized special broadcast stations; **1570 kc.**, 250 watts, unlimited, site to be determined subject to Commission's approval.

NEW—The Trenton Times, Trenton, N. J.—Application for C. P. for one booster transmitter of 3 new synchronized special broadcast stations, to be located near Burlington, N. J.; **1570 kc.**, 250 watts, unlimited, transmitter site to be determined subject to Commission approval.

NEW—The Trenton Times, Trenton, N. J.—Application for C. P. for one booster transmitter of 3 new synchronized special broadcast stations, to be located near Princeton, N. J.; **1570 kc.**, 250 watts, unlimited, transmitter site to be determined subject to Commission approval.

WNBC—State Broadcasting Corp. (Wm. J. Sanders), New Britain, Conn.—Application for C. P. amended to make changes in equipment; install directional antenna for day and night operation; increase power from 250 watts daytime to 250 watts night, 1 KW day; increase hours of operation from daytime to unlimited.

WHAT—Independence Broadcasting Co., Inc., Philadelphia, Pa.—Application for C. P. (amended 9-12-36) for approval of new transmitter site; authority to make equipment changes; install directional antenna system; change frequency from **1310 kc.** to **1220 kc.**; increase power from 100 watts to 1 KW; change time of operation from sharing with WTEL to unlimited. (Now operates on **1310 kc.**, 100 watts night and day, S-WTEL.)

KOOS—Pacific Radio Corp., Marshfield, Ore.—Application for modification of C. P. to change equipment and time of operation from 250 watts daytime to 250 watts unlimited; extend commencement date to 60 days after grant and completion date to 6 months thereafter. (Original C. P. authorized change in transmitter site, installation of new antenna, change in frequency to **1390 kc.**)

NEW—Sharon Herald Broadcasting Co., Sharon, Pa.—Application for C. P. for new station to operate on **780 kc.**, 250 watts day only, transmitter site and antenna system to be determined subject to Commission's approval.

WBNS—WBNS, Inc., Columbus, Ohio.—Application for C. P. to install new equipment, increase night power from 500 watts to 1 KW and day power from 1 KW to 5 KW.

WTBO—Associated Broadcasting Corp., Cumberland, Md.—Application for modification of license to increase power and time of operation from 250 watts daytime only to 250 watts unlimited. (To be heard before the Broadcast Division.)

WKZO—WKZO, Inc., Kalamazoo, Mich.—Application for modification of license to change time of operation from daytime to local sunset at Kalamazoo to daytime to local sunset at Omaha, Nebr.

NEW—J. D. Keating, Harvey Wells, L. J. Keating, Joe M. Meyer, L. C. Keating, d/b as Vancouver Broadcasting Co., Vancouver, Wash.—Application for C. P. for new station to operate on **1500 kc.**, 100 watts, daytime.

WEDC—Emil Denmark, Inc., Chicago, Ill.—Application for modification of license to make change in specified hours for additional operating time from midnight to 6 a. m.

WHKC—Associated Radiocasting Corp., Columbus, Ohio.—Application for C. P. to install new transmitter; make antenna changes; increase night power from 500 watts to 1 KW and day power from 500 watts to 5 KW, unlimited time. (To be heard before the Broadcast Division.)

WEEI—WEEI Broadcasting Corp., Boston, Mass.—Application for modification of C. P. to increase power from 1 KW, 5 KW LS, to 5 KW day and night; **590 kc.** (To be heard before the Broadcast Division.)

WAIM—Wilton E. Hall, Anderson, S. C.—Application for modification of C. P. to install directional antenna system for nighttime use; change hours of operation from 1 KW, daytime, to 1 KW, unlimited.

NEW—Julius Brunton & Sons Co., San Jose, Calif.—Application for C. P. for new station to operate on **970 kc.**, 250 watts, daytime (contingent upon KQW's application to move to Sacramento).

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Application for C. P. to change equipment, increase day power to 5 KW, and move station to Sacramento (present assignment: **1010 kc.**, 1 KW, unlimited).

NEW—Staunton Broadcasting Co., Inc., Staunton, Va.—Application for C. P. for new station to operate on **1500 kc.**, 100 watts night, 250 watts day, unlimited, site to be determined.

NEW—William Avera Wynne, Wilson, N. C.—Application for C. P. for new station to operate on **1310 kc.**, 100 watts, daytime.

NEW—World Publishing Co., Tulsa, Okla.—Application for C. P. (amended 9-15-36) for new station to operate on **940 kc.**, 1 KW night, 5 KW day, unlimited, using directional antenna system for nighttime.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KCRC, Enid, Okla.; KGA, Spokane, Wash.; KGB, San Diego; KGER, Long Beach, Calif.; KGHF, Pueblo, Colo.; KGIR, Butte, Mont.; KGNO, Dodge City, Kans.; KHBC, Hilo, Hawaii; KID, Idaho Falls, Idaho; KIEM, Eureka, Calif.; KLO, Ogden, Utah; KLS, Oakland, Calif.; KOH, Reno, Nev.; KOMA, Oklahoma City, Okla.; KRNT, Des Moines, Iowa; KSO, Des Moines, Iowa; KSTP, St. Paul, Minn.; KTBS, Shreveport, La.; KTUL, Tulsa, Okla.; WAAB, Boston, Mass.; WADC, Village of Tallmadge, Ohio; WALA, Mobile, Ala.; WAWZ, Zarephath, N. J.; and WBCM, Bay City, Mich.

WRDO—WRDO, Inc., Augusta, Maine.—Granted renewal of license for the period ending January 1, 1937.

KPLM—John B. Cooley, Minot, N. Dak.—Granted renewal of license for the period ending April 1, 1937.

WIBA—Badger Broadcasting Co., Inc., Madison, Wis.—Granted renewal of license for the period ending April 1, 1937.

ACTION ON EXAMINER'S REPORTS

NEW—Ex. Rep. No. 1-108: Robert K. Herbst, Moorhead, Minn.—Granted C. P. for new broadcast station to operate on **1310 kc.**, 100 watts day, unlimited, share night with Robert MacNab Co. (site to be determined subject to Commission's

approval). Examiner P. W. Seward sustained in part. Order effective November 24, 1936.

NEW—Ex. Rep. No. 1-153: Roberts MacNab Co. (Arthur L. Roberts, R. B. MacNab, A. J. Breitbach, Gen. Mgr.), Jamestown, N. Dak.—Granted C. P. for new broadcast station to operate on **1310 kc.**, 100 watts, unlimited time day, share night with Robert K. Herbst (site to be determined subject to Commission's approval). Order effective November 24, 1936. Examiner M. H. Dalberg sustained.

NEW—Ex. Rep. No. 1-213: Edwin A. Kraft, Fairbanks, Alaska.—Denied C. P. for new broadcast station to operate on **950 kc.**, 250 watts, unlimited time (site to be determined subject to Commission's approval). Examiner Geo. H. Hill sustained.

NEW—John A. Stump, Fairbanks, Alaska.—Denied C. P. for new broadcast station to operate on **1210 kc.**, 100 watts, 250 watts LS, unlimited time (site to be determined subject to Commission's approval). Examiner Hill reversed. Order effective December 15, 1936.

NEW—Ex. Rep. No. 1-219: J. Laurence Martin, Tucumcari, N. Mex.—Denied C. P. for new broadcast station to operate on **1200 kc.**, 100 watts, unlimited time, site to be determined subject to Commission approval. Examiner P. W. Seward reversed. Order effective December 22, 1936.

WOL—Ex. Rep. No. 1-247: American Broadcasting Co., Washington, D. C.—Granted C. P. (Commissioner Case dissenting) to make changes in equipment; move transmitter and studio; change frequency from **1310 kc.** to **1230 kc.**; increase power from 100 watts to 1 KW, unlimited time. Examiner M. H. Dalberg reversed. Order effective December 1, 1936.

WJAC—Ex. Rep. No. 1-290: WJAC, Inc., Johnstown, Pa.—Granted C. P. to make changes in equipment; move transmitter from 101-111 Main St., Johnstown, Pa., to 429 Locust St., Johnstown, Pa.; and increase power from 100 watts to 100 watts night, 250 watts day; **1310 kc.**, share with WFBG. Examiner M. H. Dalberg sustained. Order effective November 17, 1936.

NEW—Ex. Rep. No. 1-297: Duluth Broadcasting Co., Duluth, Minn.—Dismissed with prejudice application for C. P. for new broadcast station to operate on **1200 kc.**, 100 watts, unlimited time. Examiner P. W. Seward sustained.

SPECIAL AUTHORIZATIONS

WLB—University of Minnesota, Minneapolis, Minn.; WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—Granted special temporary authority to conduct a joint broadcast between 1:45 to 4:30 p. m., CST, on Saturdays, October 10, 17, 24 and 31, 1936, and November 7, 14, 21 and 28, 1936, using the 5 KW transmitter of WTCN in order to broadcast University of Minnesota football games.

KYW—Westinghouse Electric & Mfg. Co., Philadelphia, Pa.—Granted special temporary authority to rebroadcast a program from the zeppelin "Hindenburg" over radio station KYW and also carry on two way communication with the Hindenburg on October 9, 1936, while zeppelin is on special chartered flight over Philadelphia and vicinity.

KGDM—E. F. Peffer, Stockton, Calif.—Granted special temporary authority to operate from 9 p. m. until 12 midnight, PST, November 3, 1936, in order to broadcast election returns.

WPRP—Julio M. Conesa, Ponce, Puerto Rico.—Granted special temporary authority to operate station without an approved frequency monitor for a period beginning Oct. 7, 1936, and ending in no event later than Nov. 5, 1936.

KG CX—E. E. Krebsbach, Wolf Point, Mont.—Granted extension of special temporary authority to operate station without an approved frequency monitor (waiver of Rule 145) for period beginning Oct. 10, 1936 and ending in no event later than Oct. 24, 1936, pending installation of repaired monitor.

KFRO—Voice of Longview, Long View, Texas.—Granted special temporary authority to operate from local sunset (5:45 p. m.) to 12 midnight, CST, Oct. 23 and 30, 1936 in order to broadcast football games.

WKP-WQW-WQP—R. C. A. Communications, Inc., Rocky Point, N. Y.—Granted special temporary authority for point to point Telegraph stations in addition to the authorization contained in present licenses covering the operation of these stations, to communicate with the aircraft radio station DEKKA on Dirigible "Hindenburg" to provide contact control communication service to facilitate reception of program material through the Riverhead, N. Y. receiving sta-

- tion for delivery to the National Broadcasting Co. This authorization for period of three days beginning Oct. 8, 1936.
- WEST**—Associated Broadcasters, Inc., Easton, Pa.—Granted special temporary authority to operate simultaneously with station WKBO from 8 p. m. to 8:15 p. m. EST, Oct. 8, 15, 22, 29; from 8:30 p. m. to 10 p. m., EST, Oct. 31, 1936; from 9 p. m. to 9:15 p. m., EST, Oct. 21, 28; from 9 p. m. to 9:30 p. m., EST, Oct. 26; from 9:30 p. m. to 9:45 p. m., EST, Oct. 13, 20, 27; from 10:15 p. m. to 10:30 p. m., Oct. 12, 13, 19, 20, 26, 27; from 4:45 p. m. to 5 p. m., EST, Nov. 1; from 9 p. m. to 9:45 p. m., 10:15 p. m. to 10:30 p. m. and 11 p. m. to 12 midnight, EST, Nov. 2, 1936, in order to broadcast Democratic state and national committee programs.
- WTRC**—The Truth Publishing Co., Inc., Elkhart, Ind.—Granted special temporary authority to operate simultaneously with station WLBC from 7:30 p. m. to 9 p. m., CST, Oct. 8, 9, 12, 13, 14, 15 and 17, 1936, in order to broadcast evangelistic services from Zion Mennonite Church of Elkhart.
- KPDN**—Pampa Daily News, Inc., Pampa, Texas.—Granted special temporary authority to operate station without an approved frequency monitor (waiver of Rule 145) for a period beginning Oct. 5, 1936, and ending in no event later than Oct. 19, 1936.
- WKBV**—Knox Radio Corp., Richmond, Ind.—Granted special temporary authority to operate 1 p. m. to 5:30 p. m., CST, Oct. 10, 24, and 31, 1936, in order to broadcast Earlham College football games.
- KBTM**—W. J. Beard (Board's Temple of Music), Jonesboro, Ark.—Granted special temporary authority to operate simultaneously with station KGGH between the hours of 8 p. m. and 10 p. m. on the following Fridays: Oct. 9, 16, 23, 30; Nov. 6, 1936, in order to broadcast local football games.
- WNAD**—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 2 p. m. to 4 p. m., CST, Oct. 12, 13, 14, 15, 19, 20, 21, 22, 26, 27, 28 and 29, 1936 (provided station KGGF remains silent) in order to broadcast special educational programs.
- WELI**—City Broadcasting Corp., New Haven, Conn.—Granted special temporary authority to operate unlimited time on Oct. 10, 1936, in order to celebrate first anniversary of station WELI.
- WLBC**—Donald A. Burton, Muncie, Ind.—Granted special temporary authority to operate station without an approved frequency monitor (waiver of Rule 145) for a period not to exceed 30 days.
- WNYC**—City of New York, Dept. of Plant and Structures, New York, N. Y.—Granted special temporary authority to use auxiliary transmitter located at 29 Ft. Greene Pl., Brooklyn, N. Y., as main transmitter, while moving, in accordance with C. P. B1-MP-307, for a period not to exceed 60 days.
- KMTR**—KMTR, Radio Corp., Los Angeles, Calif.—Granted special temporary authority to operate station without an approved frequency monitor (waiver of Rule 145) for a period not to exceed 30 days.
- KALB**—Alexandria Broadcasting Co., Inc., Alexandria, La.—Granted special temporary authority to operate from local sunset (5:45 p. m., CST) to 11 p. m., CST, Oct. 10 and 17, 1936, in order to broadcast football games.
- WRAK**—WRAK, Incorporated, Williamsport, Pa.—Granted special temporary authority to operate station without an approved frequency monitor (waiver of Rule 145) for a period beginning Oct. 15, 1936 and ending in no event later than Oct. 28, 1936.
- KWTO**—Ozarks Broadcasting Co., Springfield, Mo.—Granted special temporary authority to operate station without an approved frequency monitor (waiver of Rule 145) for a period beginning Oct. 1, 1936, and ending in no event later than Nov. 1, 1936.
- WSYR**—WSYU—Central New York Broadcasting Corp., Syracuse, N. Y.—Granted special temporary authority to use auxiliary transmitter as the main transmitter for a period not to exceed 30 days.
- WHBF**—Rock Island Broadcasting Co., Rock Island, Ill.—Granted extension of special temporary authority to maintain the main studio of WHBF at 1630 5th Avenue, Moline, Ill., instead of 102-18th St., Rock Island, Ill., for a period beginning Oct. 4, 1936 and ending in no event later than November 2, 1936.
- KLPM**—John B. Cooley, Minot, N. Dak.—Granted special temporary authority to operate from 7:30 p. m. to 9 p. m., MST, Oct. 10 and 30, 1936 (provided KGCU remains silent).
- WATL**—J. W. Woodruff & S. A. Cisler, d/b as Atlanta Broadcasting Co., Atlanta, Ga.—Granted special temporary authority to operate a 100 watt portable transmitter on 1370 kc. in the vicinity of Atlanta, Ga., between the hours of 12 midnight and 6 a. m. CST, for period not to exceed 10 days, in order to make field intensity survey tests.
- WRGA**—Rome Broadcasting Corp., Rome, Ga.—Granted special temporary authority to operate station without plate voltmeter for period not to exceed 30 days.
- KTSM**—Tri-State Broadcasting Co., Inc., El Paso, Tex.—Granted extension of special temporary authority to carry programs of station WDAH for period beginning Oct. 12, 1936, and ending in no event later than November 10, 1936. Effective as of Oct. 10, 1936.
- WMFF**—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—Granted special temporary authority to operate from 8 p. m. to 10 p. m., EST, Wednesday, Oct. 14, 1936, in order to broadcast a Republican Rally, featuring Justice William Bleakley, Republican Nominee for Governor of New York State.
- WAIR**—C. G. Hill, George D. Walker, and Susan H. Walker, Winston-Salem, N. C.—Granted special temporary authority to operate test transmitter with power not over 50 watts for the purpose of testing for proposed site, between the hours of 12 midnight to 6 a. m. for the period beginning Oct. 12, 1936, and ending in no event later than Nov. 10, 1936.
- WELI**—City Broadcasting Co., New Haven, Conn.—Granted special temporary authority to operate from 6:15 p. m. to 6:30 p. m., EST, October 17 to Nov. 3, 1936, inclusive, in order to broadcast speeches of the Republican State Central Committee of Conn.; also from 7:45 p. m. to 8 p. m. EST, Oct. 17, 19 to 24 inclusive, 26 to 31 inclusive, and Nov. 2 and 3, 1936, in order to broadcast speeches of the Democratic State Central Committee of Conn.
- WRC**—National Broadcasting Co., Inc., Washington, D. C.—Granted special temporary authority to rebroadcast voice communication exchange between municipal police station WPDW, Washington, D. C., and its associated experimental mobile station W3XEI, on Wednesday, Oct. 14, 1936, in order to participate in a special feature broadcast demonstrating to the listening public in Washington the efficiency of radio-communication as an aid to public security.
- American Broadcasting Corp. of Kentucky, Lexington, Ky.**—Granted special temporary authority to operate portable-mobile (High Frequency Relay Broadcast) transmitter for the period beginning Oct. 15, 1936, and ending in no event later than Oct. 25, 1936, to broadcast the first meeting of the Keeneland Race Association.
- American Broadcasting Corp. of Kentucky, Lexington, Ky.**—Granted special temporary authority to operate portable-mobile (High Frequency Relay Broadcast) transmitter for the period beginning Oct. 15, 1936, and ending in no event later than Oct. 25, 1936, to broadcast the first meeting of the Keeneland Race Association.
- KVOO**—Southwestern Sales Corp., Tulsa, Okla.—Granted special temporary authority to operate simultaneously with station WAPI, using power of 1 KW, from 9 p. m. to 9:30 p. m. CST, Saturday, Oct. 17, 1936, in order to broadcast National Democratic program.
- WAPI**—WAPI Broadcasting Corp., Birmingham, Ala.—Granted special temporary authority to operate simultaneously with station KVOO, using power of 1 KW, from 9 p. m. to 9:30 p. m. CST, Saturday, Oct. 17, 1936, in order to broadcast National Democratic Committee Program.
- WSYB**—Philip Weiss, t/a Philip Weiss Music Co., Rutland, Vt.—Granted special temporary authority to operate from 9 a. m. to 10 a. m. EST, for the period beginning Oct. 17, 1936 and ending in no event later than Nov. 15, 1936, inclusive, in order to broadcast Rutland County Community programs; also operate from 9 p. m. until 12 midnight EST, from Oct. 17, 1936 and ending in no event later than Nov. 3, 1936, inclusive, in order to broadcast Democratic and Republican rallies and election returns.
- WHAS**—The Courier-Journal Co. & The Louisville Times Co., Louisville, Ky.—Granted extension of special temporary authority to operate a 50 watt portable test transmitter from 12 midnight to 6 a. m. CST, for the period beginning

- Oct. 17, 1936 and ending in no event later than Nov. 15, 1936, in order to determine new transmitter site.
- WHDF—The Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 7 p. m. to 9 a. m. CST, Oct. 18, 1936, in order to broadcast inauguration of World Service program.
- WAAB—Bay State Broadcasting Corp., Boston, Mass.—Granted special temporary authority to measure the antenna efficiency of WEAN antenna system located in the Biltmore Hotel in Providence at a frequency of 720 kc., using power between 10 and 50 watts, between the hours when station WGN in Chicago shuts down and 5:30 p. m., MST, for a period not to exceed 15 days.
- KG CX—E. E. Krebsbach, Wolf Point, Mont.—Granted extension of special temporary authority to operate station without an approved frequency monitor (waiver of Rule 145) for the period beginning October 10, 1936, and ending in no event later than October 24, 1936, pending regrinding of crystal for 1450 kc.
- WIOD—WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—Granted special temporary authority to use old composite transmitter for period beginning October 30, 1936, and ending in no event later than November 3, 1936, in order that RCA Type 1-D transmitter may be moved to its new location.
- KPAC—Port Arthur College, Port Arthur, Tex.—Granted special temporary authority to operate from 5:45 p. m. to 12 midnight, CST, Friday, October 30, 1936, in order to broadcast local high school football games.
- WFBC—The Gable Broadcasting Co., Altoona, Pa.—Granted special temporary authority to operate simultaneously with station WJAC from 11 p. m. to 12 midnight, EST, Monday night, November 2, 1936, in order to broadcast the Democratic Committee Grand National Rally.
- KALB—Alexandria Broadcasting Co., Inc., Alexandria, La.—Granted special temporary authority to operate from 5:45 p. m. to 10 p. m., CST, October 18, 22, 27 and 31, 1936 and from 5:15 p. m. to 10 p. m., CST, November 2, 1936, in order to broadcast one hour paid political talk.
- KOOS—Pacific Radio Corp., Marshfield, Ore.—Granted special temporary authority to operate from 5:30 p. m. to 6 p. m., PST, October 17, 24, 31, 1936, and from 5 p. m. to 6 p. m., PST, November 7, 14, 21 and 28, 1936, in order to broadcast football games; also from 5 p. m., November 3, 1936, to 1 a. m., PST, November 4, 1936, in order to broadcast election returns to the Coos Bay area.
- WTBO—Associated Broadcasting Corp., Cumberland, Md.—Granted special temporary authority to operate from 9 p. m. to 10 p. m., EST, Wednesday, October 14, 1936, in order to broadcast speech of President Roosevelt and Senator Tydings.
- WRJN—Racine Broadcasting Corp., Racine, Wis.—Granted special temporary authority to operate station without an approved frequency monitor (waiver of Rule 145) for a period not to exceed 30 days.
- WCPO—Continental Radio Co., Cincinnati, Ohio.—Granted special temporary authority to operate station without an approved frequency monitor (waiver of Rule 145) for a period beginning October 15, 1935, and ending in no event later than October 29, 1936.
- KPAC—Port Arthur College, Port Arthur, Tex.—Granted special temporary authority to operate from 5:45 p. m. to 12 midnight, CST, Thursday, October 15, 1936, in order to broadcast football games.
- WCBD—WCBD, Inc., Waukegan, Ill.—Granted extension of special temporary authority to use studio located at Zion, Ill., as main studio, for period beginning October 21, 1936, and ending in no event later than November 2, 1936.
- KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Granted special temporary authority to use the transmitter of WLB for a period beginning November 1, 1936, and ending in no event later than November 14, 1936, in order to permit the removal and reinstallation of the KSTP transmitter.
- WLB—University of Minnesota, Minneapolis, Minn.—Granted special temporary authority to broadcast the programs of WLB over transmitter of WCAL during the period beginning November 1, 1936, and ending in no event later than November 14, 1936.
- WAPI—WAPI Broadcasting Corp., Birmingham, Ala.—Granted special temporary authority to operate simultaneously with station KVOO, using power of 1 KW, from 8:30 p. m. to 9 p. m., CST, Wednesday, October 14, 1936, in order to broadcast Democratic Committee program.
- KVOO—Southwestern Sales Corp., Tulsa, Okla.—Granted special temporary authority to operate simultaneously with station WAPI, using power of 1 KW, from 8:30 p. m. to 9 p. m., CST, Wednesday, October 14, 1936, in order to broadcast Democratic Committee program.
- KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with station WGBF, with reduced power of 250 watts, from 8:45 p. m. to 9:30 p. m., CST, October 15, 1936, in order to broadcast the National Republican Rally.
- WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate simultaneously with station KFRU, with reduced power of 250 watts, from 8:45 p. m. to 9:30 p. m., CST, October 15, 1936, to permit KFRU to broadcast National Republican Rally.
- WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—Granted special temporary authority to operate station without an approved frequency monitor (waiver of Rule 145) for a period not to exceed two weeks.
- KSOO—Sioux Falls Broadcast Association, Inc., Sioux Falls, S. Dak.—Granted special temporary authority to operate from 5:45 p. m. to 6:30 p. m., CST, October 15, 23, 31, and 7:45 p. m. to 9 p. m., CST, October 26 and 28, in order to broadcast political speeches; also from 8:15 p. m. to 10 p. m., CST, October 20, 1936, in order to broadcast State Democratic Rally in Sioux Falls.
- WTBO—Associated Broadcasting Corp., Cumberland, Md.—Granted special temporary authority to operate from 8:30 p. m. to 10 p. m., EST, October 31, 1936, in order to broadcast National and Pennsylvania State Democratic Rally; from 11 p. m. to 12 midnight, EST, November 2, 1936, in order to broadcast National Democratic Rally; and from 8 p. m. to 12 midnight, EST, November 3, 1936, and from 12 midnight, EST, November 4, 1936, to 6 a. m., EST, in order to broadcast election returns.
- WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—Granted special temporary authority to operate from 9:30 p. m. to 10 p. m., EST, Tuesday, October 13, 1936, in order to broadcast speech by Governor Lehman.
- WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Granted special temporary authority to operate from 5 a. m. to 6 a. m., EST, on 550 kc., 500 watts, Sunday, October 18, 1936, in order to broadcast a special non-commercial DX program.
- WMAS—WMAS, Inc., Springfield, Mass.—Granted special temporary authority to operate station without plate voltmeter for period not to exceed 30 days.
- KPAC—Port Arthur College, Port Arthur, Tex.—Granted special temporary authority to operate from 5:45 p. m. until 12 midnight on October 23, 1936, in order to broadcast local high school football game.
- WKAR—Michigan State College, East Lansing, Mich.—Granted special temporary authority to rebroadcast Naval Observatory time signals over WKAR, provided station complies with requirements of Naval Observatory station, for period not to exceed 30 days.
- KALB—Alexandria Broadcasting Co., Inc., Alexandria, La.—Granted special temporary authority to operate station without an approved frequency monitor (waiver of Rule 145) for a period beginning October 1, 1936, and ending in no event later than October 30, 1936.
- KGEK—Elmer G. Beehler, Sterling, Colo.—Granted special temporary authority to operate from 8:45 p. m. to 12 midnight, EST, November 3, 1936, in order to broadcast the local country election returns.
- KSOO—Sioux Falls Broadcast Asso., Inc., Sioux Falls, S. Dak.—Granted special temporary authority to operate from 7:45 to 8:45 p. m., CST, October 7, in order to broadcast a political address by Hon. Wm. Lemke.

RATIFICATIONS

The Broadcast Division ratified the following acts authorized on the dates shown:

- KGFF—KGFF Broadcasting Co., Inc., Shawnee, Okla.—Granted authority to extend test period 30 days from September 21, 1936. (Action taken 9/19.)
- W8XEO—Capitol City Broadcasting, Lansing, Mich.—Granted authority to operate as licensed on October 7, 9, 10, 12, 14,

16, 17, 18, 19, 21, 23, 24, 25, 26, 28, 30, and November 2, 1936, to broadcast street interviews polling November election. (Action taken 10/6.)

KIIQ—KMTR Radio Corp., Los Angeles, Calif.—Granted authority to operate as licensed October 9 to broadcast dedicatory services from Griffith Park, October 11 and 12, from Southern Pacific train, Los Angeles to Colton; also October 12 to 19 from Los Angeles County Poor Farm. (Action taken 10/7.)

WHER—Westinghouse Electric and Manufacturing Co., Chicopee Falls, Mass.—Granted extension of authority to operate as licensed until October 15 in connection with test flight by Commander Hawks. (Action taken 10/6.)

W3XEL-W3XEM—WTIE Broadcasting Co., Philadelphia, Pa.—Granted authority to operate as licensed October 12 to broadcast program man in the street; October 13 to broadcast program fire prevention day. (Action taken 10/10.)

W8XAZ—Buffalo Broadcasting Corp., Buffalo, N. Y.—Granted authority to operate as licensed October 12 to 20, inclusive, to broadcast Man in Street program. (Action taken 10/10.)

W4XD-W4XMB—WPTF Radio Co., Raleigh, N. C.—Granted authority to operate as licensed October 12 to 17, inclusive, to broadcast North Carolina State Fair. (Action taken 10/10.)

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Granted extension of special temporary authority to operate with 50 watts power from local sunset to 11 p. m., EST, on Tuesdays, Thursdays, Saturdays and Sundays during month of October, pending compliance with Rule 131 on modification of license requesting this authority. (Action taken 10/6.)

KGDY—Voice of South Dakota, Huron, S. Dak.—Granted special temporary authority to operate from 8 to 11 p. m., EST, October 7, 21, 24, 29 and 30, November 2 and 3, 1936, to broadcast political programs. (Action taken 10/6.)

W9XPE—WDZ Broadcasting Co., Tuscola, Ill.—Granted special temporary authority to operate high frequency relay broadcast transceiver on 31100, 34600, 37600, 40600 kc., 10 watts, on October 9, 17, 31, and November 19, at Tuscola High School football field for the purpose of relaying accounts of football games to nearest wire line to be broadcast over station WDZ. (Action taken 10/8.)

WEMC—Westinghouse Electric and Manufacturing Co., Chicopee Falls, Mass.—Granted extension of special temporary authority to operate portable-mobile (low frequency relay broadcast) transmitter for period October 9 to October 15, aboard Commander Hawk's plane NR-1313, when flying conditions warrant a flight to test said plane, for purpose of broadcasting accounts of test flight over stations WBZ and WBZA; frequencies 1606, 2022, 2102, 2758 kc., 15 watts. (Action taken 10/8.)

WJAC—WJAC, Inc., Johnstown, Pa.—Granted special temporary authority to operate simultaneously with WFBG from 9 to 9:30 p. m., EST, October 10, and from 9:30 to 10 p. m., EST, October 14, 1936, in order to broadcast speech by President Roosevelt. (Action taken 10/10.)

WEST—Associated Broadcasters, Inc., Easton, Pa.—Granted special temporary authority to operate simultaneously with WKBO from 9 to 9:30 p. m., EST, October 10, and from 9:30 to 10 p. m., EST, October 14, in order to broadcast a Democratic national network program featuring speeches by President Roosevelt. (Action taken 10/10.)

The Broadcast Division granted request of Southwest Broadcasting Co. for authority to take depositions in support of its application for a C. P. to erect a new station at La Junta, Colo., Docket 4077. (Action taken 10/10.)

The Broadcast Division granted the request of W. H. Marolf for authority to take depositions in support of his application for a C. P. for new station at Escanaba, Mich., Docket 3898. (Action taken 10/6.)

The Broadcast Division waived requirements of Rule 104.6(b) and permitted the filing by the United States Broadcasting Corp., the Voice of Brooklyn, Inc., and Kings Broadcasting Corp. of answers to the appearance of the New England Radio Corp. in connection with the hearing on that company's application for C. P.; Docket 3480. (Action taken 10/6.)

The Broadcast Division denied the petition of Leon S. Packard, Louis H. Stebbins and Alden C. Packard, d/b as Valley Broadcasting Co., Pomona, Calif., requesting that the Commission remand to hearing docket for further hearing its application for C. P., Docket 3159. (Action taken 10/7.)

KIDO—Frank L. Hill and C. G. Phillips, d/b as Boise Broadcast Station, Boise, Idaho.—Granted extension of test period for 30 days from October 2, 1936. (Action taken 10/1.)

WJEP—The Stromberg Carlson Telephone NFG. Co., Rochester, N. Y.—Granted authority to operate as licensed October 5 to 10, 1936, inclusive, for relay broadcast of WHAM special events in connection with fire prevention campaign in Rochester. (Action taken 9/29.)

KABF—James McClatchy Company, Sacramento, Calif.—Granted authority to operate as licensed October 1 to 15, 1936, inclusive, for relay broadcast of orchestra music from Twin-gardens to Station KFBK nightly. (Action taken 9/29.)

KLZ—KLZ Broadcasting Co., Denver, Colo.—Granted special temporary authority to operate Western Electric Type D-96021 transmitter as specified in license dated February 8, 1936, at S. Pecos and Jewell Sts. (outside city limits), Denver, Colo., as main transmitter for period not to exceed 30 days, due to severe snow storm paralyzing power company which serves 5 KW transmitter. (Action taken 9/28.)

WEST—Associated Broadcasters, Inc., Easton, Pa.—Granted special temporary authority to operate simultaneously with station WKBO from 9 p. m. to 9:30 p. m., EST, September 29; from 8:30 p. m. to 9:30 p. m., EST, October 1; and from 9:15 p. m. to 10 p. m., EST, October 30, 1936, in order to broadcast speeches by President Roosevelt and Governor Earle of Pennsylvania and a Republican Party banquet. (Action taken 9/29.)

KMA—May Seed & Nursery Co., Shenandoah, Iowa.—Granted extension of special temporary authority to operate unlimited time for a period beginning 3 a. m., EST, October 1, 1936, and ending in no event later than October 30, 1936, pending completion of construction as specified in application, file No. B4-MP-346, in order to comply with Rule 131. (Action taken 9/30.)

KGU—Marion A. Mulrony and Advertiser Publishing Co., Ltd., Honolulu, Hawaii.—Granted special temporary authority to operate from 11 p. m. to 12:30 a. m., local standard time, on the nights of October 2 and 3, 1936, and from 10:45 p. m. to 12:15 a. m., local standard time, on nights of November 2 and 3, 1936, in order to broadcast election returns and rallies. (Action taken 9/30.)

WEMC—Westinghouse Electric and Manufacturing Co., Chicopee Falls, Mass.—Granted special temporary authority to operate portable-mobile (low frequency relay broadcast) transmitter for period beginning October 1, 1936, and ending in no event later than October 8, 1936, aboard Commander Frank Hawks' plane NR-1313 when flying conditions warrant a flight to test said plane for the purpose of broadcasting accounts of this test flight over radio stations WBZ and WBZA. (Action taken 9/30.)

WHDF—The Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 6:30 p. m. to 10:30 p. m., CST, October 5, 1936, in order to broadcast address by Senator A. H. Vandenberg, and on October 14, 1936, in order to broadcast address by James Thompson. (Action taken 10/1.)

KAST—Abraham Shapiro, Astoria, Ore.—Granted authority for voluntary assignment of license to the Astoria Broadcasting Co. (Action taken 10/2.)

WJRD—James R. Doss, Jr., Tuscaloosa, Ala.—Granted modification of C. P. Approval of transmitter site at Greensboro Rd. opposite Jug Factory RD., Tuscaloosa, Ala.; studio site in basement of First National Bank Bldg., corner Greensboro Rd. and University Ave., Tuscaloosa, Ala.; vertical radiator provided tower is marked in accordance with Rule 131 (d); and new equipment. (Action taken 10/2.)

The Broadcast Division granted the request of the Advertiser Publisher Company, Ltd., Honolulu, Hawaii, for an order to take depositions in support of its application for construction permit, File No. B-P-1040, Docket No. 3970. (Action taken 10/2.)

The Broadcast Division granted the petition filed on behalf of the Iowa Broadcasting Company for an order to take depositions in connection with the hearing on the application of Stanley Reid and Charles Withnell Bogel, Jr., d/b as the Rapids Broadcasting Company, for construction permit to erect a new broadcast station at Cedar Rapids, Iowa, Docket No. 3392. (Action taken 10/1.)

The Broadcast Division granted the request of the Independence Broadcasting Company (WHAT), Philadelphia, Pa., for an order to take depositions in support of its application for construction permit, File No. B2-P-904, Docket No. 3798. (Action taken 9/28.)

The Broadcast Division granted the request of the Voice of

Corsicana Association for an order to take depositions in support of its application for a construction permit for the establishment of a radio station at Corsicana, Texas, File No. B3-P-921, Docket No. 4055. (Action taken 9/25.)

The Broadcast Division granted the request of Fred J. Hart for an order to take depositions in support of his application for construction permit for the establishment of a broadcast station at Honolulu, Hawaii, File No. B-P-1119, Docket No. 3983. (Action taken 9/28.)

The Broadcast Division granted the motion of Packard, Stebbins and Packard, d/b as Valley Broadcasting Company, requesting an extension of time within which to file exceptions to Examiner's Report No. I-286, and directed that the applicants be granted until October 7, 1936, within which to file said exceptions. (Action taken 9/23.)

The Broadcast Division granted the request of the Interstate Broadcasting Corporation (KLO), Ogden, Utah, that the oral argument on its application, Docket No. 2976, now scheduled for October 1, 1936, be continued until after November 5, 1936. (Action taken 9/28.)

The Broadcast Division granted the motion of Harmon LeRoy Stevens and Herman LeRoy Stevens, d/b as the Port Huron Broadcasting Co., Port Huron, Mich., to remand their application for C. P. to construct new station to operate on 1370 kc., 250 watts daytime, site to be determined, to the bearing docket for further hearing. (Action taken 9/30.)

The Broadcast Division denied the motion filed by the Independence Broadcasting Company (WHAT), requesting that the Commission withhold its decision on the application of Eastern States Broadcasting Corporation, File No. B1-P-529, Docket No. 3012, until the Commission has heard and determined the issues raised by the application of the petitioner under File No. B2-P-904. (Action taken 9/30.)

WAYX—E. F. Sapp and S. F. Sapp, d/b as Waycross Broadcasting Co., Albany, Ga.—Granted extension of equipment test period from Oct. 3 to 7, 1936, incl., and Oct. 15 to 19, 1936, incl. (Action taken 10-2.)

W2XKI—National Broadcasting Co., Inc., New York, N. Y.—Granted extension of a test period for 30 days beginning Sept. 17, 1936. (Action taken 9-26.)

W9XNW-W9XNX—WHBY, Inc., Green Bay, Wis.—Granted authority to extend test period for 30 days beginning Oct. 2, 1936. (Action taken 9-26.)

WHER—Westinghouse Electric & Mfr. Co., Chicopee Falls, Mass.—Granted authority to operate low frequency relay broadcast station WHER at intermittent intervals between Oct. 1 and Oct. 8, 1936, in connection with the flight of Commander Frank Hawks to test the new high powered speed plane NR-1313; frequencies and power to be used as licensed. (Action taken 9-26.)

MISCELLANEOUS

NEW—Ex. Rep. No. 1-103; Pacific Acceptance Corp., San Diego, Cal.—Effective date in Docket 2968, postponed from Sept. 22, 1936 to Oct. 20, 1936.

CKLW—Essex Broadcasters, Inc., Detroit, Mich. (Licensee of Station CKLW, Windsor, Canada)—Denied temporary authority to broadcast football games of the Detroit Lions, Oct. 11, 18 and 25, and Nov. 1, 8, 15, 22, 26 and 29, and Dec. 6, 1936.

WIP—Ex. Rep. No. 1-187 in part: Penna. Broadcasting Co., Philadelphia, Pa.—The Broadcast Division, on September 22, 1936, reconsidered its action of July 2, 1936, in granting modification of license to increase daytime power only, from 500 watts to 1 KW, 610 kc., unlimited time, and directed that application be granted for unlimited time. Effective Sept. 22, 1936. The Broadcast Division directed that an order be entered accordingly and forwarded to all interested parties.

NEW—George P. Allison and Thomas R. Waters, Jr., d/b as Skagit Broadcasting Association, Whitney, Wash.—Permitted to file appearance and statement of desire to be heard in connection with his application for new broadcast station at Whitney, Wash., to operate on 1420 kc., 100 watts, unlimited. Hearing set for Nov. 19, 1936.

NEW—Ted R. Woodward—Permitted to file answer to be part of record as respondent in hearing of application of Lancaster & Birdwell for new station at Johnson City, Tenn., to operate on 1200 kc., 100 watts night, 250 LS, unlimited time.

KGIW—Leonard E. Wilson, Alamosa, Colo.—Permitted to file

answer to become part of the record as a respondent at bearing of application of Mile High Radio Corp. for new station at Denver, Colo. to operate on 1210 kc., 100 watts night, 250 watts day, unlimited time. Hearing scheduled for Nov. 18, 1936.

WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Permitted to file answer to be made a part of the record as respondent to the hearing of the application of the Metropolitan Company, for a permit to erect a new broadcast station at Jacksonville, Fla., to operate on 1310 kc., 100 watts, unlimited time.

NEW—Southwest Broadcasting Co.—Denied petition asking Commission to reconsider action in setting for bearing application to erect new broadcast station at La Junta, Colo. to operate on 1370 kc., 100 watts unlimited time. Hearing scheduled for Oct. 30, 1936.

NEW—Stanley Reid and Withnell Boegel, Jr., d/b as Rapids Broadcasting Co., Cedar Rapids, Iowa—Denied petition filed for partial cancellation of order to take depositions issued to Iowa Broadcasting Co. and sustained demurrer filed on behalf of Iowa Broadcasting Co. Granted petition of Stanley Reid, et al., for authority to take depositions in connection with their application for new station at Cedar Rapids to operate on 1310 kc., 100 watts, unlimited time. Granted petition filed for continuance of date of further hearing now scheduled for Oct. 26, 1936.

NEW—Escanaba Daily Press Co., Escanaba, Mich.—Granted continuance of hearing scheduled for October 23, 1936, until the last week in November, 1936, on application of Escanaba Daily Press Co. for C. P. to erect new broadcast station at Escanaba, Mich., to operate on 1500 kc., 100 watts, daytime only. W. H. Marolf has on file application for authority to erect a broadcast station at Escanaba to operate under a similar assignment. Both applications are scheduled to be heard at same time and counsel for Mr. Marolf has agreed to the continuance asked by Escanaba Daily Press Co.

KFPM—Dave Ablowich, t/a The New Furniture Co., Greenville, Tex.—Denied petition of Dave Ablowich, t/a The New Furniture Company, and of the Voice of Greenville, Inc., to reconsider and grant renewal of license of KFPM and assignment of the license to the Voice of Greenville, Inc., without hearing. License of KFPM was voluntarily surrendered by licensee and Commission accepted the surrender on April 2, 1935 and cancelled the license. On April 8, 1935, applications were filed for renewal of license and for assignment. Application for C. P. was filed (in the name of the assignee) requesting authority to install new equipment, change frequency from 1310 kc. to 1420 kc., increase power from 15 watts to 100 watts and change time of operation from specified hours to daytime. Hearings on these applications are now scheduled for October 20, 1936.

WSPD—Toledo Broadcasting Co., Toledo, Ohio—Granted petition to intervene in proceeding upon application of L. Martin Courtney for a C. P. to erect a new broadcast station at Toledo, Ohio to operate on 1420 kc., 100 watts, unlimited time, bearing on which is scheduled for November 25, 1936.

NEW—John S. Braum, Waco, Tex.—Granted petition requesting the Commission to accept his written appearance and statement of desire to be heard in his application for C. P. to establish broadcast station at Waco, Texas to operate on 1500 kc., 100 watts daytime only. Also granted respondents an additional 10 days within which to file their answers. Hearing on application is scheduled for November 11, 1936.

NEW—Earle Yates, Las Cruces, N. M.—Granted 10 days within which to file amended application for C. P. to erect broadcasting station at Las Cruces, N. M. Original application was for facilities, 930 kc., 1 KW, daytime only. To amend application so as to seek facilities, 1500 kc., 100 watts night, 250 watts day, unlimited time.

KNOW—KUT Broadcasting Co., Austin, Tex.—Granted petition to intervene in hearing of application of State Capitol Broadcasting Association for C. P. to erect broadcasting station at Austin, Texas to operate on 1120 kc., 500 watts night, 1 KW day, specified hours.

WMEX—Northern Corporation, Boston, Mass.—Granted petition to intervene in hearing on application of Bay State Broadcasting Corp. (WAAB) Boston, Mass. for modification of license so as to operate on 1410 kc., 1 KW, unlimited time.

KGFX—Red River Broadcasting Co., Inc., Moorhead, Minn.—Granted regular renewal of license. U. S. Court of Appeals for D. C. has issued mandate affirming Commission's action in authorizing removal of station from Moorhead to Duluth, Minn. Station operates on 1500 kc., 100 watts, unlimited time.

NEW—Richard M. Casto, Johnson City, Tenn.—Granted petition to intervene in hearng of application of W. Hanes Lancaster and J. W. Birdwell, d/b as Johnson City Broadcasting Co., Johnson City, Tenn., for C. P. to erect new broadcasting station at Johnson City, Tenn., to operate on 1200 kc., 100 watts night, 250 watts day, unlimited time.

The Broadcast Division granted authority to J. L. Statler, M.D., d/b as Baker Hospital, to take depositions on Oct. 23, 1936, in re the application of J. L. Statler, M.D., d/b as Baker Hospital, for authority to transfer programs to stations located in Canada and Mexico. Docket 3497.

The Broadcast Division granted Edwin A. Kraft authority to take depositions in re the application of Edwin A. Kraft, Juneau, Alaska, Docket 4048, on November 2, 1936.

The Broadcast Division granted The Golden Empire Broadcasting Co. (KHSL), authority to take depositions on Oct. 21, 1936, in re application of Golden Empire Broadcasting Co., Chico, Cal. for modification of license. Docket 3291.

The Broadcast Division granted request of the Ashville, N. C. Daily News for authority to take depositions in re their application for C. P. for a new station to operate on 1370 kc., 100 watts, unlimited time. Docket 4002, on Oct. 19, 1936.

WGPC—Americus Broadcasting Corp., Albany, Ga.—Permitted to file answer to become part of the record as respondent at hearing of application of H. Wimpy, to erect a new station at Albany, Ga., to operate on 1420 kc., 100 watts night, 250 watts day, facilities of WGPC.

W. Hanes Lancaster & J. W. Birdwell, d/b as Johnson City Broadcasting Co., Johnson City, Tenn.—Granted permission to take depositions in re application for new radio station at Johnson City, Tenn.

ORAL ARGUMENTS

NEW—Ex. Rep. No. 1-279: Eastern States Broadcasting Corp., Bridgeton, N. J.—Granted request for Oral Argument. To be held December 17, 1936.

NEW—Ex. Rep. No. 1-283: Gomer Thomas, Bellingham, Wash.—Granted request for Oral Argument. To be held January 7, 1937.

NEW—Ex. Rep. No. 1-251: Voice of Marshall Assn., Marshall, Tex.—Oral Argument scheduled for November 6, 1936, postponed to January 7, 1937.

APPLICATIONS RECEIVED

First Zone

NEW—Westinghouse Electric & Manufacturing Co., Chicopee Falls, Mass.—Construction permit for a new high frequency relay station on 31100, 34600, 37600, 40600 kc., 500 watts power.

NEW—Westinghouse Electric & Manufacturing Co., Chicopee Falls, Mass.—License to cover above.

NEW—Westinghouse Electric & Manufacturing Co., Chicopee Falls, Mass.—Construction permit for a new high frequency relay broadcast station on 31100, 34600, 37600, 40600 kc., 500 watts power.

NEW—Westinghouse Electric & Manufacturing Co., Chicopee Falls, Mass.—License to cover above.

NEW—Westinghouse Electric & Manufacturing Co., Chicopee Falls, Mass.—Construction permit for a new high frequency relay broadcast station on 31100, 34600, 37600, 40600 kc., 500 watts power.

NEW—Westinghouse Electric & Manufacturing Co., Chicopee Falls, Mass.—License to cover above.

NEW—Westinghouse Electric & Manufacturing Co., Chicopee Falls, Mass.—Construction permit for a new high frequency relay broadcast station on 31100, 34600, 37600, 40600 kc., 50 watts power.

NEW—Westinghouse Electric & Manufacturing Co., Chicopee Falls, Mass.—License to cover above.

NEW—Westinghouse Electric & Manufacturing Co., Chicopee Falls, Mass.—Construction permit for a new high frequency relay broadcast station on 31100, 34600, 37600, 40600 kc., 50 watts power.

NEW—Westinghouse Electric & Manufacturing Co., Chicopee Falls, Mass.—License to cover above.

NEW—Hearst Radio, Inc., Washington, D. C.—Construction permit to erect a new broadcast station to be operated on 1310 kc., 100 watts power night and 250 watts day, unlimited time. Facilities of WOL, contingent upon granting of WOL's application to change frequency to 1230 kc.

WSAY—Brown Radio Service & Laboratory (Gordon P. Brown, 1210 owner), Rochester, N. Y.—License to cover construction permit (B1-P-1180) for new station on 1210 kc., 100 watts power, daytime operation.

NEW—Westinghouse Electric & Manufacturing Co., Chicopee Falls, Mass.—Construction permit for a new high frequency relay broadcast station on 31100, 34600, 37600, 40600 kc., 50 watts power.

NEW—Westinghouse Electric & Manufacturing Co., Chicopee Falls, Mass.—License to cover above.

Second Zone

WDBJ—Times-World Corporation, Roanoke, Va.—Modification 930 of license to change power from 1 KW night, 5 KW day, to 5 KW night and day.

WBLK—The Exponent Co., Clarksburg, W. Va.—Modification of 1370 construction permit (B2-P-1127) for a new station, requesting changes in transmitting equipment, approval of vertical antenna, and transmitter site at 5th and West Virginia Ave., Clarksburg, W. Va.

WSMK—WSMK, Inc., Dayton, Ohio.—Authority to install auto-1380 matic frequency control.

WBCM—James E. Davidson, Bay City, Mich.—Modification of 1410 license to change power from 500 watts night and day to 500 watts night and 1 KW daytime.

Third Zone

KARK—Arkansas Radio & Equipment Co., Inc., Little Rock, Ark. 890 —Modification of construction permit (B3-P-197) for new equipment, increase in power, and move of transmitter, requesting authority to make changes in power from 500 watts night and 1 KW day to 1 KW night and day.

KPRC—Houston Printing Corp., Houston, Tex.—Modification of 920 license to increase power from 1 KW night and 5 KW day to 5 KW day and night. Amended to change name from Houston Printing Co. to Houston Printing Corp.

NEW—St. Petersburg Chamber of Commerce, St. Petersburg, Fla. 1050 —Construction permit to erect a new broadcast station to be operated on 1050 kc., 5 KW, limited time.

NEW—The Metropolis Co., Jacksonville, Fla.—Construction permit to erect a new broadcast station to be operated on 1310 kc., 100 watts power, unlimited time. Amended to change frequency from 1310 kc., to 1290 kc., power from 100 to 250 watts, and make changes in antenna.

KTSM—Tri-State Broadcasting Co., Inc., El Paso, Tex.—Au-1310 thority to install automatic frequency control.

KRRV—Red River Valley Broadcasting Corp., Sherman, Tex.—1310 License to cover construction permit (B3-P-999) as modified for new station on 1310 kc., 100 watts power, daytime operation.

NEW—J. H. Allison, Rhea Howard and B. D. Donnell, d/b as 1380 West Texas Broadcasting Co., Wichita Falls, Tex.—Construction permit to erect a new broadcast station to be operated on 1380 kc., 1 KW power, unlimited time, using directional antenna at night.

NEW—H. A. Hamilton, Spartanburg, S. C.—Construction permit 1420 for a new broadcast station to be operated on 1420 kc., 100 watts night and 250 watts day power, unlimited time.

Fourth Zone

WIND—Johnson Kennedy Radio Corporation, Gary, Ind.—Modi-560 fication of license to change power from 1 KW night, 5 KW day, to 5 KW day and night.

WHA—University of Wisconsin, Madison, Wis.—License to cover 940 construction permit (B4-P-887) for equipment changes and increase in power.

KSOO—Sioux Falls Broadcast Association, Inc., Sioux Falls, S. Dak. 1110 —Authority to make changes in automatic frequency control apparatus.

KFJB—Marshall Electric Co., Inc., Marshalltown, Iowa.—Modifi-1200 cation of construction permit (B4-P-1054) to make equipment changes, install vertical antenna, move transmitter,

requesting further changes in equipment and extension of commencement and completion dates from 6-3-36 and 12-3-36, respectively, to 30 days after grant and 60 days thereafter.

WHLB—Head of the Lakes Broadcasting Co., Virginia, Minn.—
1370 License to cover construction permit (B4-P-329) for a new station.

NEW—Aberdeen News Co., Aberdeen, S. Dak.—Construction permit to erect a new station to be operated on 1390 kc., 1 KW power, unlimited time.

WROK—Rockford Broadcasters, Inc., Rockford, Ill.—Construction permit to make changes in equipment, install vertical antenna, increase day power from 500 watts to 1 KW.

NEW—Curtis Radiocasting Corp., Indianapolis, Ind.—Construction permit to erect a new station to be operated on 1500 kc., 100 watts night, 250 watts day, share with WKBV (request facilities of WKBV, unused or equal division of time). Amended: Change requested time from shares with WKBV to specified hours (time not used by WKBV).

Fifth Zone

KFPY—Symons Broadcasting Co., Spokane, Wash.—License to
890 cover construction permit (B5-P-332) as modified for new equipment, increase in power, move of transmitter.

KFVD—Standard Broadcasting Company, Los Angeles, Calif.—
1000 Construction permit to make changes in equipment, install directional antenna, increase power from 250 watts to 1 KW. Amended to change type of antenna from directional to vertical.

KSL—Radio Service Corporation of Utah, Salt Lake City, Utah.—
1130 Construction permit to make changes in transmitting equip-

ment, install vertical antenna, and increase power from 50 to 500 kilowatts.

NEW—Mile High Radio Corp., Denver, Colo.—Construction permit to erect a new station to be operated on 1420 kc., 100 watts power, unlimited time. Amended to change frequency from 1420 kc. to 1210 kc., power from 100 watts to 100 watts night and 250 watts day.

KRKO—Lee E. Mudgett, Everett, Wash.—Construction permit to
1370 install new transmitter and vertical antenna, change frequency from 1370 kc. to 1420 kc., power from 50 watts to 100 watts night and 250 watts day, time from share with KVL to unlimited, move studio and transmitter from 2814 Rucker Ave., Everett, Wash., to site to be determined, Everett, Wash.

KUJ—KUJ, Inc., Walla Walla, Wash.—Authority to make changes
1370 in automatic frequency control apparatus.

KWYO—Big Horn Broadcasting Company, Inc., Sheridan, Wyo.—
1370 License to cover construction permit (B5-P-1114) for equipment changes, install vertical antenna, increase power, and move transmitter.

KOY—Nielsen Radio & Sporting Goods Co., Phoenix, Ariz.—Vol-
1390 untary assignment of license from Nielsen Radio & Sporting Goods Company to Salt River Valley Broadcasting Company.

NEW—Harold M. Finley and Mrs. Eloise Finlay, La Grande, Ore.
1420 —Construction permit for a new station to be operated on 1500 kc., 100 watts power, daytime operation. Amended: Change requested power from 100 watts to 100 watts night and 250 watts day, frequency from 1500 kc. to 1420 kc., time from daytime to unlimited.

KVOE—Voice of the Orange Empire, Inc., Ltd., Santa Ana, Calif.
1500 —License to cover construction permit (B5-P-912) for changes in equipment and move of transmitter.

Further Testimony at FCC Allocation Hearing

A number of witnesses appeared today before the Federal Communications Commission at the allocation hearing and at adjournment Judge Sykes, chairman, announced that tomorrow morning engineers for the Columbia Broadcasting System would begin their testimony. He stated that at the conclusion of Friday's hearing adjournment would be taken until next Monday. There is no definite indication as to how long the hearings will continue but it is not expected that they will run for more than two or three days next week.

Among witnesses heard today were: William B. Way, Vice President and General Manager of KVOO, Tulsa, Okla.; D. A. Read, Station WTIC, Hartford, Conn.; Charles W. Horn and Dr. C. B. Jolliffe, engineers, appearing on behalf of the National Broadcasting Company.

William B. Way

Mr. Way during the course of his testimony told the Commission that his station believes that it is inadvisable for clear channels to be forced into sharing time arrangements and requested that stations of that type be allowed to utilize "their equipment, justify their investments, and above all, to protect the consumer in his right to uninterrupted reception."

Mr. Way said:

Our principals own and operate radio station KVOO in Tulsa, Okla., which is a cleared channel sharing time with station WAPI of Birmingham, Ala. In our testimony before this Honorable Commission, in keeping with the informal hearing docket No. 4063, we desire to present our contentions with respect to certain phases of the present allocation and future allocation of radio frequencies.

We are of the opinion that the present allocation of radio frequencies, as now maintained and supervised under and by virtue of the authority of the Federal Communications Commission, with respect to radio broadcasting, in an effort to serve the public interest, convenience and necessity, is inadequate to keep pace with the developments which have been brought about by the recent past, but which must eventually evolutionize radio broadcasting.

As brought out in the statement of Honorable John W. Kendall, associate counsel of certain licensees on shared time cleared channel assignments, KVOO-WAPI, WOWO-WWVA and KEX-KOB, have been permitted to operate simultaneously during daytime hours. KVOO, however, did not appear with the group above mentioned because we felt that our station stands in a unique position as compared with the other four sharing time stations operating simultaneously during daytime hours. The importance of this peculiar and difficult situation was in effect recognized by the Clear Channel Group when Mr. Edwin W. Craig, chairman of the group, stated, "Such, for example, is the case where two clear channel stations are dividing time and are located at substantial distances from each other. We can readily appreciate and sympathize with the economic hardship imposed on them."

Experiments

Many years of experiment have been consumed by all phases of the radio broadcasting industry, in an effort to determine the reaction of the public to the utility of radio. To a great degree, natural and man-made interferences have been conquered as a result of surveys and technical improvements in reception and transmission. While we have not made a comprehensive survey

of certain economic problems which might indirectly bear upon the ultimate solution, nevertheless, our research has disclosed that very little attention has generally been given by the industry as a whole to the consumer or "listener-in" as an indispensable factor in the equation which proves to us that radio broadcasting must have clear channels in the true sense of the term. We are of the opinion that the consumer's place in the industry is of equal importance with that of the advertiser. A careful study of the periodicals devoted to radio broadcasting convinces us that the attention given to the commercial picture far outweighs the consideration due to the consumer. The consumer's annual investment in new receiving equipment in order to obtain the maximum reception, together with the consumer's cost of operation of his receiving set, is of major importance, since without the consumer, radio broadcasting would have no outlet. The consumer, then, must be considered in connection with the retention of clear channel stations. This consideration would yield to the consumer the greatest utility of his receiving set prior to the obsolescence period which is bound to come with respect to his receiving equipment; especially is this true when we consider the future developments which are certain in radio broadcasting. When television is added, the situation will again be different, but for the moment radio broadcasting is in effect a vocal art and as such is undergoing rapid development. I think that in principle, the use of radio should increase public enlightenment, encourage responsible citizenship, and enhance interest, intelligence and tolerance in our world of today.

Proposition No. 1

The retention of "Clear Channel Stations" as defined in Section 72 of the Federal Communications Commission Rules and Regulations, with certain exceptions as may be necessary to provide the millions of consumers in America with a maximum of service.

In this connection we recommend reallocation of a sufficient number of stations in such a manner that east-west duplication will be secured. This we believe is necessary in order to relieve the allocation congestion in the center of the country.

Proposition No. 2

Power increases on Regional and Local stations, but with less protection to their secondary coverage; by Regional stations we mean "regional station" as defined under Rules and Regulations of the Commission, section 73, to-wit: A station licensed to operate simultaneously with one or more stations assigned to the same frequency designated for such use, and with an authorized power of not less than 250 watts nor more than 1,000 watts at night, and not more than 2,500 watts during daytime. By "local station" we mean, as defined in section 74 of said rules, to-wit: A station licensed to operate with other stations assigned to the same frequency designated for such use, and with an authorized power of 100 watts at night and not more than 250 watts during the daytime.

It is our opinion that, by giving less protection to secondary coverage, the result would be considerable further duplication in the stations of each of the classifications listed, namely, regional and local.

Proposition No. 3

The utmost of service, efficiency, utility and convenience should be maintained on all radio stations, with the proper preservation of clear channels in order to meet national emergencies.

It is our belief that in the event of a national emergency, such as war, all radio facilities, broadcasting, point to point, amateur, police, etc., might be subjected to governmental service. This should make it imperative that the United States take advantage of all technical advances to have available the most efficient mass communications system possible. This is especially important in view of the fact that neighboring countries may not be, in fact have not been, limited to a maximum of 50 kilowatts power. We have no assurance that nearby high-power stations will not be built and operated in such manner as to deliver a comparatively usable signal to a large portion of the United States, blanketing or making useless some of our most consistently serviceable channels. These usable signals from foreign stations would create a grave potential propaganda hazard. We should therefore take every reasonable advantage of technical progress, through private initiative, to build for our national physical and morale protection the most efficient broadcasting transmission system of which our nation is capable; a system on a par with the technical advances we have made in all branches of science and industry.

Proposition No. 4

Immediate steps should be taken to eliminate the necessity of stations sharing time on clear channels.

We are of the opinion that there should be a change in the present policy of allowing clear channels to be operated as sharing time channels. According to section 79 of the Rules and Regulations of the Federal Communications Commission, Part III, the term "sharing time station" means "a station, the operating hours of which are so restricted by the station license as to require a division of time with one or more other stations using the same frequency in the same geographical area."

It has been our uniform experience that the consumer is constantly complaining because of his inability to have what we choose to call *constancy of radio convenience*.

To illustrate our proposition, we must necessarily be governed by our own experience, which, in our opinion, is largely true where "sharing time" situations exist; for example:

KVOO at Tulsa, Oklahoma, divides time with WAPI, in that on Monday, Tuesday and Wednesday KVOO goes off the air after 9:00 P.M.; Thursday, Friday and Saturday in October, KVOO goes off the air from 5:45 P.M. to 9:00 P.M. and on Sunday off at 8:15 P.M. KVOO is a station with operating power of 25,000 watts, on 1140 kilocycles, whereas WAPI at Birmingham, Alabama, has an operating power of 5000 watts, on 1140 kilocycles, which divides night time with KVOO as heretofore pointed out.

They both are designated as operating on a nationally *cleared* channel. The consumer or "tuner-in" does not take time to become fully informed as to why this condition exists, nor as a layman would he understand the situation. Most consumers are not able to grasp the times of operation and silence of stations. They are interested in tuning in on their favorite station and they expect an *uninterrupted reception*. We have found, by our contact with our listeners, and by reason of numerous surveys which have been made, that there is a tendency for the consumer to tune his receiving set to his favorite radio station for his evening radio broadcasting reception.

Case of KVOO

In the case of KVOO, a specific example of what we term interrupted reception is illustrated by the broadcast of the Fleishman Yeast Hour, which features Rudy Vallee. The consumer in the coverage area of KVOO turns his dial to 1140 kilocycles at 6:00 P.M., to enjoy an hour of one of the outstanding programs on the air. At exactly 6:30, he hears a station announcement, advising him that KVOO is signing off until 9:00 P.M. At the time of this announcement, the Fleishman hour is only one-half completed. The listener's clear, uninterrupted reception is immediately blocked, and he is forced to go prospecting across the band, in an effort to retrieve the program to which he was listening. He then endeavors to pick up the program over some other station with less favorable reception as a result of either man-made or natural interferences. This illustration does not have a hypothetical origin, since we receive complaint after complaint, wanting to know why reception

is interrupted over KVOO, but nevertheless KVOO, as well as WAPI, is designated as a high powered clear channel station, which, of course, is in name only.

We also direct your attention to the fact that, where a sharing time station is forced off the air, as illustrated above, the consumer rarely returns to the station which has signed off, for the remainder of his radio reception for the evening; however, if he should do so, in radio broadcasting parlance, the renewed transmission is "cold" to the listener.

It can be seen, therefore, that where clear channel stations operate on what is known as sharing time as defined above, that there will naturally be created, from the evils of the system, an antagonized and dissatisfied consumer. There are many other matters which naturally affect the public service, necessity, and convenience by reason of the present sharing time arrangement of allocation on clear channels.

Economic Questions

One of the major economic questions deserving careful consideration in connection with sharing time stations on clear channels is the operating cost to the effectual station. The original investment and the actual operation of the station are substantially the same when that station is located in a sparsely settled area or when a similar station is located in a heavily populated area, and this would hold true to a great extent where the station located in a heavily populated area operates on full time and the other station located in a sparsely populated area operates on a sharing time basis.

We have found that on account of being on the air only part of the time, our program expense is substantially as great, even greater than a station in continuous operation, as we need just as many announcers and just as much paid talent available, but can only utilize a part of their services. Of course, our power bill will be somewhat less, although we must have just the same connected load as a transmitter operating on full time, and furthermore, being on a clear channel we must maintain the same high standard of program service as any full time station on a clear channel. Our depreciation item, our engineering costs, and other costs are substantially the same.

Speaking entirely of our own situation, records on file with the Commission will show that since 1930 this sharing time clear channel station has operated at a loss and has endeavored to render high class service, and has in fact done so strictly as a communication company and not as a subsidiary of any other enterprise. Through all of the period we have continuously improved our program service and equipment so that even with all of the losses sustained we have still been willing and financially able to improve our service to the listeners. Considering the enormous investment of our company we believe that KVOO, or any other sharing time station similarly situated, should be given an opportunity to at least recover its investment and off-set depreciation charges by being permitted to operate as a full time station in the true sense of the term. In this connection KVOO has a 50 kilowatt Western Electric transmitter, and the total investment is in excess of \$300,000.

Summary

Summarizing, we direct this Honorable Commission's attention to the fact that our section of the country has been referred to in the past, by certain spokesmen in radio circles, as the hinterland of the United States, and said statement has doubtless been prompted by ignorance of existing conditions in what we choose to term the area with the most prolific opportunities in radio broadcasting. The Midwest, from Ohio to Colorado, is the radio center of the United States, Tulsa being almost in the geographical center.

Without the uniform rules and regulations heretofore adopted by the Federal Communications Commission, detrimental policies and harmful practices would result; therefore, we feel that the propositions we have herein submitted will be of assistance to this Honorable Commission in determining that it is inadvisable for clear channels to be forced into sharing time arrangements. We hope that our suggestions will assist this Honorable Commission in its policy of serving the public interest, convenience and necessity, and therefore give to the affected stations an opportunity for them to utilize their equipment, justify their investments, and above all, to protect the consumer in his right to uninterrupted reception.

Cross Examination of Mr. Way

Mr. Way was subjected to a short cross examination by T. A. M. Craven, chief engineer of the Commission, during the course of which he told of the difficulties of sharing time on a clear channel

as experienced by his station. He said that undoubtedly, while he had no special knowledge of the facts, regional stations sharing time had similar difficulties.

He spoke especially of the difficulty of reception for listeners when KVOO goes off the air and the fact that there is no continuity of service. At that time, namely when KVOO is silent, there is practically no radio reception in the rural area for from 85 to 90 miles around Tulsa. He stated that his station did make a little money last year and made a profit in 1930 but generally has been unprofitable.

D. A. Read

Mr. Read on behalf of WTIC gave an early history of that station, spoke of its operation as a part-time clear channel station and of the difficulties which it had experienced, and then told of experimental simultaneous operation. He took up also the benefits of duplicate operation.

Mr. Read said:

Early History

Station WTIC, located in Hartford, Connecticut, licensed originally in the name of Travelers Insurance Company, and more recently in the name of the Travelers Broadcasting Service Company, a wholly owned subsidiary of the first-named company, was originally constructed December 13, 1924. The station began regular broadcasting on February 10, 1925, the original plant consisting of a 500 watt transmitter and the necessary appurtenances thereto. The station operated on several frequencies at a power of 500 watts until at or about the time of the general reallocation of 1928, at which time the station was granted an authorized power of 50,000 watts on the frequency of 1060 kc., sharing time equally with Station WBAL of Baltimore, Maryland.

During the first year of the station's operation it did not enjoy any chain affiliation and did not broadcast any commercial programs. It was conducted purely on an institutional basis by our company with a view that the good will to be derived from such operation would enure to the benefit of our company. This method of operation continued until the commencement of the year 1926. The total expenses of operation from the date of the station's establishment until the end of the year after it acquired a clear channel status (February 10, 1925, to January 1, 1930) were \$359,782.39.

Operation as a Part-Time Clear Channel Station

The expansion of our broadcast activities and the increase in authorized power and change in assignment which gave Station WTIC a part-time clear channel status was preceded by numerous conferences between representatives of our company and members of the Federal Radio Commission and its staff. At that time the Commission was engaged in a general reallocation and the question of allotting clear channel assignments is largely a matter of finding persons or organizations who were willing to assume the financial and other responsibility necessarily incident to such an undertaking. From our conferences with the Commission and its personnel, we were led to believe that if our company undertook a program of expansion and accepted a clear channel status with the financial outlay necessarily incident to the erection of what was then known as a "super-power" station, we would receive the exclusive use of a clear channel frequency. It was upon this understanding that our company decided to undertake this step.

After this decision was arrived at, and subsequent to the ordering of equipment and a large part of the actual construction work, we were advised that legislative and other developments at the Commission had brought about a situation where WTIC could not have exclusive use of the clear channel frequency, but would be required to divide time with Station WBAL at Baltimore. We mention these facts, not as a criticism of the Commission or of its personnel, but merely as an explanation of why our company, comprised we believe of ordinarily prudent and conservative business men, undertook an expansion program of this magnitude at this time, particularly in view of developments which I shall herein-after relate.

With the commencement of the year 1926, Station WTIC began operating as an outlet on the Red Network of the National Broadcasting Company, and at this time began broadcasting other programs of a commercial nature, which, we believe, not inconsistent with our institutional policies and practices. From the outset we believed that an institution such as ours had much to lose and little to gain by putting on programs of an inferior class or advertising of a nature which seemed to conflict with other policies and practices of our organization. Moreover, we thought it necessary to

equip ourselves from a technical and a programming standpoint in line with our general company policies and in line with what we believe to be the best current practices of the period employed by other high-power clear channel stations.

Under Handicap

It goes without saying that from the very outset we operated under a very severe handicap. Under our time-sharing agreement with WBAL, it was necessary for us to broadcast only on alternate days, coming on the air one afternoon at 4:00 o'clock p. m., and signing off the next afternoon at the same hour, except on Sundays, at which time a slightly different arrangement was followed. Under the circumstances it was practically impossible to retain our listening audience or to build up an audience of regular listeners. Radio listening is more or less a habit, and persons will necessarily become accustomed to tuning to particular stations and listening to particular programs, namely, those stations and those programs which they regularly received at the hours of the day during which they are accustomed to listen. Moreover, we found that our station was not attractive to national advertisers and that the National Broadcasting Company sold it with great difficulty, not only because of our inability to build and retain a listening audience for the reasons heretofore stated, but also because broadcast advertisers frequently desired to book programs such as "Amos and Andy" and other popular features "straight across the board" or for a given period on each broadcast day. Being able to broadcast only on alternate days, our station was necessarily eliminated from such business, and also from such other regular business as was offered for broadcasting on the days when we were scheduled to remain silent. It is interesting, as well as painful, to note that the results of our operation under this arrangement through the years 1930 to 1934, inclusive, resulted in a net aggregate loss of \$1,509,191.99, or a loss in 1930 of \$305,888.74; in 1931 of \$306,256.97; in 1932 of \$325,997.53; in 1933 of \$361,009.71, and in 1934 of \$294,041.04.

Experimental Simultaneous Operation

Being faced year by year with these tremendous operating losses and with the fact that even if these losses could or should be disregarded, the station was not really performing adequate public service due to the interruptions in its operating schedule, we made consistent and repeated efforts to secure some relief from the handicaps under which our operating schedule placed us. Our first step along this line consisted of extensive research in the possibilities of synchronous operation, conducted not only by the regular employees of our technical staff, but also with the assistance and guidance of Professor W. J. Williams of Rensselaer Polytechnic Institute. With the cooperation of the National Broadcasting Company, and its technical staff under the direction of Charles W. Horne, we finally made application for and received authority to undertake such operation with Station WEAJ, a clear channel station located in New York, New York, licensed in the name of NBC, and which also carried the Red Network program of that company. After considerable expenditure of time, effort and money, we were doomed to disappointment in this venture, because we found that the complaints from listeners in the area between New York and Hartford were such that the Commission felt compelled to cancel this authorization. This authorization was granted on the 1st day of October, 1931, and cancelled on the 14th day of June, 1932.

Possibility of Duplication

As our situation was in no sense improving, we then began a study of the possibility of duplicate operation with some station located at such a distance from Hartford as would permit both stations to render an acceptable program service. In this matter our choice of stations was necessarily limited, since stations of comparable power which were enjoying full time clear channel assignments were not desirous of duplicate operation, and WBAL, the station with which we were sharing time, was so located as to make such a type of operation unattractive either to it or to us. It so happened that stations KTHS, at Hot Springs, Arkansas, and KRLD, at Dallas, Texas, were confronted with a problem somewhat similar to that which confronted WTIC and WBAL. In other words, the Hot Springs station and the Dallas station, although both classed as clear channel stations, were each enjoying only part-time operation, being forced to share time upon a common frequency, namely, the frequency 1040 kc. In this state of affairs, and after extensive negotiations between representatives of these stations, a plan was evolved whereby Station WTIC and

KTHS were to switch frequencies, thus permitting the simultaneous full-time operation of KRLD and WTIC on the frequency 1040 kc. and duplicate day and divided night-time operation between KTHS and WBAL. This plan was presented to the Commission in the form of appropriate applications. After extensive study and hearings before the Commission en banc, the Commission on May 8, 1934, granted experimental authority for such operation, which authorizations have been successively renewed down to date.

Benefits of Duplicate Operation

As heretofore stated, the Commission authorization for simultaneous operation became effective May 8, 1934, and by such operation during the balance of that year we were able to reduce our losses rather substantially. The loss for the year 1933 amounted to \$361,009.71, whereas, in the year 1934, it amounted to \$294,041.04, or a difference of \$66,968.67. In the year 1935 we were able still further to reduce our losses, a loss for that period amounting to \$203,897.44. For the year 1936, we show, up to October 1, an operating profit of \$17,577.93, the first profit which we have derived from the operation of our station throughout the approximate twelve years since its inception. We anticipate that our profit for the entire year, taking into account our existing contracts and anticipated business, will amount to approximately \$35,000.00.

Benefits to the Listening Public

Inasmuch as we had once been required to discontinue our experimental synchronous operation because of the dissatisfaction of the listeners we were somewhat apprehensive of the listeners' reaction to our experimental duplicate operation. Although we had conducted certain extra hour tests which convinced us that the simultaneous operation of KRLD and WTIC under this plan would be acceptable to a degree, we were not sure that these conditions would be obtained throughout the hours before midnight or throughout an entire year's operation. We were, therefore, very much pleased to find that operation during regular broadcast hours throughout the summer months of 1934 resulted in no objections from our listeners and were extremely gratified to find that such operation during our first winter resulted in no objection. As heretofore stated, we have continued to operate on this basis since May 8, 1934, and to my personal knowledge only two complaints of interference have been received at WTIC. One complaint came from a listener located at a little town in the Province of Saskatchewan, Canada, and the other complaint from a listener located at Detroit, Michigan.

Some indication of the increase in the popularity of the station since our full-time operation can be gathered from the fact that in the year 1933 before our simultaneous operation the National Broadcasting Company received 4,676 letters from listeners concerning programs broadcast over Station WTIC; in the year 1934, during the latter part of which we enjoyed simultaneous operation, this letter response increased to 9,605; for the year 1935, during all of which time we enjoyed full-time operation, this letter response has increased to 32,112; and for the portion of this year for which we have records, namely, January through August, this letter response has increased to the figure of 56,114. It must be remembered that these are letters sent either directly or indirectly to the National Broadcasting Company and concerning network programs. They do not include letters sent to the station concerning non-network programs.

I do know from my own personal observations and from reports made to me by my engineering staff, that we are now serving, and have throughout the duration of this experiment served an area which would approximate the primary service area of a clear channel station operating on a frequency such as ours without duplicate operation. I also know that we furnish some degree of secondary service throughout a relatively wide area. Mr. McNary, who will follow me on the stand, will give you the details concerning the nature and extent of the present service, the technical steps which have been taken and are now being taken to make this type of operation possible, and the technical conclusions to be drawn from our experience.

Conclusions

For my own part, I desire to conclude my remarks by saying that the beneficial results of this operation have, to my personal knowledge, been two-fold. It has permitted WTIC to give a well-rounded uninterrupted program service to a rather large and heavily populated area which heretofore had been served in only a very unsatisfactory manner; and, secondly, it has permitted our

company to reduce our already tremendous operating losses to the vanishing point, and now, after twelve years of uninterrupted operation, we realize for the first time a slight benefit.

Statement on Behalf of KRLD

It is hardly necessary for me to state that WTIC and KRLD have been closely associated in connection with the experiment whereby they are operating simultaneously on 1040 kilocycles. I have been authorized by Station KRLD to make the following statement:

Simultaneous operation with WTIC has proved most satisfactory. KRLD is regularly licensed (and has been since April 30, 1929) to operate simultaneously with Station KTHS during the day, and to share time with that station at night. Although the relationship between KRLD and KTHS has always been very harmonious, the time-sharing arrangement inevitably resulted on many occasions in preventing KRLD from carrying programs of national importance which were features of the Columbia Broadcasting System or, oftentimes, of carrying important programs in their entirety. It also seriously handicapped the purely local activities of the station. Furthermore, it was found that many advertisers objected to the use of a station which was not on the air continuously during its broadcast day and, therefore, did not have the advantage of a continued and sustained audience.

Since the inauguration of simultaneous operation with WTIC on an experimental basis, KRLD has enjoyed an increase in the number of its listeners and a resulting increase in revenue, all due to the regular use of its assigned frequency. During the entire period of experimentation KRLD has received no complaint of any interference from its listeners, and has received much satisfactory comment from a radius of approximately 100 miles. This would indicate that the listeners who depend upon KRLD for their radio service have no objection to the presence of WTIC on the same channel, and probably know nothing whatsoever of the simultaneous operation. It would therefore appear that such operation is an advantage both from the standpoint of the station and of the listeners, and that its continuation on a permanent basis should be encouraged both from an engineering and a commercial standpoint, and in the furtherance of an economic use of a desirable frequency.

Cross Examination of Read

Mr. Read was subjected to a short cross examination during the course of which he said that his station gives secondary service in Vermont, New Hampshire and Maine. In connection with the losses which his station has sustained over a period of years Mr. Read explained that there had been included in those losses a write-off for experimentation.

Charles W. Horn

Mr. Horn, on behalf of the National Broadcasting Company, advocated (1) an additional classification calling for 50 millivolts for metropolitan areas as a minimum signal necessary for good service, (2) that the power measurements of a station be made by the so-called direct method of antenna measurement and (3) that field strength measurements be made of all stations.

Mr. Horn said:

One of the most difficult problems facing the broadcasting industry and the Federal Communications Commission is that of determining accurately the service areas of individual stations. Because of the varying conditions which exist, such as fading, changes in Heaviside Layer, different ground conductivities, adjacent channel interference, and made-made static, no one has yet been able to devise a yardstick which will permit us to answer this question with any degree of mathematical certainty.

I propose to discuss today the efforts which the National Broadcasting Company has made toward finding an answer. With the variables that exist there may never be a fixed and final formula applicable to all stations everywhere and I want to make it clear that we do not go so far as to recommend our method as a standard to be adopted by the Commission. However, we do believe that the efforts we are making along these lines will be of interest both to the Commission and to other broadcasters.

First, I want to discuss some of the varying influences which effect radio wave propagation. This discussion will also constitute National Broadcasting Company's comments on items listed in the Notice of Hearing.

Propagation Characteristics of the Various Frequencies in the Range 550-1600 KC.

The Engineering division of the Federal Communications Commission has available in existing literature a considerable quantity

of material concerning wave propagation. The curves and data prepared for the coming meeting of the C. C. I. R. next year is of this type. The data obtained from the recent Clear Channel Survey is also of value. The only additional material I might offer is a paper by Mr. William A. Fitch of the National Broadcasting Company explaining a simplified method of using the Sommerfeld formula. This article is complete with curves and is herewith offered.

The curves and technical information referred to above are the result of many measurements made over a considerable period of years. The industry now has available suitable instruments as well as competent and experienced engineering services to carry on such measurements with the result that we have removed a great deal of guess work and are depending more upon measured data. The Engineering Division of the Commission has likewise been alert and taken advantage of additional information whenever it became available and is to be commended for its share in developing higher standards and thus helping to improve radio conditions.

Prevailing Attenuation

I am presenting herewith a map prepared by our engineers on which are shown the ground conductivities in areas in which we have made measurements of stations. This map shows the conductivity calculated from surveys of sixty stations in different cities. Lines are drawn in several directions from each location and the figure on each line indicates average conductivity in that particular direction and out to the distances to which measurements were carried. In some cases where there was a decided difference in conductivity the attenuation factor is shown for different portions of the line. It is hoped that the information on this map will be helpful to the Commission engineers and that it may be added to data which they already possess. Accumulation of data of this type will make possible the preparation of maps so that we shall know in the future what the radio conditions are in all localities and with considerable accuracy.

Proper Ratio of Desired to Undesired Signal

The proper ratio of desired to undesired signal is something which is dependent to a great extent upon the general receiver characteristics. As Mr. Van Dyke has analyzed this subject and presented some tables, it is not necessary that it be repeated here. In the large experience that we have had, and including the experience of an innumerable number of listeners as expressed in their mail, I can substantiate the results obtained by Mr. Van Dyke in his measurements and studies of receiver characteristics.

Interference due to natural static varies with the seasons and is more prevalent in the southern part of the United States, especially in the summer. A paper on this subject by Mr. R. K. Potter appeared in the Proceedings of the Institute of Radio Engineers for September 1932. The effect of interference from natural static is now much less than it was during the earlier days of broadcasting because of the use of higher transmitter powers, and a continued improvement may be expected by still further increasing the ratio of signal to static by the use of higher powers. Those of us who are old timers in this industry will remember the difficulties we encountered due to natural static because of the extremely low powers then employed by the transmitting stations. Here again, we are dealing with engineering factors which are well known and which are expressed in our signal-to-noise ratios so definitely a part of radio engineering.

Static

In the more built-up sections and particularly the larger cities we experience a considerable amount of so-called man-made static which is due to electrical devices. Most man-made static is due to either defective electrical equipment or such apparatus as the older style X-Ray machines which are inherently noise-producing and which must be installed with proper shielding. New devices such as diathermy machines are emitting radio frequency waves that have been found to travel great distances. Apparatus of that type should be filtered or shielded and we must look to the manufacturers of these devices for help and cooperation. It is pleasing to note that railways in many localities have made efforts to reduce interference caused by their apparatus. Trackless trolleys, using the two-wire overhead system and equipped with pneumatic tires, present a problem that needs serious attention. A recent report by manufacturers indicates that something like two thousand such trolleys will be put in service in the United States during 1936. There are quite a number of such trolleys in use in London and the combined efforts of the transportation people and the broadcasting interests in England have resulted in a reduction, but not complete elimination, of the interference.

Interference due to electrical apparatus has engaged the attention of such organizations as the National Electrical Manufacturing Association and others responsible for electric design standards. Both in Europe and America there has been cooperation between manufacturing companies and radio engineering committees in an effort to reduce interference from this source. Credit is due the power and electrical companies for their efforts and it is safe to say that interference by man-made static is much less in the United States than in other countries which are comparable to us in electrification.

Satisfactory Service

In radio reception the governing factor is always the ratio of the strength of the desired signal as against the intensity of the interfering signal or static. The required ratios for satisfactory service are given in Mr. Van Dyke's presentation. For some years engineers have been using the standard published by the Engineering Division of the Federal Communications Commission which shows that for good reception receivers in cities require 10 millivolts, in residential sections 2 millivolts and rural localities .5 millivolts per meter of signal intensity. These figures are based on the fact that electrical noises are greater in cities than in residential and rural parts of the country. These have proven quite satisfactory except in the case of metropolitan areas where a great deal of electrical disturbance and other factors are present. Our experience indicates that we must add another classification to this table to take care of conditions in metropolitan areas.

Because antennas in metropolitan districts pick up a greater amount of electrical noise, it is necessary that the desired signal strength be greater in order to maintain the proper signal-to-noise ratio. However, in these areas, an additional obstacle is encountered because of the shielding effect of steel structures which causes a reduction in the amount of radio signal energy which arrives at the average antenna. While there may be 10 millivolts of signal intensity in the atmosphere above such a city the antenna may receive but a fraction of this energy because of such shielding. Therefore, the average antenna in a metropolitan district not only suffers from increased electrical noise but generally receives less than its share of radio energy with consequent poor results. The only solution possible is a higher signal strength over such territories and our observations and measurements indicate that in metropolitan areas the signal intensity must not be less than 50 millivolts in order to render acceptable service. Even with this signal strength there will be spots that will not obtain adequate service due to exceptionally deep shadows cast by steel structures, but these may be classed as extreme cases.

Heaviside Layer and Sun Spot Cycle

The Heaviside Layer is usually considered as being a conducting, and therefore a reflecting, layer in the upper atmosphere approximately 100 kilometers or so above the surface of the earth. There are a number of layers having varying effects on different frequencies. Considerable investigating work has been done by such organizations as the United States Bureau of Standards, the Carnegie Institution and others and reports of this work have been published.

Long distance transmission is obtainable because of the so-called sky wave which is reflected back from the Heaviside Layer. That wave which leaves the antenna and travels along the surface of the earth is known as the ground wave and is eventually absorbed and falls to such a low value as to be useless for service. Between the ground wave area and the secondary area we have the so-called fading band which is a point where the sky wave returns to earth and has sufficient strength to seriously interfere with the ground wave. We generally term the area within the fading band as the primary service area although where unusually strong interference exists from other stations, either on the same channel or on neighboring channels, the primary area is in this case much more restricted. In other words, the primary service area of a broadcasting station is that territory in which it places a sufficiently strong signal and free from interference in order to render good service. We refer to the territory beyond the fading band as a secondary area in which some service is rendered but of a much less reliable type. In this territory slow fading takes place and there are variations in the strength and steadiness of the signal. Also on shared channels this area experiences a great deal of interference due to the low ratio between the desired signal and one or more interfering signals.

Seasonal Variations

Seasonal variations have a marked effect upon the sky wave, which furnishes this secondary service, but has little effect upon

the ground wave. During certain periods of sun spot cycles certain reactions are noted. The sky wave may come back to earth with greater intensity nearer the station and cause the fading band to move inward. This was noted at two particular stations during the past few years. Also the service rendered the secondary area has been found better during periods when the sun spots are less prominent. The secondary area receives less service in summer due to the longer daylight periods as compared with the winter as these Heaviside reflections take place after dark. The secondary area is also influenced in the summertime by a higher static level especially in the southern half of the United States.

From the above it will be noted that the best service rendered the public is, of course, in the primary service areas which are less affected by atmospheric and cosmic changes. The Federal Radio Commission prepared a map, together with some statistics, under date of December 14th, 1933, on which was shown "Calculated Night Primary Coverage of All Broadcast Stations Based Upon Interference, Propagation and Frequency Characteristics." A glance at this map will show that the greater portion of the area of the United States is in the secondary service area and not in the primary area of broadcasting stations. The statistics which came with the map indicate that of a total of 119,636,708 United States population, the number of people that resided within the primary coverage of the broadcasting stations was 76,662,000 or 64.2 per cent. There were approximately 43,000,000 people living within the secondary coverage area or 35.8 per cent of the total population. Receivers in this secondary area, which by the way happens to be 70.6 per cent of the total area of the country, are solely dependent upon the sky wave or secondary area signals of stations which have sufficient power and are free from interference.

Little Change

While this map is dated December 1933, we will find that there has been relatively little change in the number of stations since that time and while some of these stations may have increased their power they have not materially increased their primary service area because of the fading limitations. It is safe to estimate that the percentage of population in the secondary area is still as great as it was at the time the map was prepared. (I offer this map for your consideration.)

Long distance transmission or service to the secondary area is possible only on channels which are free from interference. The system we have adopted, that of using high power on clear channels and lower power on shared channels, is universally recognized and is in use in Europe as well as other parts of the world.

Synchronization

In order that there may be no misunderstanding I would like to give my definition of this term. I consider two or more stations to be operating in synchronism when the carrier waves are not only of the same frequency but their phase relationship is maintained to within a few degrees. Such precise frequency control plus the necessity of transmitting the same program are absolute requirements if two stations are to operate in synchronism with their ground wave service areas adjoining or near to each other but not overlapping. To maintain this precise frequency control requires some common frequency standard or source—I have found that a connecting wire line supplying the stations in question with a standard frequency is best, plus equipment at each station to prevent line changes from causing variations in the phase of the radio wave. This equipment is in the nature of a flywheel which prevents any rapid line fluctuations from affecting the output frequency.

Using such specifications a reasonably good signal may be expected in areas where the signal strength of the desired station does not drop to less than five or possibly four times the intensity of the station with which it is synchronized, providing the identical program is broadcast simultaneously. In areas where the signals are nearly of the same intensity, say less than 4 to 1 in ratio, difficulties are encountered due to the carrier frequency being partially, and frequently even greatly, suppressed which results in distortion.

Signal Ratio

There is a belief in some quarters that stations can be synchronized and different programs broadcast. This does not hold true until the separation between the station is great enough to provide a signal ratio of 20 to 1, desired to undesired. This is because the factor which then causes the greatest interference is not the carrier wave conflict but the modulated portion of the wave, or

cross talk. Even with all conditions under control in the case of synchronized operation, care must be taken to see that the telephone line connecting the stations is not of such a length or characteristic to introduce lag in the audio signal, which can cause serious loss of quality. Synchronizing a whole chain of stations is at present impractical, both technically and economically. One reason is that the networks do not furnish programs regularly from only one fixed location but switch to different cities for various programs and sometimes even insert selections originating at a point distant from where the main program takes place. Another reason is that while I know of some time delay circuits I do not know of any which covers the whole music range. Even if they could be built it would be impractical to readjust and change such devices even between programs.

We have the benefit of the experimental work being done on the several installations of this type which has given us a clearer understanding of the problem together with some quantitative results. In other words, we know what can or cannot be done at the present state of the development.

I would like to state that synchronization of radio stations is still in an experimental stage. I have kept myself informed of what is going on in Europe by personal contact, and find that they have the same views I have expressed.

Standards and Methods of Measurement

In the earlier days of broadcasting it was somewhat difficult to measure the power radiated from a transmitter. The best we could do was to estimate the efficiency of the apparatus and arrive at some approximate values. This led to a number of methods of determining the power radiated. With the information which we now have available, the only logical engineering method is a direct measurement of the antenna resistance and the amount of current flowing in that antenna. With complicated antenna design, in order to obtain directional effects, it is possible to make the measurements in the main transmission line feeding the antenna array. It is urged that the direct method of measuring power be adopted as the standard. With the measuring instruments available today accuracy within ten percent is easily obtained.

Field intensity measuring sets are now readily available as well as engineering organizations equipped to do this work. Field intensity measurements should be made at one mile from the antenna plus a sufficient number of measurements on radials out to the limit of the good service area. From these data, curves can be drawn to show the efficiency of the radiator, ground system, conductivity of soil and the signal intensity in the area surrounding the station. With the equipment available today, an accuracy within ten percent is possible.

Determination of Service

The satisfaction a listener can obtain from his receiving set is dependent upon a number of factors, the principal ones being:

- (a) The field strength of the desired signal.
- (b) The strength of interfering signals from undesired stations.
- (c) The noise level in his particular locality.
- (d) Fading and distortion due to fading.

Early in 1933 the engineering department of the National Broadcasting Company undertook the work of making field strength measurements of over one hundred stations throughout the United States as well as a couple in Canada. This was the largest undertaking of its kind ever attempted and while the cost was very large it was considered necessary as we wanted to know how well we were serving the country. On this one survey alone we made 21,316 measurements which entailed 232,218 miles of traveling by the measuring units. Eighteen crews of engineers were engaged in this work. In addition to our own Company engineers we engaged the services of recognized consulting engineers and their methods and measurements were compared with those made by our own men. In all cases the latest types of measuring equipment was used.

Accurate Measurements

With more accurate measurements of power radiated and resultant field contour maps, we begin to have some evidence of coverage. However, as field strength measurements are necessarily made in the daytime and do not show the night phenomena, such as fading and interference from distant stations on the same or adjacent channels or the noise levels existing in a territory, and since it is not possible to determine the effect of these except over a very long period of time and at an exorbitant cost, the National Broadcasting Company turned to its audience for a more immediate

answer. The method we adopted has been to analyze more than 15,000,000 pieces of mail received by our stations from their listeners. Part of the information we thus obtained has already been made available to the industry through the publication known as "NBC Network Areas", copies of which I will be glad to submit for the record.

Every letter received from listeners is carefully checked as to point of origin and the station to which it is addressed. The point of origin is noted in order to determine the county from which it came. We use counties as the smallest sub-division of territory because that system coincides with U. S. census information which includes the number of homes having radio receivers. Our method depends upon percent of mail received from counties as compared with the number of homes having receiving sets in those counties. Please note it is not based upon population but upon the number of homes having receiving sets and for that reason gives more accurate information. In this survey work we are not so much concerned with the contents of these letters as we are concerned with their points of origin. Because of the tremendous volume of mail, in the first seven months of 1936 we have already received 4,237,000 such letters, any small discrepancies are averaged up. Also as you will note, this in no way can be confused with so-called popularity contests as we obtain our information from postmark and address and as we have been continuing this survey over the last several years it is also not subject to territorial or local errors because stations retain the letters referring to their own local programs and only forward those concerning network programs. The information thus obtained is tabulated and the number of letters from each county, per unit of time and per thousand radio homes gives us an index figure for that county. Taking those counties as par which are within the good service area of the station under survey, as determined by field strength measurements, and noting their mail response per 1000 radio homes, we have a basis of comparison with which to judge the response from all counties.

Survey Individually

Each station is surveyed individually and in each case its own par rating is determined. It is possible that people in different sections of the country may have different habits when it comes to writing letters. Also it would be unfair to use an index figure per 1000 radio homes of one station, or even an average figure, to rate another station.

This survey we are conducting is a continuous process. We have a staff which varies between 30 and 35 people to take care of this work which is handled in New York, Chicago and San Francisco.

These measurements took many months and after all the information had been assembled we compared the signal field strength contour maps with our letter surveys. There was general agreement between the two results and in those cases where there were any marked differences we found we could determine the reasons for the deviations. In some cases it was traceable to interference from some other station on the same channel, or from an adjacent channel and sometimes even to man-made static.

As we have been conducting this method of surveying the service areas of the stations on the National Broadcasting Company network continuously for over three years and as we are constantly checking results, we feel we have demonstrated the reliability of the system. Its great advantage over other systems is that it shows the response of millions of listeners living in every State and County of the United States and over a long period of time. It truly is the expression of the American public although they do not know that they are participating in a survey, which, in our opinion, is also desirable.

Summary

Gentlemen, in summarizing I wish to repeat the three recommendations I have made—they are:

1. An additional classification calling for 50 millivolts for metropolitan areas as a minimum signal necessary for good service.
2. That the power measurements of a station be made by the so-called direct method of antenna measurement.
3. That field strength measurements be made of all stations.

Horn Cross Examination

Signal intensity of 50 millivolts in cities was advocated by Mr. Horn under cross examination. He said that in his opinion this is needed because of steel buildings and noises over such territory. He indicated that of course 50 millivolts would not be needed over every place. He stated that his company had made surveys indicating that New York City showed decided shadows.

Mr. Horn testified that there are certain variables in modern antennas. NBC, red network, he said, covers the entire country but this does not necessarily mean that it gives good service. At least, he said, the listeners can understand the station to which they are listening.

Dr. C. B. Jolliffe

Dr. Jolliffe said that the standards of allocation must of necessity be kept abreast of modern engineering practice. Interference from unwanted radio stations, said Dr. Jolliffe, is a problem of allocation and "your Commission has a primary responsibility for the solution of this problem."

Dr. Jolliffe said:

Allocation of Frequencies to Broadcast Stations

The basis of an engineering determination of a proper allocation of frequencies and classification of broadcast stations can be reduced to three factors:

- (1) Standard of service,
- (2) Characteristics of receiving sets,
- (3) Relation between field intensity and distance.

Theoretically, given these three factors any problem of broadcast allocation can be worked out. Unfortunately none of the three factors is capable of exact definition and the proper ones to use in a given case are either matters of technical judgment or protracted studies in particular locations. We have presented in this hearing data obtained from studies made over a period of several years upon which engineers can base technical judgment.

The re-allocation of broadcast facilities made in 1928 was developed without definite standards or quantitative measurements. Primarily it was the combined experience of a group of engineers who had been closely identified with the early development of radio broadcasting. Since that time quantitative studies have been made by various engineers and engineering groups which confirm this early experience. In the Fifth Annual Report of the Federal Radio Commission, published in 1931, there appeared for the first time definitions of standards of service for various classifications of stations and their application to allocation problems. It was then stated, "Since many of the standards are also based on the present-day average receiving sets, average standards of listeners, present design of antennas, and so forth, they will, of course, be changed as the art progresses." Revisions and extensions of these standards appeared in the Sixth and Seventh Annual Reports of the Federal Radio Commission and the First Annual Report of the Federal Communications Commission.

Survey

The clear channel survey conducted by your Commission and this hearing are logical continuations of the study of these standards in order to obtain the most accurate and most modern data available at this time. As stated in the hearing on June 15 before the full Commission, the research and engineering staffs of RCA and its affiliated companies are available to your Commission for the study of technical problems which will assist your staff in solving the allocation problems.

The standards of allocation must of necessity be kept abreast of modern engineering practice. They must, however, be sufficiently stable and changes made gradually so that the public, which has many millions of dollars invested in receiving sets and the largest stake in broadcasting, may adjust itself to the new standards.

The receiving set industry is built around the set of standards which is reflected in the allocation to broadcast stations. Since changes in allocation will have their repercussions in the factories of the receiving set manufacturers, the service organizations of these manufacturers and the homes of persons using present day receiving sets, it is of the utmost importance that changes in allocation or re-allocation of frequencies to broadcast stations proceed on the basis of evolution and experimentation rather than by radical and sensational changes.

The basic standard from which to study all allocation problems is the technical standard of the program which is delivered by the loud speaker of the radio set installed in the listener's home. You have been told that there will be at the end of this year approximately 30,000,000 receiving sets in use by the public in the United States. I submit that the technical excellence of the programs which come out of the loud speakers of these sets is the engineering measure of public interest, convenience and necessity.

Program Marred

The program delivered by a receiving set can be marred by receiving set noises, man-made electrical noises, and interference from radio stations. The receiving set manufacturers take every precaution to reduce receiving set noise well below an objectionable value. The Commission, receiving set manufacturers and electrical manufacturers can cooperate to reduce the interference caused by electrical machinery, flashing signs, diathermy machines and other sources of man-made electrical interference. The existence of this interference can also be recognized and proper allocation of power to transmitting stations can submerge it by producing sufficient signal strength at the receiving set so that the interference is below an objectionable value.

Interference from unwanted radio stations is a problem of allocation. Your Commission has the primary responsibility for the solution of this problem. There have been numerous observations, measurements and studies made to determine the maximum amount of interference which can be tolerated in the output of the receiving set, all of which agree very closely with the present standards of your Commission.

The good service area of a station has been defined by your Commission as "that area in which reception free of interference is obtained at least 90 per cent of the time." This is reasonable and the first definition of standard of service. To make this quantitative a second definition is necessary and must relate to the OUTPUT of the receiver. Our data have shown that a signal at the OUTPUT of a receiver can be defined as "free of interference" when the power ratio of the signal to interference is greater than 30 db for crosstalk or 37 db for 10 kc heterodyne. These two definitions define the MINIMUM standard of service.

Allocation Problems

To obtain the relationship of this standard of service to allocation problems it is necessary to reflect the standard back through the receiving set to the receiving antenna and determine the maximum field intensity produced by interfering stations operating on the same and adjacent frequencies which can be tolerated without exceeding the maximum of interference at the output of the receiving set. To do this a typical receiving set is necessary.

Data have been presented to you which represent the composite performance of modern broadcast receiving sets from which a typical receiving set can be evolved. The proper typical receiving set to use is one of engineering judgment and we have suggested what our engineers believe is the proper interpretation representative of receiving sets in use today. This gives a reasonable basis for this phase of allocation.

The third factor, relation between field intensity and distance, has been one concerning which your Engineering Department has done much work. The intensity of the field produced by a radio station at any point distant from the station can be determined from the propagation curves which engineers have developed. The propagation of radio waves along the ground has been a subject of much study, both by theory and measurement. If the attenuation factor is known in a particular area it is not difficult to calculate the field of intensity which will be produced in the vicinity of a station. Data available are not conflicting when properly interpreted and a full and complete answer as to the ground wave propagation of radio waves in the broadcast spectrum is available in the radio literature and in the studies which have been made by engineers of the Commission. Further studies will undoubtedly change these curves in some minor particulars, but for the purpose of allocation the data now available are sufficiently accurate.

Field Intensity Records

The analysis of the field intensity records in the clear channel survey, which have been published in your report, correlated with the work of others such as the International Broadcasting Union and the Bureau of Standards, gives an excellent basis for determining the proper propagation curve to use to determine the field intensity produced by a station beyond the limit of the ground wave. The field intensity at a distance from a radio transmitter varies from minute to minute, hour to hour, day to day, season to season and position in the sunspot cycle. It is not proper to use the maximum value to which a signal might rise, and the prevailing practice of using a "quasi maximum" above which the signal does not rise more than a given percentage of the time is reasonable and consistent with the definition of good service area of a station. The standard which has been used for the "quasi maximum" by the Commission as that signal above which the value does not

rise more than 10 per cent of the time appears to be satisfactory and consistent with the definition of standard of service. Whether this value should be 10 per cent, or 5 per cent as is used in international documents, is immaterial since at the present time under the conditions of application the tolerance is greater than the difference between the 5 per cent "quasi maximum" and the 10 per cent "quasi maximum" curves. The experience and opinions of engineers all over the world certainly indicate that the value of 10 per cent interference time is the MAXIMUM that should be considered as satisfactory.

Sunspot Cycle

The position in the season or sunspot cycle which can be considered as proper to use is, again, a matter of engineering judgment. The same tolerance, namely, a standard transmission curve above which the signal does not rise throughout the entire transmission cycle more than 10 per cent of the time, would appear reasonable. To determine this curve accurately would require that measurements be made through a period of eleven or more years. The time of the clear channel survey was not at the peak of good transmission with respect to the sunspot cycle or with respect to the maximum for the seasons but somewhat after the peak had been reached. The curves which were developed as a result of this series of recordings could be used as the standard of transmission for a period of years until it is possible to accumulate a greater amount of transmission data.

There are available, therefore, data which permit setting up definitions of the three factors which form the fundamental basis for the determination of allocation. From these data numerical values or curves can be set up as a part of your Regulations which will determine, under a given set of conditions, whether or not the listeners who are entitled to obtain reception "free of interference" from a given station will receive that to which they are entitled.

In order to apply these standards of allocation it is necessary to set up definitions of classes of stations based on the limit to which each station is entitled to give service "free of interference."

Two Classifications

There are only two general classifications of broadcast stations: (1) stations operating on frequencies on which a single station is permitted to operate at night (clear channels), and (2) stations operating on frequencies on which more than one station is permitted to operate at night (duplicated channels). Other classifications are sub-classifications of those two.

Consider first the classification of frequencies on which more than one station is permitted to operate at night. This general classification contains what has been called in the past "regional," "high power regional," "local" and, for lack of a better name, "duplicated clear channel" stations. It is well known that the range of interference of a station extends far beyond the range at which it is capable of giving satisfactory service. When two stations are operating on the same frequency there is surrounding each station an area in which the receiving stations receive signals from the nearer station at a sufficient field intensity so that the output of the loud speaker reproduces the program on that signal "free of interference" from the distant station based on the definition of the standards of service given above. The extent of this area depends on the relative power and geographical separation of the stations on the same and adjacent channels. Under a given set of conditions the standards of service will define this area.

Engineering Judgment

It is a matter of engineering judgment and allocation policy to determine how far from the station receiving sets are entitled to receive signals "free of interference" on the basis of the standards of service. In the standards at present used by the Commission averages are used over widely variable conditions.

In the final analysis the standard of protection should be set up for each frequency based on interference caused by stations operating on the same and adjacent frequencies, natural and man-made interference in the localities where the frequency is used, propagation characteristics of the frequency and distribution of population in the areas served. This composite picture is the one which determines the area which is to be given reception "free of interference" for any station. Conditions vary throughout the spectrum and the present allocation of frequencies to different types of stations is so widely different that it appears to be essential to apply the standards of service to each frequency and set up its protection separately and definitely in each case. General names and general specifications are no longer sufficient and are, in fact, misleading.

There is no difference between the fundamentals for determining the service of a 100 watt station operating on the same channel with other 100 watt stations and the service of a 5 kw. station operating on the same channel with other stations of the same or different power. The principles of calculation remain the same, and the standards of allocation apply.

Turning now to the consideration of frequencies on which only one station is permitted to operate at night, this subject was discussed very ably in "The Clear Channel in American Broadcasting", a report of the Institute of Radio Engineers which was submitted to the Federal Radio Commission. The results of the clear channel survey conducted by your Commission, the data which have been prepared by the Commission and submitted in hearings and data presented by engineers show the value of clear channel stations to the listeners of the United States.

Primary Service Area

Without clear channels some 40,000,000 people of the United States who live outside the primary service area of broadcast stations would be without any type of radio reception. The inauguration of service to these people in 1928 when the Federal Radio Commission adopted the principle of clear channels was in response to a very insistent demand for service by non-urban listeners. For more than two years prior to the re-allocation in 1928 there was no clear channel service as we know it today. The experience, observations and measurements which have been made since that time show that this type of station is the only type of station capable of giving a reasonably satisfactory service to rural communities. Your clear channel survey is an additional piece of evidence to bear out this statement. No technical development has been made since 1928 to reduce the necessity for clear channels to serve rural listeners and there are no such developments in the laboratory.

The allocation problem with respect to the primary area "free of interference" of clear channel stations is the same as with respect to stations operating on duplicated channels. The PRIMARY SERVICE area which it is designed to protect "free of interference" can be calculated on the same principles as the primary service of a so-called "regional station." The only difference in the calculation is that one source of interference has disappeared, namely, interference on the same channel. Adjacent channel interference presents the same problem as far as the definition of primary service is concerned.

Secondary Service

In addition to protecting the primary service area the principle of assigning a single station to a frequency and permitting it to operate at a higher power, is to give SECONDARY SERVICE to those people who have no primary service or whose primary service is severely limited. This service is not ideal but it is the only type of service which it is possible to give to a scattered population. Fortunately, the electrical noise level in rural districts and small communities is quite low and signals of low field intensity can be used for service. These low field intensities are susceptible to all types of interference, the signals vary in intensity and the intensity of signals on adjoining channels likewise change. Consequently a listener may have freedom of interference for a short time and then experience inter-channel interference for a period of time due to changes in relative values of signals which are received at that point. The modern receiving set with automatic volume control acts both to help and to complicate the problem. It keeps the wanted signal at a constant level but may, in doing so, accentuate side channel interference.

Selectivity of Sets

The possibility of changing the selectivity of receiving sets by means of variable selectivity controls makes it possible to receive service through much inter-channel interference. Such high selectivity may reduce the quality of the reproduced signal, but it does produce an interference-free signal. Signals in the secondary area of clear channel stations are usually not free of interference as defined by the standard of service. They do provide a service, however, which provides a large amount of enjoyment for those people who are not close to entertainment centers. Higher power on such stations will increase the average level of the received signal and reduce the number of times that the signal becomes entirely unusable and increase the amount of time it is "free of interference" not only from other stations but also from man-made and natural interference (static). In those cases where clear channel stations are serving large centers of population increased power on the stations will improve the service in the primary service area, and in all

cases will extend and improve the secondary service signal to outlying rural communities. Consequently it is logical and desirable to permit the use of adequate power by all stations holding clear channel assignments. What the upper limit of this power is we do not know; certainly not 50 kw. and probably not 500 kw. Developments will demonstrate what is engineeringly practicable and feasible. Duplicate assignments should not be made on these channels even though they may now appear technically possible. Certainly such assignments will impede progress and limit future use of all developments to provide better service to the rural population. It is a sure method of stopping progress.

Technical Problem

The number of clear channels which should be provided is a combined technical and policy problem. From the technical standpoint it must be recognized that there are daily and seasonal differences in the long distance transmission of radio waves. Stations which are satisfactory one day may not be useful at all at other times and consequently a number of stations must be available to provide continuity of service. To maintain continuity of a given program day in and day out, season by season, it is highly desirable that the listener have available the same program on several widely distributed stations. If a listener could provide himself with an elaborate antenna arrangement and widely separated receiving systems to provide diversity reception such as is done in commercial receiving stations, then a single transmitting station of sufficient power would be adequate to provide a given program. This is not possible. It is possible, however, through the multiple transmission of the same program from several stations to give each listener a multiplicity of possibilities of reception, thus reversing the process and giving diversity of transmission rather than diversity of reception, and thus assuring a greater percentage of time for the reception of a particular program.

The number of clear channels now actually clear and used as clear channels is the minimum number which can give adequate service to rural communities scattered over the vast area of the United States.

With respect to the suitability of various bands of frequencies for the various services, it is possible to submit data to show that practically any frequency in the broadcast band is most suitable for a particular classification of station. The difference between the propagation characteristics of the ground waves of stations on different frequencies in the broadcast band is well known and the technical radio literature is freely used by the engineers of your Commission. This hearing has brought forward further data which I do not believe are in conflict with any data which were previously available. All the stations in the country cannot use the low frequencies and consequently certain stations will, under certain classifications, have a larger service area than other stations in the same classification. These differences are well known and if every case is studied carefully the best solution for the area can be determined.

Maximum Power

The question of the maximum power to be permitted to be used by stations on duplicated channels is one which can usually be determined by the amount of electrical interference from non-radio sources which are encountered in the outer edge of the area which is entitled to be "free of interference." If, for example, the outer limit of this area is 1 mv/m and it includes urban communities where noise level can be expected to be high, the output of the receiver may not be "free of interference" due to non-radio interference. If the power of the station is raised from 1 kw. to 5 kw. the signal strength at the outer area would be raised from 1 mv/m to 2.2 mv/m. This might be sufficient to submerge the level of non-radio interference to less than an objectionable value or at least approach more nearly to this condition. In other cases the limit of the area "free of interference" may be, for example, 5 mv/m. Increasing the power of such station five times would increase this signal strength from 5 mv to 11 mv/m. It is probable that 5 mv/m is sufficient to override local electrical interference at all points within the protected area and consequently the increase to 11 mv would not result in any better service, but would simply increase the strength of the interference in the area outside the good service area and make it more objectionable. Since each frequency must be considered with reference not only to stations operating on that frequency but also on adjacent frequencies, the power to be permitted must be determined by all the conditions. These are known in any case and so the problem can be solved in each case if referred back to the one criterion, output of the receiving set.

Overcome Interference

The power necessary to overcome interference in the protected service area of the station must be permitted or it is useless to protect this area. The power on adjacent channels must be balanced in such a way as to provide the maximum of service. Arbitrary limitation may be restrictive, intelligent analysis based on maximum service to listeners is necessary and in the public interest.

The number of stations on a duplicated channel must be based on the type of service which the station is intended to render to the public. Regional and local stations play an important part in American broadcasting. Their service areas and established audiences have been built up on the basis of service and should not be destroyed or reduced. If a station is permitted on a regional or local channel with less geographical separation from the existing stations than is at present maintained it will reduce the service of the existing stations. In such cases it can usually be shown that public interest will be better served by the improvement in the service of existing stations rather than the establishment of a new station.

New Re-allocation

It might be possible to have a complete new re-allocation such as was done in 1928 and change stations from one frequency to another and classifications of stations from one group of frequencies to another. But you will still have, when this is done, a status which is similar to the present except that the picture will be changed with respect to individual stations. Some will gain; others will lose, but the net gain to the listeners of the United States as a whole would be zero. Such a disturbing upset of the listening habits of the United States might be in the private interest of some stations but would not be in the public interest of the listeners. The present allocation over a period of years has given a large measure of satisfaction. It is not perfect, but it does provide service of some kind to all the people of the United States.

Directional antennas have been applied in many installations and under various conditions. The use of directional antennas has a place in the allocation structure. They are not, however, the solution to all allocation problems. A directional antenna can be built with practically any type of characteristic and to meet practically any condition of protection to other stations on the same channel. It provides no protection for its own service area. How far directional antennas can enter into the allocation problem is a question of policy and economics. From an engineering standpoint it is not a wise policy to permit the installation of a station using a directional antenna to protect other stations on the same channel and at the same time receive interference from these other stations inside the area which it is primarily designed to serve. For example, if a station is to serve a particular city and the interference received from other stations on the same or adjacent channels is so severe that a section of the city which is densely populated receives severe interference, it will result inevitably in severe criticism of a regulatory body which permits such installations and it is not good engineering practice.

Standards of Service

Here again the standards of service can be applied. Calculations on the basis of logical engineering assumptions which give the distribution of service can be made and information can be obtained to show the distribution of population. There are some distributions which would permit very severe directivity with satisfactory service. There are others which will not. Whether or not a station will be permitted to operate or to be installed with the use of a directional antenna must be answered in each individual case. There can be no generalization on this subject. In every case of use of a directional antenna the conditions of use and area of protection of service should be specified by the Commission at the time of authorization.

The same situation exists with respect to synchronization of broadcast stations. It is possible to operate two or more stations exactly on the same frequency. The problem of application is both an engineering and economic one. It is not a "cure-all" solution. Each application must be studied and the best solution arrived at in the public interest. Technical data to apply are known and each case must be given individual attention.

Adherence to sound engineering principles must result in distribution of broadcast facilities to geographical areas. Proper decisions in individual cases can provide fair and equitable distribution to communities within a geographical area. A mathematical system for evaluating facilities is not necessary to comply with Section 307 (b) of the Act and experience has shown that the application

of such a system results in an inefficient use of the broadcast spectrum. Radio waves do not respect artificial boundaries and a wise and intelligent allocation of the frequencies available for broadcasting will make use of the known factors to give the best service possible to all the population of the United States.

Ultra High Frequencies

There have been some suggestions that the development of high and ultra-high frequency broadcasting would reduce the congestion in the standard broadcast bands. The broadcast frequencies between 6000 kc. and 20,000 kc. give long distance service but cannot replace the service of clear channels. They are subject to international interference and wide variations in propagation characteristics. If all the frequencies between 6000 and 20,000 kc. available to broadcasting were used in the United States there still would not be enough frequency space to provide a full and complete competitive service to rural communities.

With respect to frequencies for broadcasting above 30,000 kc. there was much discussion at the time of the hearing in June. These frequencies are capable of giving a better and more satisfactory service to a local area than are the standard broadcast frequencies. Signals from stations operating on these frequencies are steady, substantially free of interference and capable of giving high fidelity service. If your Commission will authorize the commercial use by broadcasters of an adequate band of frequencies above 30,000 kc. you will take a step toward the eventual reduction in the congestion in the standard broadcast band. Receiving sets for these frequencies will come into use when frequency allocations are stabilized and local service will be greatly improved.

In conclusion, all topics under Item I can be answered by the application of existing data which are available and the answers to the questions may be summarized as follows:

Summary

- (1) Specify by regulation standard of service "free of interference" on basis of OUTPUT of receiving set.
- (2) Specify by regulation a "typical receiving set," including all factors which influence the output of this receiver.
- (3) Specify propagation curves to be used in allocation problems to relate field intensities to output of transmitting stations.
- (4) Classify by regulation each frequency on which duplicated operation is permitted on the basis of a protected primary service area in which a station is entitled to reception "free of interference" permitting use of sufficient power to provide field intensity sufficient to overcome man-made interference to the limit of this area.
- (5) Provide clear channels without limit of power in order to give the best possible secondary service to persons outside primary service area of stations specifying standards of protection for primary service area.
- (6) Set up mileage-frequency separation tables which relate all factors of standards of service, receiving sets and propagation for each classification of stations and for all frequencies capable of producing interference.
- (7) Specify basis on which standards can be replaced by field observations of existing conditions.
- (8) Make application of devices such as directional antennas, synchronization, etc., only if such application results in improved service in areas without adequate service and where it is possible to give complete service to the population of the area, specifying standards of service and all conditions at time of such grant.

Data have been submitted which can be used to set up and measure all those factors. If these data are not sufficient to meet your need and you believe that more data are required, the problem is so important to the American public that the data necessary must be obtained before you make decisions that will change the fundamentals of allocation. Technical facts are known now or can be measured; they should be applied accurately and at all times.

Jolliffe Cross Examined

Under cross-examination by Mr. Craven, Dr. Jolliffe said that it is absolutely essential to have flexibility of the Commission's regulations. He agreed he said with the announced policy of the Commission in this regard. Dr. Jolliffe discussed the international situation and explained that he had attended all of the international radio conferences with the exception of one. He admitted that there are international interference complications in North America including Central America but he expressed the opinion that they

are not very serious. At the Madrid Conference he stated that the engineers did not expect any serious interference from 500 kilowatt stations.

South American Situation

In connection with the South American situation he called attention to the fact that the population there is very sparse. He said that in South America they could obtain good radio service from their own stations without any interference from a limited number of 500 kilowatt stations in the United States. The situation there he said has not become acute. Detailed data relative to interference in South America from the United States is being collected by the UIR and will be available at the meeting next year of the C. C. I. R. at Bucharest.

Answering a specific question Dr. Jolliffe said that in his opinion 500 kilowatts stations can not serve the whole country. He called attention to the fact that high power stations might deliver a better signal 1,000 miles away from their location than they would 250 miles away because of fading. In his opinion he stated that a high powered New York station could not give a good service to the West Coast under present development of radio. If a station were placed on the same frequency on the West Coast and the dominant station on the East Coast had its power increased the West Coast station would have its service very materially reduced, he stated. In limiting the power of stations Dr. Jolliffe said that it would tend to impede progress in radio. Questioned about the duplication of 790 kilocycles by WGY with 50 kilowatts and KGO with 7½ kilowatts, Dr. Jolliffe said that each station renders a good service in their primary area.

CBS and Hearst Radio Testify Before FCC at Allocation Hearing

Representatives of the Columbia Broadcasting System and Hearst Radio, Inc., appeared today at the allocation hearing before the Federal Communications Commission and completed their testimony.

Hearings were adjourned today until next Monday when they will again be resumed. While members of the Commission would not express a definite opinion it is generally understood that the hearings will be completed either Tuesday or Wednesday of next week.

Harry C. Butcher, vice president and Washington representative, Dr. Frank N. Stanton, E. K. Cohan and William B. Lodge, all of Columbia Broadcasting System, testified, and E. J. Gough, vice president, and J. L. McCarthy, Director of Marketing of Hearst Radio, Inc., also presented their case to the Commission today.

E. J. Gough

Mr. Gough during the course of his testimony recommended that the collection of up-to-date information as to the number and distribution of radio families in the United States and pertinent data related to it be again undertaken by the government in view of the fact that present governmental information is obsolete.

He told the Commission that the principles which he would discuss are fundamental "to the successful social and economic functioning of American broadcasting."

Mr. Gough said:

In coming to this hearing, Hearst Radio does not appear in the favor of any particular class of station or service.

The ten stations comprising Hearst Radio embrace all classes of transmitters as at present defined. They are widely scattered throughout the country and are located in sections which vary greatly as to social and economic characteristics as well as with regard to technical broadcast service required.

Though Hearst Radio is one of the varied Hearst interests, it is operated independently and strictly as a broadcasting business.

Present Information

The purpose of Hearst Radio in appearing before this Commission is to present certain information, principally in the economic field, which we believe will be of assistance in the determination of fundamental policy regarding the allocation of broadcasting facilities in the public interest.

We present this information in response to the Commission's express desire, when it stated in its original notice of hearing that it wished "to obtain the most complete information available with respect to this broad subject of allocation, not only in its engineering but also in its corollary social and economic phases, to the end that such regulations and standards as it may retain or adopt will make possible such use of the band 550-1600 kc. as will provide maximum service (both transmission and reception) in the public interest."

Our testimony will concern itself principally with the economic factor as it relates to American broadcasting and broadcast regulation. We have done this for one reason.

The more we have studied the problems involved in this hearing and the proposals advanced for their solution, the more we have become convinced of the fundamental and even dominant part which must be played by economic considerations in the development of sound constructive policy for the future growth of broadcasting in the public interest.

**ALLOCATION HEARINGS BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WERE ADJOURNED TODAY UNTIL NEXT
MONDAY SO THAT THE NEXT DAILY BUL-
LETIN WILL BE DATED OCTOBER 19.**

Sound Technical Development

We are firmly convinced that sound technical development in the public interest can result only if adequate scientific study is given to the economics involved.

The economic testimony which we will present undoubtedly will have a bearing upon a number of phases of this hearing as these were outlined in the original notice of the Commission.

Among these are included the possible desirability of establishing new classes or of subdividing, modifying or abolishing any existing class of station; the question of the proper definition of each class of station with respect to its purpose and character of service; the weight which should be given to such factors as area, population and economic support in the allocation of facilities; and the desirability of establishing a system for evaluating facilities so that a fair, efficient and equitable distribution of radio service may ensue.

We shall not attempt to advance any detailed and specific recommendations on particular points such as the aforementioned.

Fundamental Principles

Rather we shall confine our discussion to a consideration of the fundamental principles and information in fields such as the aforementioned which constitute the raw materials out of which detailed regulations or policies necessarily must be constructed. We have confined ourselves to this purpose partly because we wished to avoid every possibility of bias in our discussion and partly because we believed further detailed study of fundamental data might be required before specific regulations could be formulated.

If our testimony has any specific purpose it is this: To indicate as clearly as possible the fundamental relationship which exists between broadcasting economics and the public interest so that adequate and scientific consideration of the economic factor may be incorporated in any future regulation which may be developed; and to emphasize the need of sufficient elasticity in specific regulations, when, as and if promulgated, to allow a reasonable and scientific combination of the economic and technical factors in broadcasting to the end of greater listener service.

Features

In presenting our testimony we shall deal with the following features:

We shall show, first, the close and varied relationship which exists between the economic aspects of American broadcasting and its operation in the public interest.

We shall show, secondly, that consideration of the economic factor as a fundamental one is in the public interest.

We also will show that the economic factor as it affects broad-

casting is measurable, so that it can be included in regulatory theory and practice.

Following this, we will indicate that the consideration of the economic factor as a fundamental one in broadcasting regulation is not incompatible with sound engineering.

Finally, we will indicate that its inclusion in regulatory theory and practice will not result in radical changes in the present broadcasting structure but will furnish a basis for the constructive evolutionary development of broadcasting facilities in accordance with the public interest.

Before discussing our first point, I should like to make one final comment regarding the manner in which Hearst Radio will present its case.

Relationship

It is my intention as a business man long associated with radio to outline the relationship which exists between broadcasting economics and operation in the public interest and to deduce, possibly, some fundamental principles in this field.

However, I am not an economic expert. Though I may forecast in theory what he will deal with in practical detail, I have asked Mr. J. L. McCarthy, Director of Marketing of Hearst Magazines, Inc., to discuss the marketing aspects of our presentation. I mention this so that you may address your questions as to marketing details to him.

We had originally planned to have our consulting engineer, Mr. J. C. McNary, discuss the technical phases, but, having heard the engineering testimony presented in the last few days, we came to the conclusion that anything he might say would be repetition.

We will therefore confine our presentation to economic matters and if this proves helpful in the solution of any of your problems it will be because you will be enabled to coordinate the economic factors to the technical factors which have already been thoroughly discussed.

In emphasizing the economic aspects of broadcasting service and allocation we are by no means unmindful of its basic reason for existence. Radio broadcasting exists fundamentally for the purpose of serving listeners. All other purposes are secondary to this.

Listeners

It may seem elementary to ask what constitutes listeners, but it is nevertheless important to do so. Listeners are persons possessing sets or having reasonably regular access to sets for purposes of use. For practical purposes one can consider the number of families possessing one or more radio sets scattered throughout the various portions of the country as the measure of the number and location of radio's listeners.

Here we are faced with a social problem which has its roots in economics. I have here a chart prepared for me by my economic expert. This chart shows the percentage of U. S. population located within the borders of each state. Population data have been taken from the 1930 Census. The chart also shows the percentage of total radio families of the country found in each state. This percentage is based upon the estimated number of radio families located within each state on January 1, 1936. The estimates were made by the technical subcommittee of the Joint Committee on Radio Research, which is sponsored jointly by the American Association of Advertising Agencies, Association of National Advertisers and the National Association of Broadcasters. It is the latest and most accurate information available on the subject. It is undoubtedly a conservative estimate since it represents the joint work of technical experts representing the buyers of time, the agency and the medium.

Distribution of Population

You will note from the chart that important differences occur in the distribution of population and radio set ownership throughout the several states.

The reason for the difference is obvious. Radio ownership is dependent upon purchasing power, and purchasing power varies greatly in different sections of the country. The distribution of radio ownership will continue to be conditioned by the existence of purchasing power. This is all the more so since the possession of radio receiving sets by approximately three-quarters of the families of the country already has brought set ownership sufficiently far down the income scale to tend to make the distribution of sets in various portions of the country a relatively static matter. When we introduce our expert marketing testimony, we shall deal with this matter in greater detail.

This being the case, we can establish our first principle based upon economics and social needs alike: radio regulation should be conceived in terms of radio families and not total population if *fair, efficient and equitable distribution of radio service* is to be made among the several states.

Degree of Growth

This regulation naturally should include some allowance for such degree of relative growth as may occur in the less saturated areas. However, this allowance should be based upon a scientific forecast of possible future development, and not upon either guesswork or optimism. Ample market data and tested estimating technique exist to make such a scientific forecast possible.

May we conclude our discussion of this specific point with one comment.

The county estimates of the Joint Committee on Radio Research are an excellent pioneering venture of greatest value socially and economically to broadcasting. However, these estimates do not provide all of the information which the Commission should have if it is to shape its regulation intelligently in terms of radio families. Neither is it everything which the advertiser or broadcaster desire.

Information as to urban and rural receiving set ownership in various parts of the country; data for at least all towns of 10,000 or more in population; the relative degree of ownership of sets in different parts of the country by various income and racial groups; data regarding age of sets in different sections and among various groups—these are some of the facts which the Commission should have at its disposal for detailed and painstaking analysis. Collection of information of this type involves a task of considerable magnitude. Its social and economic importance makes it a logical function of government, just as is the conduct of the U. S. Census, which in 1930 included a radio set census.

Radio Families Increase

Unfortunately an estimated increase in the number of radio families in this country of more than 90 per cent has made this information completely obsolete.

We respectfully recommend that the collection of up-to-date information as to the number and distribution of radio families in the United States, and pertinent data related thereto, be again undertaken by the Government.

This, then, is the first and most elementary point at which economics impinge upon broadcasting in the public interest. However, it is but one point.

Let us therefore proceed with the more important aspects of the relationship which exists between broadcasting economics and public service.

It should be axiomatic that a broadcasting station is able to operate in the public interest only to the degree to which it can secure revenues adequate to render the standard of service required for this purpose. Without adequate revenues, continued operation in the public interest is impossible.

Revenues for the operation of a broadcasting station can be secured from two sources, depending upon which of the two basic forms of broadcasting organization most prevalent in the world today happen to be employed.

Government Ownership

If government ownership is resorted to, either directly or by means of a public corporation such as the British Broadcasting Corporation, then revenues for operation must be secured by taxation.

If private ownership and competitive operation under government regulation, such as prevalent in the United States, is employed, then revenues for operation must come from the sale of the station's facilities to advertisers.

These two methods, advertising and taxation, are the only practical methods of financing a broadcasting station or national system.

Analysis of Commission station lists and similar data reveals that in this country, out of 628 licensees, only 11 stations, comprising 1.7% of the total number and representing less than one-half of one per cent of the nation's total facilities, calculated on a quota unit basis, are financially supported by other than the sale of time to advertisers or indirectly by taxation as in the case of educational or municipal stations. The method of private ownership and competitive operation of broadcasting stations is firmly established in this country. This system received official

recognition and sanction when, after extensive hearings touching upon every conceivable aspect of the organization, operation and service of radio broadcasting, the Congress of the United States passed the Radio Act of 1927. The basic theory and detailed provisions of this act were unequivocally based upon a privately owned and competitively operated broadcasting system. The so-called American system again was confirmed in the Communications Act of 1934, the provisions of which continued to be predicated upon such a system.

System Justified Itself

This system has amply justified itself in the fifteen years of its operation and in the ten scant years of its recognized legal existence. During that period it has come to serve approximately 23,000,000 families representing more than 70,000,000 people. These families are scattered throughout every one of the 3,073 counties in the United States. Approximately 3,000,000 of these families consider radio sufficiently important to have more than one set in their homes while about 3,000,000 of them have sets in their automobiles.

According to the statement made by Mr. James W. Baldwin, Managing Director of the National Association of Broadcasters, at the June 15th hearings of this Commission, the ownership of radio receiving sets is more widespread than is that of any other commonly accepted standard of living factor in American life. The 23,000,000 radio families are to be compared with 11,000,000 residence telephones, 21,000,000 wired homes and an estimated 17,650,000 families possessing one or more passenger automobiles.

Such a degree of radio set ownership can occur only where appreciative and satisfied listeners exist.

The competitive aspects of the American system have produced one of the most advanced broadcasting services in the world, both technically and from the program viewpoint. American program service has been particularly democratic, since it is based upon popular approval. Private ownership and competitive operation in this country also has fostered and maintained a degree of freedom of speech and civic discussion unparalleled in any other country.

Private Ownership

The continued existence of a broadcasting structure based upon private ownership and competitive operation in the United States has been made possible only by the financial support derived from advertisers. Service of American broadcasting in the public interest is therefore fundamentally dependent upon its economic success as an advertising medium. Eliminate advertising revenues and you eliminate the American system of broadcasting, just as you would eliminate the American press.

Let us be quite clear on one point regarding advertising support of American broadcasting. In spite of obvious shortcomings in individual instances, advertising support has been in the public interest.

Advertising, over and above its fundamental value as a source of revenue, has made constructive social contributions to the service of American broadcasting.

It has fostered technical development in that stations have exerted every effort to adequately cover their market areas so as to be able better to reach listeners and therefore to attract advertising accounts.

Advertising has fostered the development of general program service. The many and varied programs sponsored by national advertisers, ranging from the world's best symphonic music to its funniest comedians, have added greatly to the wealth of entertainment and cultural material available to American listeners. In a similar manner have the local programs of the more important individual station advertisers been of service to listeners.

Advertising Sponsorship

Possibility of advertising sponsorship and of attracting accounts has impelled stations to build programs which would win loyal audiences in their community.

Advertising also has tended to pioneer in the use of new program forms and thus enhance the variety of entertainment available to listeners. This has been definitely established by Dr. Herman S. Hettinger of the University of Pennsylvania in his authoritative study of broadcasting economics entitled "A Decade of Radio Advertising." (Table XXXIII, pages 228-229.)

Finally, radio, in common with all advertising, has been a constructive force in its own right, where properly applied. Advertising is a constructive force. It educates the public to new utili-

ties, thus aiding in raising the standard of living. It stimulates demand, and therefore aids in speeding up the movement of trade. Consequently it assists in keeping the wheels of industry in motion and in maintaining employment.

One thing is particularly important to remember when considering the relationship of advertising revenues to the operation of broadcasting in the public interest.

Increased Advertising

The helpful effect of advertising support is cumulative. Increased advertising volume means added revenues. Added revenues make possible improved technical and program service to the end of attracting more and loyal listeners. Such improved technical and program service make the station even more attractive to advertisers with consequent further stimulation in advertising volume. Thus an ever widening circle of service is set up.

It is assumed, of course, the station owners will turn back sufficient portions of their increased revenues into listener service. This seems to be a reasonable assumption, at least from the experience of Hearst Radio. No sooner did we take over station KTSA than we proceeded to install a new transmitter so that we might better serve the surrounding territory. We also are taking steps to improve the general program service to the maximum degree possible in keeping with local needs and desires.

Of particular importance to this hearing is the converse of the preceding observation. If added advertising revenue exerts a cumulatively helpful influence on station listener service, then the loss of advertising revenue likewise constitutes a cumulative drag upon station service.

Broadcasting is a peculiar industry in that it is the only one of which I know where costs increase as volume of business decreases. Every hour not filled with a sponsored program must be supplied with sustaining program service.

Thus the loss of an advertising program reduces revenues and at the same time increases operating costs, if program standards are to be maintained.

Difficult to Supplant

Moreover, if the advertising program is a particularly popular one, it may be difficult to supplant it with another of like quality. Loss of any large number of such programs may reduce program quality over the station to the point where the listening audience begins to turn to other stations. Reduced listener audience tends further to reduce advertiser interest in the station, so that financial failure becomes almost inevitable.

We can now deduce a second principle from these observations as to the fundamental relationship of advertising to the public interest: Since the operation of the American system of broadcasting in the public interest is dependent upon the revenues which it secures as an advertising medium, any system of regulation, if it wishes to foster operation in the public interest to the maximum degree, must recognize, as *one fundamental factor*, the potentiality of securing sufficient advertising revenue by the station to make such service possible.

The question now arises as to how this principle may be recognized in a practical manner. Answer of this question requires a more thorough analysis of the nature of the advertiser's interest in a specific radio station. What is this interest?

Potential Purchasers

The advertiser is concerned with the potential purchasers of his product. Radio listeners are potential buyers, especially for mass consumption goods. The broadcasting station provides the advertiser with a potential contact with the listeners situated in this service area. This contact consists basically of the station's ability to deliver a signal in that area of a strength, quality and consistency sufficient to make possible regular listening. Herein lies the fundamental value of a station as an advertising medium.

Here we come to another highly important economic factor. An advertiser's interest in a station does not rest upon its indiscriminate coverage of listeners. Coverage in a distant continent or some other far-removed spot is interesting but of dubious economic value.

This does not nullify the value of coverage over wide distances on clear channel stations where sky wave reception from such transmitters may constitute the principal means of night-time listening.

But such coverage is of importance only where the advertiser has sufficiently widespread markets and where his distribution

takes in a sufficiently large proportion of possible retail outlets to give him a really close approximation of national distribution. This condition exists less frequently than is commonly supposed.

Intensive Coverage

Even then, the advertiser is first and basically interested in the intensive coverage of his primary markets: those markets in which the greatest number of people with the most buying power either reside or buy. Only following this, is he interested in the wider coverage of extensive areas. This is even the case with regard to national network advertising, the greatest economic value of which is that of making possible the simultaneous coverage of primary markets.

Viewing the nation as one great market, therefore, we can say that the advertiser's principal interest centers in those points where population and buying power tend to concentrate. He therefore makes a practice of dividing the country into a number of such areas for control purposes and in order to reduce distribution costs.

It is only natural that these areas—usually referred to either as consumer trading areas or retail trading areas—should center about important communities or key cities. Trade always has tended to concentrate where buyers and sellers have congregated, so that the cross roads has become the market place and the market place, drawing from the surrounding countryside, has grown into the town. Thus the city in itself has become one great market place, drawing trade from the territory adjacent to it.

Consumer Trading Area

The city and the contiguous territory dependent upon it economically may be said to constitute a consumer trading area. Such a trading area is comprised of the dominant city and such satellite communities and portions of the countryside which habitually trade within its limits and which are economically dependent upon it. This is what constitutes the advertiser's principal interest, for it is through the retail establishments located in such a market area that he can reach the purchasers located there. It is by means of the radio station serving such a consumer trading or market area that the advertiser can establish contact with prospective purchasers and perhaps persuade them to buy his product.

On the basis of these observations we can state the advertiser's interest in a broadcasting station even more specifically than before. The advertiser finds a broadcasting station of value if it is located in a market which is economically important to him; and if the station is able to cover that market in a satisfactory manner.

From this we can deduce a third principle: Stations must be located in and guaranteed adequate coverage of markets of general interest to advertisers if potentiality of advertising revenue and consequent operation in the public interest is to be safeguarded.

Broadcast Regulation

This principle must be considered as a fundamental aspect of broadcasting regulation if economic stability, the prerequisite to public service, is to be secured.

The application of this principle raises a large number of detailed economic and technical questions which fall more properly into the category of expert testimony. I do not wish to raise them now, since our experts will deal with them in detail. I do wish, however, to anticipate some of the questions which undoubtedly have occurred to you at this juncture so that you at least may possess the bare outlines of the complete picture.

Allocation of stations on the basis of service to logical market or trade areas is not incompatible with the public interest. It has already been shown that such areas constitute the advertiser's principal concern and that coverage of them therefore increases the economic stability and well-being of individual stations and of the American system as a whole, with consequent safeguarding of operation in the public interest.

Moreover, as our expert testimony will show in greater detail, such market areas tend to be *social* as well as economic units, so that they comprise logical spheres of influence for broadcasting stations. They also are sufficiently varying as to contour, population, trade and similar features not to impose rigidity upon classes of stations established, but rather to impel toward even greater elasticity than now exists.

Buying Power

Finally, as I have indicated in a general manner, radio families now tend to concentrate in terms of buying power location and

therefore in markets, so that coverage of markets results in reaching the great majority of listeners. These points will be developed more fully in our expert testimony.

Expert testimony also will develop the fact that these markets can be defined and evaluated with sufficient accuracy to make possible their use in any system of allocation which may be developed. It will show that advertising potentiality can be determined, at least to a relative degree, so that recognition of the economic factor in these terms is a practical consideration.

Expert engineering testimony also will develop the fact that improvements in the broadcasting art have made possible sufficient elasticity to enable the combination of the technical and economic factors in station allocation to the end of improved listener service.

Combined technical and economic testimony will show that recognition and inclusion of the economic factor will not result in radical and far-reaching changes in present broadcasting structure or allocation. Rather it will constitute a logical basis for an evolutionary development of service along constructive lines, and will provide a means whereby the regulations of the Commission may be brought up-to-date in response to their avowed intention of bringing them to "conform to the actual practice of today."

Relationships

There is still one point regarding the relationships existing between broadcasting economics and operation in the public interest which should be raised.

It is quite true that coverage, in the technical sense, of a desirable market is the fundamental value which a station possesses for the advertiser. However, listening is the result of more than coverage. Listening is compounded of the ability and the desire to hear the station's programs. The probability of actual listener contact for the advertiser therefore is increased materially if the station has built up a loyal audience in the area which it serves. This loyal audience is the result of the quality of the station's signal, plus the sum total of its program service, its promotion and policies.

Programs loom especially large in this respect, and in fact are the deciding influence. Since quality of program service is a fundamental factor in operation in the public interest, it follows that operation in the public interest is what creates the value of the station as an advertising medium. Thus the cycle is completed.

Broadcasting Economics

This aspect of broadcasting economics and service is of marked importance in regulatory practice and procedure. Delivery of adequate signal and the presentation of a sufficiently high standard of program service to attract any important measure of regular listeners necessitates the possession of sufficient working capital and technical and program skill to make this possible. We can therefore state axiomatically that if a new station is to operate in the public interest or to become successful as an advertising medium, it must possess both adequate working capital and a sufficiently experienced and expert staff.

This is an old story, but it has a new angle. The amount of working capital and skill which will enable a station just to get by in the community and to provide a minimum of service is one thing, and the amount of each of these factors required to enable it to win a definite place in the community as an important force, and to grow in service and advertising value, is a highly different thing. If a station merely possesses sufficient resources and skill to provide minimum service, it probably will remain a marginal unit of the industry, socially and economically, for the remainder of its days.

Fourth Principle

We therefore can formulate a fourth principle: Progressively higher standards of working capital and broadcasting experience are desirable and necessary if the general level of broadcasting service is to be improved and if probability as well as possibility of adequate revenues from advertising to enable operation in the public interest is to be safeguarded as far as is practicable.

The determination of adequate standards with regard to working capital and similar matters is dependent largely upon the collection and compilation of financial and other data for groups and classes of stations. This then serves as a basis for evaluation in specific cases. The increased collection of such data on the part of licensees is to be encouraged, as is the keeping of station accounts in a sufficiently standard manner as to make such compilation possible.

A policy of requiring progressively higher standards of working capital and skill and of encouraging the compilation of fundamental comparative data in the field of broadcasting economics should assist materially in further shaping American broadcasting service in the public interest.

In the past half hour we have traversed such ground, some new and some old. Before turning to our expert testimony may I summarize the principles which we have developed and which Hearst Radio feels should be considered by the Commission in the formulation of policy as to broadcasting regulation.

Summary

1. Radio regulation should be conceived in terms of radio families and not of total population if "fair, efficient and equitable distribution of radio service" is to be made among the several states.
2. Potentiality of securing sufficient advertising revenues to enable continued operation in the public interest must be considered as one fundamental factor in broadcasting regulation and in the allocation of facilities.
3. The most practical means of recognizing this principle seems to be the location of stations in markets of general interest to advertisers and the guaranteeing of stations so located of adequate coverage in the market to enable them to be of economic and social value.
4. In order to safeguard such coverage, the signal of the station located in the market should compare favorably in its logical service area with that of any competing station of a like or comparable class delivering a signal in the territory in question. Though complete attainment of this goal is probably impossible, it should be followed as far as is technically feasible.
5. If there is any question of adequacy of coverage, it should be made to exceed rather than fall short of the market limits, though not to an unreasonable degree.
6. Standards should be imposed, as far as is practicable, which will ensure the possession of the requisite working capital and skill to make possible initial program service and technical operation of more than marginal quality, thus ensuring constructive future development in the public interest.
7. When once it is established by careful economic analysis that a community possesses as many stations of proper class and kind as the community can reasonably be expected to support, then the potentiality of advertising of these stations should be safeguarded by protection from unreasonable further increases in facilities and consequent ruinous competition.
8. Enough healthy and constructive competition should be fostered by every legitimate means to maintain vitality of service and incentive for further development and improvement thereof.

Functioning of Broadcasting

This completes the more general portion of our case. The principles which have been set forth, to our view, are fundamental to the successful social and economic functioning of American broadcasting.

Since technical considerations loom large in these hearings and in the proposals which have been and undoubtedly will be made during their course, there is one thing which should be made clear.

Hearst Radio wishes to emphasize that it is not in opposition to any technical change of procedure or regulations which will result in improved listener service, viewing this term in its broadest implications.

Hearst Radio merely requests that such changes as may be contemplated be first studied most carefully from the viewpoint of the principles which we have set forth.

In other words, we ask that technical developments be fitted to and be made the servant of social and economic needs to the end of further progress in the listener interest.

Mr. Gough, under cross examination, stated that Hearst Radio is not a subsidiary of the Hearst Newspapers but is a separate organization of Mr. Hearst. He answered no to the question of whether further development of broadcasting would affect other advertising mediums. He agreed, he said, with evolutionary changes in radio and said that they should be "slow but sure." The same broad lines of economics, he stated, applied to broadcasting stations whether they are owned by the government or by individuals. In his opinion, he said, the Commission must consider both national and local needs in any changes it makes in radio.

J. L. McCarthy

Mr. McCarthy, of the Marketing Division of Hearst Magazines, who stated that he had been a marketing expert for the past sixteen years, spoke in considerable detail of the three-year market survey made by the Hearst Magazines in the United States. He said that in his opinion the economic facts of broadcasting could be ascertained by the Communications Commission by getting much data which are filed in other government departments.

Mr. McCarthy spoke of the 626 trading areas which had been surveyed and said that he had not applied the trading area system to the broadcasting stations of the country. The marketing data, he thought, however, should make a good base for study by the Commission.

Mr. McCarthy testified that in his opinion radio sets are approaching a saturation point in this country and that they will never reach one hundred per cent.

He spoke in some detail of surveys which he had made in the trading area of Watertown, New York, and Grand Rapids, Michigan, and of the New York multiple trading center market. Also he made a comparison of areas of equal population which vary widely in buying power.

Mr. Butcher and Mr. Cohan made very brief statements of introduction on behalf of the Columbia System.

Dr. Frank N. Stanton

Dr. Stanton, of the Market Research Department of Columbia Broadcasting System, made an elaborate presentation with lantern slides, taking up specifically a study which was made by that company in rural Pennsylvania.

He admitted that the study, which necessarily had to be made in haste, was not typical of rural conditions throughout the country. He said that the results of the study were in complete agreement with that made by the Communications Commission a year earlier. The figures which were arrived at, he stated, can merely be taken as range finders. During the course of his testimony Dr. Stanton said that he is of the opinion that the poor reception received by farmers in various parts of the United States is not only due to the station but due to the condition of their sets.

Dr. Stanton said that the Columbia's survey of favorite stations in rural Pennsylvania showed that 86.6% are in favor of clear channels, compared with 82.5% shown in the Commission's survey. The Columbia's survey gave 12.3% as favoring regional and 1.1% favoring local channels, compared with 14.8% and 2.7%, respectively, in the Commission's survey.

Two Questionnaires

The Columbia, said Dr. Stanton, sent two separate questionnaires into the rural Pennsylvania area. The first one showed the favorite vs. the strongest station and the second one took up day vs. evening reception.

As a result of the first questionnaire on the relation of the favorite to the strongest stations, 47.6% voted for a favorite station which is not the strongest station heard on their set. On another survey of program vs. signal taken in 10 cities of the United States, including Baltimore, Maryland; Boston, Massachusetts; Charlotte, North Carolina; Chicago, Illinois; Erie, Pennsylvania; Evansville, Indiana; LaCrosse, Wisconsin; Lowell, Massachusetts; Syracuse, New York; and White Plains, New York, the returns showed that 64.9% selected their favorite station because of the programs it broadcasts, while 17.7% selected their favorite station because it was easy to get on their sets, and 17.4% selected their favorite station because it had the best programs and came in the easiest.

Second Questionnaire

In the second questionnaire which the Columbia sent into Pennsylvania dealing with the relation day to evening preferences, 68.8% of the evening favorite station are not daytime favorite stations as shown by the survey.

Dr. Stanton told the Commission that two more questions might have been added to the questionnaires which were sent out, including (1) are you getting satisfactory radio reception? and (2) how old is your radio? He said this was not done, although the answers would have been very interesting because of the shortness of the time available for the surveys and because it is not satisfactory to put too many questions in such inquiries to the public.

He presented an interesting chart showing urban and listening

curves based on 15,650 personal interviews conducted in 304 cities and rural communities and 2,223 scattered farms.

Suggestions

Dr. Stanton made six suggestions for future research study, including:

1. A study of rural areas to determine
 - a. The degree of radio ownership;
 - b. The present rate of radio set sales and replacements.
2. A study of rural radio listeners to determine
 - a. Their attitude toward radio;
 - b. Rural opportunities to listen;
 - c. Rural listening habits;
 - d. Rural coverage, day and night;
 - e. Rural program services.
3. A study of general audience attitudes
 - a. Toward local and remote stations;
 - b. Network and non-network programs;
 - c. Sustaining and commercial programs;
 - d. Live talent and transcription programs.
4. An analysis of general listening habits over a period of years to determine the trends toward or away from local and remote listening, DX-ing, etc.
5. Determine the size and economic status of the United States areas which would be newly served by all possible 500 kilowatt stations.
6. An analysis of the stations which would fall within the primary service areas of new 500 kilowatt stations * * * a study of the operating costs and incomes of these and other stations with regard to the possible changes in operating practice which would follow power increases.

William B. Lodge

Mr. Lodge, also on behalf of Columbia, presented charts and exhibits from the engineering standpoint. He recommended that no increase in power be made on clear channels from 50 kilowatts at this time.

Mr. Lodge suggested the re-classification of broadcast stations as follows:

1. The purpose of a CLASS A (Clear) STATION is to serve a widespread area of low population density in addition to a large metropolitan area. The association of a Class A Station

with a large city should not obscure the fact that its assignment is established primarily for the listener within a radius of a thousand miles, and for whom it would otherwise be economically impossible to provide satisfactory service.

2. The purpose of a CLASS B (Dominant Zone) STATION is to serve a considerable area of low population density and a large metropolitan area. Its skywave signal is intended to provide a satisfactory nighttime rural service within a radius of 300-400 miles and in all directions from the transmitting station. A non-directional antenna is permitted.
3. The purpose of a CLASS C (Restricted Zone) STATION is to serve a considerable area of low population density and a large metropolitan area. Its skywave signal is intended to provide fairly reliable nighttime rural service within a radius of 300-400 miles but not in all directions from the transmitting station. A directional antenna is required.

NOTE: Combinations of either one Class B and one Class C or two Class C stations may be authorized to operate on a particular frequency. Two Class B stations will not be authorized to operate on the same frequency.

4. The purpose of a CLASS D (Regional) STATION is to serve a city or important detached center of population, in addition to the suburban and rural areas in its immediate vicinity. In general, the night service will not extend beyond the daytime range of the station.
5. The purpose of a CLASS E (Sectional) STATION is to serve a smaller city or large town. During the daylight hours its range may include rather large areas, but after nightfall its service will include only that section in immediate proximity to the city or town.
6. The purpose of a CLASS F (Local) STATION is to serve a small town or community.

NOTES: A station of lower classification will be authorized to operate on a channel used by stations of higher classification, provided:

- (1) *the primary use of the channel on a national scale is not impaired thereby;*
- (2) *all stations involved (existing on potential) shall receive the protection specified by considerations of good engineering practice.*

A Class E or Class F station will be authorized to operate in a large area which can be completely served only by a station of higher classification.

Allocation Hearing Before Federal Communications Commission Nears Completion

A number of witnesses appeared before the Federal Communications Commission today at the allocation hearing which was resumed after a recess since last Friday. Also there was rebuttal testimony by the clear channel group.

Members of the Commission who are sitting in at the hearing indicated at adjournment today that they believed the hearings would be completed tomorrow evening or at the very latest Wednesday.

Among those testifying today were: W. J. Pape, Radio Station W1XBS, Waterbury, Connecticut; James C. McNary, on behalf of W1XBS and WTIC, Hartford, Connecticut; Ben S. Fisher, speaking on behalf of a number of west coast stations; George O. Sutton, on behalf of a group of regional, local, day-time and limited time stations and also a presentation for the National Independent Broadcasters and Louis G. Caldwell, rebuttal testimony on behalf of the clear channel group.

W. J. Pape

W. J. Pape in his statement in connection with W1XBS said that that station had found that the territory in which a satisfactory signal can be delivered on its frequency of 1530 kilocycles is very restricted.

Mr. Pape said:

I am testifying as president and treasurer of the company which owns and operates Station W1XBS of Waterbury and New Haven, Connecticut, as to our experience of nearly two years broadcasting on the 1500 to 1600 band.

Many doubts were expressed at the outset in competent circles as to whether inherent difficulties attending these frequencies would not prevent their successful operation. A preliminary survey conducted prior to the opening of the station indicated to us that approximately 70 per cent of the receivers in our immediate territory were capable of receiving 1530 kilocycles. A detailed report covering this survey is on file with the Federal Communications Commission. We recognized in advance the disadvantages of the commercial use of this band due to this receiving set condition.

Soon after W1XBS opened it became apparent that the call letters had commercial disadvantages because numerous advertisers questioned the commercial value of an experimental station as compared with a regular broadcast station.

The expected difficulty with receiving sets capable of dialing 1530 were found to actually exist shortly after the station opened. Being owned and operated by newspapers, W1XBS had publicity facilities which were used to advantage. Programs being presented were exploited generously and a desire created to listen to these programs. The fact that receiving sets not capable of getting W1XBS could be inexpensively adjusted was also publicized and the co-operation of local radio repair men obtained to make these adjustments. The result of this campaign was very clearly indicated in a second survey conducted one year after the station opened when approximately 93 per cent of the receiving sets were found capable of dialing W1XBS at that time. This survey is also on file with the Federal Communications Commission. This condition has been improving gradually ever since because of purchases of new receiving equipment.

By correcting the receiving set condition as outlined and by constant newspaper publicity on the programs presented, the disadvantages of experimental call letters have been partially reduced but we still feel that regular call letters are essential to the successful commercial operation on the 1500 to 1600 band.

Signal Restricted

We have found that the territory in which a satisfactory signal can be delivered on this frequency is very restricted. We believe that if greater coverage were allowed either through the use of more power or synchronization, greater use of the 1500 to 1600 band would be made. Our engineer will present data showing the feasibility of better coverage on these frequencies.

An excellent indication of the improvement of 1530 kilocycles for commercial broadcasting is evident in a comparison of expense and income figures now with those of the first year of operation. During the first year, net sales represented 54 per cent of our net operating expense. For the six months ending August 31st of this year, our net sales represent 79 per cent of our net operating expense. It is understood, of course, that the construction and operating cost of our high fidelity station has been greater than that of the average radio station due to the high standards maintained.

When I last appeared before this Commission, it was in the capacity of an applicant requesting the Commission to open these frequencies for use by experimental broadcasting stations. At that time I committed my company to rather heavy expenditures of money in order to carry on certain experimental work with the hope of making some developments which would prove beneficial to the Art. What real technical developments have resulted is a question for our engineers to discuss. I can say, however, that we have carried out every promise and have furnished this money willingly in the hope that we could justify the use of these frequencies. From my limited knowledge of the various phases of the business, I believe we have justified the use of these frequencies.

In conclusion, I believe, as a business man, that we have overcome most of the difficulties during the past two years and have reached the point of the future profitable use of 1530 kilocycles as a regular commercial broadcasting station provided the coverage problem which will be discussed by our engineer can be satisfactorily adjusted. I believe we have reached the era of commercial recognition and can be self-supporting if the difficulties outlined are removed.

Under cross examination Mr. Pape said that his station had found that following its establishment the radio set sales in the immediate vicinity increased considerably. Questioned regarding station profits he said that his station is not yet operating on a net profit but it hopes to be soon. In this connection also he reported that no depreciation has been marked off up to this time.

J. C. McNary

In his engineering testimony regarding this station (W1XBS), Mr. McNary said:

I shall confine this testimony to comment on the usefulness of the frequencies between 1500 and 1600 kilocycles.

A number of exhibits have been prepared for the record showing the power required to transmit 10 millivolts, 2 millivolts and ½ millivolt to various distances for the frequency range from 1200 kilocycles to 1600 kilocycles and for two values of soil conductivity, namely, 10^{-13} EMU and 2×10^{-14} EMU.

As the exhibits speak for themselves there is little need for detailed comment other than to point out that in each of the cases examined the coverage obtainable on 1600 kilocycles usually exceeds 70 per cent in radius of that obtained for the same power on a frequency of 1200 kilocycles. The rather obvious deduction is the fact that the frequencies from 1500 kilocycles to 1600 kilocycles are definitely useful for broadcast purposes even though

their transmission efficiency is somewhat reduced. For example, a power of 5 kilowatts will transmit $\frac{1}{2}$ millivolt on 1600 kilocycles to a distance of 50 miles when the soil conductivity is 10^{-13} EMU and to a distance of 22 miles when the soil conductivity is 2×10^{-14} EMU.

As a matter of interest an additional exhibit is presented to show the comparison for areas within the two millivolt per meter contours for a 1 kilowatt station operating on 1600 kilocycles and three 250 watt synchronous transmitters operating on the same frequency. This exhibit shows that the three synchronized transmitters may be used to cover about the same number of square miles as a single transmitter having a higher power. The area covered differs in shape from a circular pattern, from which it may be deduced that synchronous transmitters may be useful for distorting coverage areas so as to include populated districts which may not be symmetrically placed with respect to a central point at which the transmitter is located.

In connection with the synchronized system it is suggested that research is desirable to determine the nature of the sky wave interference at night produced by two or more synchronized transmitters.

Directional antennas also furnish a means for varying coverage areas and for control of interference.

George O. Sutton

George O. Sutton testifying today in behalf of a group of regional, local, day-time and limited time stations showed the importance of giving proper consideration to the social and economic needs of the various types of areas requiring radio service in future allocations. He also indicated the basic principles on which the allocation of broadcasting facilities should be made, in his opinion, to conform more closely to the social and economic needs for radio service than are now possible.

Mr. Sutton said:

My name is George O. Sutton, I am making this presentation in behalf of a group of regional, local, limited time and daytime stations, which I represent. It is my hope that the suggestions herein contained will prove helpful to the Commission, the stations and other interested parties.

It is my purpose to present for the consideration of the Commission of various problems which are now confronting many regional and local stations and which prevent them from rendering the service to which their listeners are entitled. We wish to further show the need for a revision of the policy and procedure of the Commission in the allocation of station frequencies and I will endeavor to present a number of suggestions which I feel will prove useful in bringing about a better balance between the various kinds of services now offered by broadcasting stations.

Specifically I desire to develop the following points:

(1) To show the fallacies on which the original allocation of facilities was based in 1928, which allocation has not been changed substantially by regulation since that time.

(2) To show the importance of giving proper consideration to the social and economic needs of the various types of areas requiring radio service in all future allocations.

(3) To indicate basic principles upon which the allocation of broadcasting facilities may be made to conform more closely to social and economic needs for radio service than now possible.

In making this presentation there are several things which I most emphatically propose not to do. We shall not attempt to set forth any great mass of statistical data on economic and social aspects of broadcasting. The majority of pertinent information of this type necessary to a consideration of the issues here involved already has been presented. Therefore, we shall confine our own discussion to that of broad fundamental principles.

No Specific Recommendations

Neither shall I attempt to set forth any detailed and specific recommendations as to regulations. These can be the result only of minute study of issues, and problems. Rather I shall confine myself to setting forth the principles upon which such specific regulations should be heard.

Finally I shall not attempt to present any comprehensive and categorical case built upon the extension of a single theory to its logical conclusions. A principle or theory is merely a guide post. It is not the entire road. What can be produced in the test tube can be manufactured commercially and made available to

society generally only if the theory underlying its creation can be adapted to the requirements of modern mass production technique. The perfect principle or theory—that is, perfect to the degree to which our perfect minds have mastered the truth—soon becomes imperfect when an attempt is made to apply it rigidly to the fluctuating conditions of life and activity here on earth. For this reason I shall approach the entire problem of future allocation from a purely practical viewpoint, applying the pragmatic test of “will it work” and attempting to find, if not the perfect theory, at least the intelligent compromise which will enable all classes of service to be improved progressively with the maximum net gain to the American listeners.

In making this presentation, I do not wish to enter into any long recital of allocation history. Yet the future can only be constructed out of the mistakes and accomplishments of the past. Their heritage rests alike upon the present and the future, and unless we understand what has transpired in the years which have gone, we cannot appreciate the limitations or the potentialities of the years to come. What can be done, and more important, what must be done in broadcasting today, is definitely conditioned by the accomplishments and the shortcomings of the allocation of 1928.

Only One Angle Presented

It is all the more important that you have this clearly in mind because, thus far during the course of these hearings, but one angle of this allocation, favorable to one class of station, has been presented. It shall be my purpose to complete the picture.

One additional comment: In dealing with a cold recital of what transpired and in deducing the results which emanated therefrom I do not wish to seem to criticize regulatory bodies. The task they faced was an almost impossible one, and, when all factors are considered, it is sometimes surprising that so much was accomplished. But this does not alter the fact that the solution, no matter how much better than the preceding situation, was not a perfect one.

In order to understand the defects of the present assignments as they developed out of the allocation of 1928, it is necessary first to examine the manner in which that allocation came about.

Several salient points are evident in this respect:

1. The Commission had before it in 1928 the best engineering principles then available. This, however, does not offset the fact that other principles, of equal importance, have been developed since then. Neither does it offset the fact that practically nothing was known of either the social or economic aspects of broadcasting at that time.

2. When the allocation of 1928 was set up the fatal mistake was made of attempting to apply the known engineering principles of that period in such a manner that they would be completely suitable to all allocations in the future.

That this has failed in application is evidenced by the fact that these hearings are being held at all.

Concerning this point I wish to make an additional observation: Radio is still a developing industry. Ultra-high frequency transmission, television and facsimile broadcasting are but a few of the improvements which hover on the threshold of the future. Until such a time as the social, technical and economic aspects of radio reach a point of stabilization, it will be impossible to set up rigid regulations which will suffice for all time. Unless radio differs materially from other fields of science and art, such stabilization will never occur. Consequently the rigidity of the past must be supplanted by flexibility in the future.

Davis Amendment

3. The Davis Amendment, as interpreted by the Commission, required that allocation of frequencies be made on the basis of absolute mathematical equality between zones. This was an important factor contributing to the rigidity of the present broadcasting structure.

4. Since the emphasis was placed upon engineering considerations in the 1928 allocation, with little or no regard for the social and economic factors, the needs of radio listeners in the areas in which they resided were assumed to conform to idealistic engineering theory rather than having engineering theory, as far as it was practical, adapt itself to listener requirements. In other words, the entire emphasis was placed upon the limitation of channels then existing and too little thought was given either to the needs which these channels actually should be made to fulfill, or to the fact that in any field of science, where limitations exist, means are usually found for offsetting them at least to some measure.

At this point I wish to state the following principle: Regardless of what may be said by those seemingly unaware of the basic significance of economic and social factors in the consideration of such important problems as the allocation of broadcasting frequencies, unless there is proper balance between the service functions of radio and sound engineering, we cannot hope to develop a basis of allocation which will be fair and equitable to all groups requiring radio service.

Let me show you what was the result of the 1928 allocation. The first and most important result was the setting up of a rigid and inflexible classification of channels, with insufficient and imperfect consideration of the listener requirements of the various areas which the stations operating on these different classes of channels were supposed to serve.

Four classes of channels were established: clear channels, regional channels, high powered regional channels and local channels. Of these four, it was the clear channels which dominated the entire allocation plan. It is therefore, highly important to see how they came into being and how 40 of the 90 available frequencies were reserved for their use. It also is important to note the results which emanated from this policy.

Clear Channel Establishment

Clear channels were established in this country to meet the peculiar needs of our expanding broadcasting structure. The number of high power stations was growing very rapidly and was beginning to exceed the limited number of frequencies which were available. The fact that rural areas and outlying sections of metropolitan centers, which due to high tolerances and resulting interferences, were unable to secure good reception from stations on crowded frequencies, was advanced by the proponents of the clear channel theory as an argument for devoting each of a large number of frequencies to the exclusive use of a single station.

The direct quotation of the main testimony for the allocation of stations to clear channels in 1928 is as follows:

"If one is going to set up a reasonable approximation to an ideal broadcasting service, that is to say, one in which all the stations will be given either their full service range for the distribution of their signals or at least a fairly substantial part of their service range, then on each channel in the entire United States there must be no more than one 5,000 watt station and no more than one 1,000 watt station; that is to say, if a 1,000 watt station is put upon a single frequency, there must be no other 1,000 watt station on that channel, if the first one is to have undisturbed use of its service range or if even a substantial part of its service range is to be free for rural listening."

"I cannot emphasize too strongly the desirability of using each channel for the highest power that cross talk limitations will permit, with the geographical separation needed, which I would put at a minimum of 5,000 watts per channel, with proper geographical separation, so as to develop the national transmission, the inter-state transmission, rather than the purely community or local services."

Psychology of Period

The force of this argument was speciously augmented by the prevailing psychology of the period. This was a psychology which was dominated by curiosity rather than by any conception of service as it is now understood. It was a greater accomplishment and more important to the listener to secure an execrable program from Chicago or Denver, than it was to receive regularly the best symphony orchestra from a nearby eastern community. So long as the station call letters could be identified without too great use of the imagination all was well. It was no wonder that distant listening was emphasized to the exclusion of all else and that sky wave reception in points as distant as Australia was spoken of as possessing real significance. You may recall, probably with some amusement, that silent nights were maintained by most stations so that listeners in their immediate area might be permitted to fish for the signals of more distant stations located on the same or adjoining frequencies.

It was advocated by many engineers in 1928 that each of the 90 frequencies should be reserved for one high powered station and that in this manner the best national service could be secured. The desirability of localized service of any type was not even perceived. Smaller stations were looked upon as a necessary political evil rather than a social and economic asset and actual necessity.

However, the complete adherence to such a theory would have eliminated the great majority of existing stations. This met with

such violent and deep-seated opposition that it was impractical to develop a completely clear channel service. As a result, more by chance than by design, localized service of present so-called regional and local stations were preserved. It should be noted that there were a few voices crying in the wilderness. A small minority believed that twenty channels or even less would be sufficient to meet the needs for service over extended territories, but they were lost in the general stampede for distant listening.

There were certain practical and legal situations that favored the establishment of such a large number of clear channels. High power stations had developed in two principal areas: The Middle Atlantic and North Central States. The Davis Amendment further complicated the situation by requiring that facilities be equalized as between geographically and socially unequal zones. Therefore, since it was impractical to delete or to reduce the power of the numerous large stations in existence and since engineers deemed it impractical to duplicate assignments of high power stations on the same channel—in order to comply with the equality clauses of the Davis Amendment, it was decided to raise the power of numerous stations in other sections of the country and allocate clear channels to their exclusive use.

The ownership of important stations by large capital groups also increased this pressure for clear channels stations.

First Owners

Some of the first companies to own and operate broadcasting stations were the manufacturers of radio receiving sets. These companies were confronted with the problem of developing an adequate broadcasting service so that they would have a logical basis for encouraging the public to increase their purchase of radios.

Another group of companies who were prominent among the original owners of radio stations were newspaper publishing houses, insurance companies and department stores, all of whom were interested in promoting their interests over wide areas.

It was only natural that these stations should be interested in increasing the power of their respective stations so that they might reach a more substantial listening audience. Thus we find that these stations had invested a considerable amount of money in high power equipment and improved facilities before 1928.

During the allocation proceedings, the owners of these stations proved to be the most energetic proponents of the clear channel theory since they were certain in their own minds that by virtue of their ownership of high power stations, that they would derive the maximum benefits from such privileges if this type of channel were established. Once this theory had been established by regulation, these same interests have progressively advocated and promoted the use of higher power for clear channel stations.

The net result of these increases in power and the additional investment in equipment, which were made by the owners of these broadcasting stations, was to greatly strengthen the control of these companies over important clear channel frequencies.

Clear channels' dominance and influence has been further accentuated by the following situation. During the past eight years, the Commission has departed from its original policy and permitted certain stations to operate simultaneously with the dominant stations on certain clear channel frequencies. However, the Commission has allowed the dominant station undue authority by requiring the consent of this station as a prerequisite to simultaneous operation on its frequency.

Chains Dominate

The practical result of this policy has been to allow the chains to dominate the awarding of these privileges in desired localities, since most clear channel stations have chain affiliations. In a few cases, certain clear channel stations have taken advantage of this situation and permitted simultaneous operation on their frequency by small stations, thus completely eliminating the opportunity of other stations to use these frequencies in areas to better radio service.

Now let us see what have been the results of the dominant position given to clear channels and clear channel theory in the 1928 allocation.

The first result was the uneconomic use of the clear channels set aside at that time. The excessive number of clear channels provided for by the Commission in 1928 forced certain stations to increase their power to the minimum of 5,000 watts necessary to secure the right to operate on a clear channel frequency. In a number of cases there was neither the social need nor the desire to go to this higher power. Only the competitive station and the fear of being forced to accept the very much less desirable regional allocation

caused such stations to seek or accept clear channel status. The practical existence of this situation is evidenced by the fact that several clear channel stations are still operating upon the minimum power or at less than the maximum power of 50,000 watts.

Uneconomical use of the clear channels was further accentuated when in 1932 competitive pressure resulted in the creation of a large number of 50 kw. stations, some of which were merely defensive attempts to maintain position of favored clear channel frequencies, rather than being dictated by service needs in the areas in question.

Thus two types of uneconomical use have resulted. High power has been created where it has not been needed in some instances. In others, clear channels have been created where high power has not been able to be supported and therefore has not been utilized.

Regional Stations

Now let us turn to the regional stations. Several factors governed the allocation of regional frequencies which have a direct bearing upon the problems which must be considered by the Commission at this time. These may be stated as follows:

- (1) Insufficient frequencies were provided for this class of station in the original allocations. This was due to the fact that too many of the frequencies had already been apportioned to the clear channel group and it was necessary to reserve certain frequencies for use by local stations.
- (2) Regional stations were allocated to frequencies on the basis of the same maximum power regardless of the areas which these stations were supposed to cover. No provisions were made for the varying requirements of the different types of area in which these stations were located.
- (3) The maximum nighttime power established by the Commission for these stations in 1928 was 1,000 watts, and a large portion of these stations were licensed to use and still continue to use less than that power at night. Since 1928, some of these regionals have been gradually moved up. first to 2,500 watts daytime and then to 5,000 watts daytime. However, at the present time there is no regional station licensed to operate at more than 1,000 watts night time power.

Allocation Procedure

The effect of this allocation procedure has been as follows:

- (1) Certain regionals have been unable to adequately cover their normal area of service and are still unable to do so. This is especially true at night when the signals of other stations on the same channel tends to restrict their coverage.
- (2) It has also resulted in extreme congestion of stations on certain regional frequencies. This has been due to the fact that there were more stations than this limited number of frequencies could accommodate. Therefore, we find on some channels, the distance between stations is only 350 miles, whereas on less crowded frequencies, the distance separating stations may be as high as 1,200 miles. In addition, it must be remembered that a number of regionals were forced by these congested conditions to share time on the air with other stations or to restrict their broadcasting to daytime hours. Thus regional stations in many cases have been unable to lay down a good signal in all parts of their area, and, when they have had the additional handicap of being restricted to certain hours of operation, have been prevented from rendering the complete day and night-time service to which their listeners are entitled.
- (3) Stations on crowded frequencies have not been properly equalized, as to distribution. These regional frequencies, as in the case of clear channels, were apportioned on the basis of zones. As a result, there are many stations on certain eastern channels, while in the West and South this congestion does not exist to anywhere near the same degree.
- (4) Today we find many regionals located in areas which require a higher signal strength than can be delivered by a 250, 500 or 1,000-watt station if adequate radio service is to be rendered. Yet due to the rigidity of the limitation of night-time power to 1,000 watts, such stations are at present powerless to meet the needs of their listeners.
- (5) Due to the lack of provision for the use of the maximum regional power, certain stations whose areas require at least this power, have been compelled to either operate at lower power or to go to the added expense of building a directional antenna, to avoid interfering with the legitimate operation of other stations on the same frequency. This is another example of the inequalities growing out of the inflexible

methods adopted in the assigning regionals to frequencies in 1928.

- (6) Many areas which were not provided with adequate services in 1928 were forced to be content with service from a day-time or part-time station because of this rigidity.

Local Stations

We now come to the local station.

The effect of providing too many clear channels was extended into the allocation of local channels with even worse results. Here an even smaller number of frequencies were provided and they were by no means adequate for the large number of stations that had to be accommodated.

Therefore, the congested conditions characteristic of regional frequencies prevail even to a greater extent on local channels. In some sections of the United States there are instances of local stations on the same channel which do not have a separation of more than 50 miles. This means that they cannot even cover the city in which they are located, much less cover the trade area of that community.

While this congestion of stations was partly the result of having provided for insufficient local frequencies, it was also caused by the classification of channels for equal assignments in zones under the Commission's interpretation of the provisions of the Davis Amendment. For example, in 1928 we find nine local stations in the State of Pennsylvania alone assigned to 1310 kilocycles, whereas there was only one station assigned in the fourth zone to 1500 kilocycles.

Local channel stations were restricted under the regulations of 1928 to a maximum night-time power of 100 watts. In addition to that fact, some of these locals were compelled to operate on shared time or during day-time hours only. Therefore, despite the fact that a number of these stations have greatly improved the efficiency of their transmitters and adopted modern radiating systems to improve their signal strength, they have not been able to increase their signal sufficiently to render adequate service to their listeners. Regionals and other stations have been permitted to increase their power as well as employ modern radiation system, thereby raising the level of competing signal to the detriment of local stations.

Different Functions

There has not been enough consideration given to the fact that local stations, like regionals, have somewhat different functions to perform in the various areas which they serve. A 100-watt station located in a small community with a limited trade area may adequately cover the sections lying within the sphere of influence of that community. However, in larger secondary markets, this same power often proves inadequate to cover their trading areas due to interference limitations.

Thus we see the following situation developing out of, first, the rigid and arbitrary classification of channels made in 1928, and second, out of the undue prominence given to clear channel service. The balance between classes of stations was upset at the very outset of American allocation, and unreasonable congestion was produced on regional and local frequencies, with resulting impairment of existing service and of opportunity for growth and development in the legitimate fields of service for these classes of transmitters.

This brings us up to the present, and to this hearing. The purpose of this hearing is to rectify, as far as possible, the deficiencies existing in present regulations and allocations.

Several features make such a procedure both possible and advisable. The repeal of the Davis Amendment provides the potentiality of introducing an increasing degree of flexibility into the broadcasting structure of the country with resulting improvement of service and with a distribution of facilities which will be more fair and equitable than that required under a rigid formula of mathematical equality.

The fact that the Commission has been forced in numerous instances to allow common sense modification of their regulations for the purpose of meeting actual practical requirements of service in given areas points to the desirability of changing these regulations in keeping with improved practice and thought.

Improvements of Transmitters

Improvements in the operation of transmitters have reduced the frequency tolerance of stations from 500 cycles to 50 cycles, which has changed to some extent the engineering basis of the 1928 allocation. Similarly, and of much greater importance, directional

antennae have provided a means of utilizing frequencies in a manner not contemplated by the existing regulations but which now provide improved service in important areas.

The increase in the number of radio families and in the diversity of use put to broadcasting as an advertising medium and medium for local program service has placed a new light upon the various classes and kinds of listener service which are desirable in the American system.

The general trend of recent developments in the regulatory and technical aspects of broadcasting has been toward making possible a greater flexibility of structure than hitherto has existed. This, in turn, gives rise to the possibility of a closer adaptation of broadcasting structure to the many and varied requirements of service on the part of listeners throughout the country.

Since greater flexibility and consequent adaptation of structure to listener requirements is possible, it becomes more necessary than ever to develop a clear-cut philosophy of what constitutes listener service.

We may state categorically that listener service is comprised of two ingredients: the station signal, and the programs conveyed to the listener by means of that signal. Of the two the latter is the more important, for the station signal is merely a means to an end. That end is always the same: the receipt of desired programs.

Satisfactory service must therefore be conceived in two lights. The first of these is the ability of people to receive the signals of a station or adequate number of stations. The second is the ability of these stations to render unique and distinctive program service of a type which is in keeping with the needs and desires of the listeners in the area which the station serves.

It is probable that little if anything can be done in a positive manner regarding the development of unique program service by means of broadcasting regulation. Indeed it is highly doubtful whether such a procedure would be desirable if it were practicable. Our entire legal theory, beginning with the provision prohibiting the censorship of program material, has been inclined away from the control of programs.

Control of Programs

Such a viewpoint is quite proper. Control of programs borders too closely upon impairment of freedom of speech should injudicious use be made of that control. Moreover an art lives and progresses only if it possesses sufficient freedom of experimentation—and experimentation means the right to make mistakes while finding the right way of doing things—to enable it to develop new and more satisfactory art forms. No one yet has been able to legislate or regulate progress into an art. Broadcasting is an art, an adolescent one. But it can only develop into maturity and maximum service if freedom to experiment and grow is maintained.

If nothing can be done in the way of positive regulation, something can be done, however, in a permissive way. The need for various kinds of service can be clearly recognized and the philosophy of varying needs can be utilized as one of the bases for the granting of facilities in individual cases. The need for varying types of service was recognized only in a most hazy fashion in the 1928 allocation. National service was the paramount consideration. The ability of any large number of stations to produce satisfactory programs in their own studies was still so limited that the possibility of local service was only dimly perceived, and then by but a few. Civic cooperation, the part played by radio broadcasting in the dissemination of the news and similar services was hardly conceived. The diversity of interest among different groups as to cultural and informative programs and even as to entertainment, was hardly appreciated.

Today this situation has changed, largely due to the enterprise which various classes of stations have shown in adapting their service to the particular needs of their area in an endeavor to win loyal listener audiences and to compete successfully with other stations which might be heard in the district.

I shall not enlarge on this point. The testimony presented by various classes of stations: clear channel, regional and local speaks for itself. If there is one thing which has stood out in these hearings it has been this: that there is a need and a great opportunity for localized service as well as for general and national service in American broadcasting and that this need and opportunity must be carefully fostered in every manner possible.

Principle Developed

In keeping with this philosophy, the following principle may be developed: That the allocation of facilities, in individual cases,

shall include a consideration of the unique and distinctive program requirements of the area which the station in question is designed to serve.

We may also develop a second principle: that, in case general classes of service are developed, a balance must be maintained between them. Various types of service requirements on the part of groups of listeners located throughout the country must be considered in due proportion to their importance. The aim of regulation must always be to achieve the maximum net improvement in listener service, not the fostering of one class or type of service at the expense of other classes with a consequent net loss in total service. Because of limited facilities available no one class or type of service can possibly develop to its ideal proportions. But each class can be nurtured and brought along to a point where, when combined with other classes, the maximum possible service will result to listeners as a whole. The broadcasting structure of the country must be viewed as an organism, not as a group of diverse and loosely connected units.

A third principle which can be stated is as follows: That sufficient flexibility must be maintained in any classification of service requirements or facilities to make possible the adaptation of facilities to the needs and requirements of specific individual areas. This naturally connotes flexibility in regulations since these are the governing factor.

How can these principles be translated into a practical program of action?

In tackling this angle of the problem we must begin with the principle that facilities should be allocated in terms of listener needs: that is, of unique and distinctive program needs and desires of various kinds.

Can we classify these needs into definite categories? If by this we mean the development of classifications which approach mathematical exactitude, the answer is no.

Listener needs are too diverse and their bases too varying. As an example of this, even the classification of rural and urban listeners is of doubtful meaning when considered as a specific classification. The psychology, cultural background, social outlook, recreational habits and the like of portions of the rural population living near our large metropolitan centers may be more urban in nature than may be that of the citizens of a community of 5,000 or 10,000 population situated far from any other large community. It also is well to remember that urban and rural are arbitrary classifications in the Census.

Water-Tight Classifications

If we cannot develop water-tight classifications, can we establish any broad categories of service? It should be possible to do so, provided a broad fundamental study of the question were undertaken. This study should include the following features: (1) A detailed analysis should be undertaken of the location and nature of radio ownership in various sections of the country. (2) An attempt should be made to determine logical areas of station influence by dividing the country into a number of key centers and dependent territories or areas. This could be done on the basis of market research technique such as presented by Hearst Radio in its discussion of the economic factor in broadcasting regulation. (3) Areas of influence should be evaluated basically in terms of their economic potentialities and needs for diverse service.

If broad classifications can be developed, they will be certain to be discovered by recourse to such study and analysis.

Two contributions can be made to initial thought in this field even without detailed analysis. The first of these is a statement of what may be the general type of classification of needs of service which will be developed in scientific form by the suggested study.

In this respect one may begin with national program needs. This would consist of programs which would be of interest to all classes and types of listeners, to be made available over the country as a whole. These programs would consist mainly of programs and talent available only in a very few talent centers and which could not be brought to listeners except by national service. It would also include events of public interest which would be similarly limited as to method of presentation.

A second category of program needs would be sectional needs. Large portions of our country are relatively homogeneous culturally and economically. The central south, the corn belt, the German-Scandinavian sections of the wheat belt are examples. The area over which any given sectional program needs would exist would vary materially in size and contour in various por-

tions of the country. It would constitute, however, a type of service deserving of consideration.

A third and highly fundamental category, would be localized program needs. These would be the needs and desires of the locality in which the station was situated, together with these of the territory surrounding that center which was dependent upon it both culturally and economically. Such areas tend closely to approximate consumed trading areas, as has been shown by the previous testimony of other parties before this Commission. These areas also vary most materially as to size and nature.

Classes of Programs

Another approach to classes of program needs is that of the need of diverse service within a given area. The varying racial, cultural, social and economic groups within a community may dictate a wider variety of service in one instance than in another. A large metropolitan center such as New York will have diversity of needs, in contrast to a smaller town of 100,000 or less in size and possessing a highly homogeneous population. Diverse needs also may exist on the part of radio advertisers. It is desirable and economically necessary to provide facilities which it is practical for local retailers to use as well as for larger advertisers.

A second contribution which can be made merely by deductive analysis is a listing of the factors which will go into determining the nature of the service or different types of service required by each area. These are as follows: (1) Size of area in question; (2) Contour of the area limits; (3) Number and location of radio families in the area; (4) Social and cultural characteristics of the area; (5) Economic potentiality.

These observations at least furnish a starting point for a classification of needs of listener service.

I have mentioned the desirability of detailed scientific study of this question. Obviously this will take some time. I do not propose that the entire program of development of new allocation practice should be held up until such a study was completed. It is possible to make a beginning in this direction without waiting for the completion of such analysis. This can be done by the following procedure:

1. The development of sufficiently flexible regulations to enable a sound consideration of the economic and social factor in the allocation and assignment of facilities in individual cases.

2. The setting up of procedure in determining the needs of service which will allow adequate and scientific consideration of the social and economic factor in hearings and assignments on specific cases.

3. The following of the principle that a station wherever possible, shall be given the opportunity to adequately cover the entire area or territory which constitutes its logical zone of influence economically and socially.

Listener Service Needs

Merely by following such a procedure, a great deal may be accomplished. It is even possible that all of the desired progress can be secured by recourse to this procedure and that the establishment of classes of listener service needs will merely take the form of general bases of desirable goals rather than specific regulatory categories.

Thus far I have considered listener service needs. I have started at this point because it is the fundamental approach. Technical facilities are merely the means whereby these needs must be fulfilled. We now come to the question as to what probably can be done along the lines of adapting the allocation and distribution of technical facilities more closely to needs of listener service.

The first thing which can be accomplished in the technical field is that of developing a broader and more flexible concept of classes of channels. Any classification of channels should begin with two basic types: (1) Unrestricted service frequencies, and (2) restricted service frequencies. Unrestricted service frequencies should be those with regard to which but one station was located on each channel so designated for night-time operation. Restricted service frequencies would be those to which more than one station was assigned for night-time operation. Restricted service frequencies might be divided into a number of sub-groups if desired. These sub-groups should be based upon such classification of listener service needs as might be developed. In this manner sufficient flexibility of classes of frequencies and stations can be set up to allow a realistic approach to listener service needs.

A second thing which can be done in the allocation of facilities

is a more realistic approach to the clear channel situation. I think we can begin that approach by stating that there is no need of covering the entire nation with one station at night-time, even granted that it is theoretically practical to do so. I ask you to note that even though it is practical to accomplish this at night-time, it is almost entirely out of the question to do so in the day by any conceivable means of technical development. This would mean that the assumption that a single station could render national service would require an application of an extremely different allocation for day and for night service, respectively. This application would be considerably more complicated than the present question of different power for day or night.

National Service

National service as we have discussed it is logically the province of network broadcasting. It is necessarily so; networks alone can tap the few important centers where outstanding talent is available for national service. It will be almost impossible for any single station to reach these few widely scattered centers. Networks also are probably the only means of securing sufficiently intensive coverage of a nation to adequately render this service to all listeners. Finally, only by recourse to interchange of programs on a network basis can the varying and diverse public event programs be brought to listeners throughout the country.

If so-called unrestricted or clear channels are necessary to render some unique and distinctive form of service, they undoubtedly should be maintained. However, one thing is certain: that the present number of so-called clear channels provided for in the regulations of the Commission is not essential. This is evidenced by the fact that full use has not been made of the facilities so designated.

In order to more effectively use a large number of the present so-called clear channels, the foregoing suggestions of flexibility in regulation may conceivably permit use of duplicated stations on the clear channels with or without directional antennas as required to bring about the fullest use of such channels in the public interest.

The suggestion for flexible regulations can be utilized for improvement of service on shared channels, as well as on those channels now designated as clear channels. For example, the expressed needs for increased night power on regional channels may well be considered in this light and authorized in cases where a need is shown and where detriment to other existing facilities will not be brought about.

This also applies to channels now designated as local channels. The suggestion is made that needs for increased day power, as well as night power, by local stations be considered on the same basis. By following this procedure, it should be possible to introduce a considerably increased measure of flexibility into the regional and local station structure.

Extreme Congestion

It should be borne in mind that where extreme congestion exists today in any given section, it will hardly be practical to allow unlimited increases of power beyond a reasonable extent, until some of this congestion is relieved by the graduation of these stations into the logical classification to which they belong.

In conclusion, may I say this: It is the hope that my testimony has at least served to emphasize three things. The first of these is the fact that only by introducing as large a measure of flexibility as possible into broadcasting structure and regulation can the resources of American broadcasting be made to fit most closely listener needs and its service developed to its maximum potentialities.

The second feature which I hope this testimony has served to emphasize is the extreme need of maintaining a balance by the various types of service necessary to a fulfillment of the public interest. The American listener does not constitute a simple homogeneous body. It represents many diverse factors in society. Each of these have a right to the type of service which most fits their requirements in accordance to their importance in the community as a whole. As far as possible, radio broadcasting service should be given to them on this basis.

Finally, I hope that this testimony has served to indicate the need and the advisability of an evolutionary approach to the whole problem of allocation. I hope also that it has indicated the desirability of carefully considering practical measures rather than of being enamored too exclusively with the application of a single theory. This point I can emphasize best by one quotation that appears on the cover of one of my law books: "Index learning turns no student pale, yet holds the eel of science by the tail."

If that wise and practical minded poet of by-gone century, Pope, were to be writing regarding American broadcasting today, he would probably do it this way: "Detailed study of practical considerations turns no student pale, yet holds the eel of science by the tail."

Sutton Cross Examination

Under cross examination Mr. Sutton testified that he had been on the engineering staff of the old Federal Radio Commission in 1928 when the reallocation plan was worked out. He said that of course there have been many technical developments since that time. In answer to a specific question Mr. Sutton stated that the smallness of the broadcast band is one of the many problems confronting the Commission.

In his opinion, said Mr. Sutton, both engineering and economics have to be taken into consideration in connection with the present radio problem. It is necessary, he stated, to have engineering as the basis for any new allocation plan.

Questioned concerning the use of clear channels, Mr. Sutton said that it was his opinion that many of them could be duplicated and that congestion in other classes of stations could be relieved to the extent clear channel duplication is permitted. Mr. Sutton pointed out that in 1928 the engineers insisted that WGY, because of simultaneous operation with KGO, San Francisco, would not be useable beyond the city of Albany, New York, whereas WGY can be heard satisfactorily today in Washington, D. C.

Questioned concerning the use of power on clear channels, Mr. Sutton drew a comparison with the application of a magnifying glass. It would be ridiculous, he said, to adapt the use of 500 thousand power telescopes as an ordinary aid to human vision because it was impractical. He cited this as an illustration of following a fundamentally correct theory to its extreme limits.

(Edward A. Allen appeared before the Commission several days ago as President of the National Independent Broadcasters but his testimony is printed herewith in connection with a statement made on behalf of the same interests by George O. Sutton today.)

Edward A. Allen

Edward A. Allen, Station WLVA, Lynchburg, Virginia, and President of the National Independent Broadcasters, appeared before the Commission on behalf of the local stations which are members of his association.

Mr. Allen said:

My name is Edward A. Allen. My residence is Lynchburg, Virginia. I am president of the Lynchburg Broadcasting Corporation. As such I own and operate WLVA, a local station serving Lynchburg and operating under a license granted by this Commission.

I also am president of the National Independent Broadcasters. This group is composed of local and regional stations not affiliated with networks. Its actual membership is limited almost exclusively to local stations.

The purpose of organizing this group was twofold. The immediate and limited objective was that of providing a means for the promotion of the use of local stations by national advertisers.

A broader and more fundamental purpose of the group was that of providing a means whereby the problems common to local stations might be given consideration and programs for the improvement of stations of this class developed and initiated.

I am appearing before this Commission today in behalf of this group of local stations. The owners and operators of local stations feel that it is most important that the unique service and position of their class of station in American broadcasting be thoroughly appreciated at this time. The various proposals which have been placed before this Commission during the course of the hearings have included, almost without exception, provision for marked increase in power and extension of facilities for different classes of stations.

Service Impaired

If the adoption of one or more of these proposals should result in too great preference of any one class of transmitter, the balance between various basic types of service might be impaired or destroyed. The upsetting of this balance quite conceivably could place the local stations at a decided disadvantage in the broadcasting structure. Not only might it make further inroads into the local service now possible, but even more important, it might place serious obstacles in the way of the future development of local stations to a position of service and economic stability which will enable them to fulfill their rightful role in the broadcasting structure.

We are especially concerned at the present time, all the more

because we feel that from the very beginning of broadcasting regulation, the local station has been in the position of Lazarus dependent upon the crumbs from the table of Dives. We say this, not in criticism of this Commission, but in realistic recognition of a situation which, in 1928, was created out of the necessity of providing room for over-extended facilities within the straight-jacket of the Davis Amendment, and out of the lack of knowledge of the technical, economic and social aspects of broadcasting which then existed. Our attorney, Mr. Sutton, will deal with the details of this matter later.

The thesis of our presentation today is this: Whatever the Commission may do in the future in the allocation of facilities or the promulgation of regulations for that purpose, they should adequately safeguard the position of the local station. Indeed, it should go farther. Where present conditions make impossible the rendering of adequate local service, steps should be taken to rectify this situation, so that the local station may be afforded the opportunity to effectively render the service for which it was designed and created.

No New Set of Rules

In advancing this thesis we shall not advocate any new set of specific regulations. Neither shall we attempt to set forth a comprehensive solution of the local station problem; for we do not delude ourselves that we know this solution. Rather, we shall confine our efforts to pointing out modifications in regulation, policy and viewpoint which at least may lay the groundwork for an improvement of the local station situation, and consequently of the service rendered the community.

The local station always has been the verbal football of the broadcasting industry. At times it has been wept over by special interests seeking to protect their own advantage by hiding under its cloak. At other times it has been damned as the cause and root of everything that was distasteful or undesirable in broadcasting. It has been patronized and looked down upon—a publican at a banquet of pharisees. It has been elevated in shining armor. But, most unfortunately, it has seldom been understood.

The nature of local station service can be appreciated particularly well when examination is made of the locations of stations in this class. There are approximately 280 local stations, on local channels, in the United States. These comprise nearly two-fifths of all of the stations of the country. More than 60% of them are located in towns of 50,000 or less in population. More than two-thirds of all local stations are situated in communities of less than 100,000 population.

In addition to this group of local stations operating in middle-sized and smaller communities, there is a second group comprising approximately 40 in number and accounting for about 16% of the total local stations, which are found in the metropolitan areas of communities of more than 500,000 in population.

Fulfills Two Needs

Thus the local station in the main seems to fulfill two needs; that of rendering basic localized service in the smaller communities, and that of rendering specialized service to portions of the population of large metropolitan centers.

There is a close parallel between local broadcasting stations and two types of newspapers which constitute highly important elements of the American press. The one is the small town or country newspaper which constitutes the backbone of local democratic and representative government, and of the social and economic life of these small communities. The other is the neighborhood newspaper in our great centers of population. This parallel may serve to emphasize the importance of the local station in the broadcasting structure.

The importance of local station service to the two groups with which it concerns itself with, primarily is usually appreciated but imperfectly. It is too often lost in the welter of spectacular national programs—especially the popular entertainment programs, which take up almost all of the evening hours of the average network affiliated station.

I wish therefore to describe this service to you, briefly, probably in a different light from which it has been addressed to you previously. I believe these examples are typical of the service being rendered by the conscientious local station.

A local station situated in a middle-sized or smaller community renders a number of highly important services, the majority of which it would be difficult to duplicate.

In the first place, the local broadcasting station is a natural channel for the discussion of local civic matters. As such it plays a highly important part in the achievement of community solidarity and cooperation.

An Illustration

May I illustrate this point? If there is a local bond issue to be presented to the voters for their consideration, if a question of municipal ownership of the local water company or power station arises, or if some similar civic question presents itself, the local station can and does take a leading part in securing a full and free discussion of the pros and cons of the issue. It is good promotion for the station to bring before its microphone the leaders of the various groups interested in the project, for it will create listeners for the station. It likewise is sound service in the public interest.

This is a service which a station situated in the community in question is in the best position to render. Regional stations, located in more distant centers and probably including a reasonably large number of these smaller towns within their service area can hardly render a service of this type, except to a limited degree. They will not be able to take sufficient time to adequately cover the varied interests of all of the towns in the area. Only the local station, concentrating upon its own community and adjacent area, can do that.

Let me show you how, from my own experience, that localized service builds for community sol-i-dar-i-ty and cooperation.

Emergency Call Service

For a number of years our station has maintained an emergency call service for blood transfusions for the local hospitals. One day the telephone rang. It was a well known doctor speaking from one of our institutions. Said he, unless a certain type of blood was immediately forthcoming, a mother would die as a result of childbirth. The word was broadcast. Within one-half hour 30 odd people had responded, the right type of blood had been found and a human life saved. This is a specialized service, particularly suited to a smaller town station.

Local stations cooperate with every community enterprise—educational, religious and civic. They not only cooperate with them, but where possible, actively cultivate these institutions and organizations. In so doing, they are being completely realistic. They realize that the most valuable thing which they have to offer the community is a signal equal or superior to competing signals from the outside and programs of particular local interest. They are dependent upon the community for program material and they hasten to become as much of a community institution as possible. Only in this way can they hold any measure of their audience against the entertainment programs broadcast by the networks and larger stations in the evening.

Advertising Medium

A local station is an important advertising medium for the merchants of the community. The larger regional station in an adjacent community probably will be out of question because of high rates and waste circulation. At the same time the advertising which it carries will threaten to draw trade from the local merchants. In the local station, the merchants possess a means of reaching the prospective buyers in their own community at a reasonable cost.

The local station will tend to be a strictly local enterprise, for the average 100 watt station has little to distract it from local advertising service. Almost 90% of local station revenues are derived from local broadcast advertising sponsors as compared to approximately 50% for the medium as a whole. It also is interesting to note that in 1935, according to the National Association of Broadcasters, nearly 15% of all non-network business in the country was carried over local stations.

The local merchants have a right to possess this type of advertising service just as much as the station has a right to render it over the natural trade area of the community which it serves. The Economic stability and well being of the community's retail trade is dependent upon its being able to hold its own with competing towns. In the case of smaller towns, this means the need of meeting competition from larger cities. Cooperation between the local station and local retailers will assist in meeting this out-of-town competition. I know of at least one instance recently where a local station refused an advertising account averaging \$1,000 a month from a nearby city because it would serve to attract trade from the home town. This is a practice which small town newspapers have resorted to for many years. It makes for community sol-i-dar-i-ty and stability.

Intensive Coverage

The local station also provides intensive coverage of a given community to national and regional advertisers. That this, how-

ever, has not been resorted to in many instances, is due principally to the manner in which radio-naïve advertisers unduly worship power.

Local stations entertainment programs also will reflect local needs and desires. Hill billy music and similar entertainment has its legitimate place in American radio entertainment; just as legitimate indeed as symphonic music. It is the folk-music of America and is firmly woven into the life of many communities and sections. This simpler, localized service is a particular province of the local station which is faced with the problem of meeting the many and diverse program desires of larger areas.

There is a final service which the local station renders to the broadcasting structure as a whole. It is the proving ground for talent and managerial ability. If the general level of skill and ability in the local station field may at times have fallen short of desired standards, might this not have been due to the fact that the enterprising local broadcasters had moved into the higher categories, that the local talent had moved to the larger stations if it possessed any real and lasting merit? This feeding of talent and ability to the larger stations undoubtedly will go on as long as there is radio; just as each year, it fills New York and Chicago with ambitious young people from Iowa, Nebraska and other outlying territories.

This then, in my experience is the service rendered by the local station to the community which it serves. Localized news and entertainment, civic cooperation and the discussion of civic problems, and important local economic service are its principal ingredients. It is a type of service which is being rendered today to an increasing degree by local stations throughout the country. It has only been in recent years that the local station has begun to find itself; that young men of sufficient skill and enterprise have entered the local station field, and have begun its development in an orderly manner. The local station, an unwanted child, has begun to come into its own. It should be encouraged and aided in every possible way to reach its true stature.

Mr. George O. Sutton, our counsel, will present to you the problems and the suggested solutions by which this end may be achieved.

Cross Examination of Allen

Mr. Allen was cross examined on behalf of the Commission by T. A. M. Craven. Mr. Allen said that there is no question in his mind but what many potential listeners are withdrawn from local stations because of reception of regional and clear channel stations. This, he pointed out, means a loss of profit in the end to local stations. However, he contended most heartily that the local stations of the country are today doing a grand job and as the local stations are able to throw better signals they create more listeners.

Profit and Loss

Answering specific questions of Mr. Craven, Mr. Allen stated that he believed the majority of the local stations of the country have been just about breaking even from a financial standpoint. He said some of them had made what he termed a small profit, meaning from \$2,000 to \$3,000 a year. He testified that there had been no organization of local stations prior to last year when his association was organized.

The principal problem of the local stations today, said Mr. Allen, is not that of getting programs but of laying down a suitable signal to cover its own urban territory. There is no question, he said, but that local stations need an improvement in the way of better signals. Most of the local stations of the country, he said, are owned and operated by men whose sole business is broadcasting.

National Independent Broadcasters

Mr. Sutton made the following presentation today on behalf of the National Independent Broadcasters:

I have been asked to present the general problems facing the local station by reason of the present allocation of facilities, the principles which should be applied to the future with regard to local stations, and the practical steps necessary for carrying out these principles.

What is the situation with regard to the allocation of facilities now facing the so-called local stations?

The first thing which becomes apparent upon an examination of the local station situation is an extreme congestion of stations upon certain local channels. This is particularly true with regard to specific portions of the country, principally in East North Central, Middle Atlantic and New England States.

This congestion arose in the following manner: The Davis Amendment required that broadcasting facilities be distributed equally among the five zones in an attempt to equalize service available to various sections of our population. The Federal Radio Commission, in interpreting the Amendment, followed a policy of securing a very close mathematical equalization of facilities between the zones. This equalization was achieved by classifying channels in accordance with preconceived engineering ideas of necessary classes of service, and of establishing a limit of maximum power to all stations located on given class of frequency.

The starting point for this classification of channels was the reservation of forty of the available ninety frequencies for so-called clear channel service designed to serve listeners in wide areas. The dominant reason for forty rather than any other number of clear channel frequencies was conceived necessity of providing room for existing high powered stations. The competitive demand of high power stations located in the same area for equal treatment was a strong force motivating for consideration of clear channel type of service.

Congestion Caused

The result of using 44 per cent of the existing frequencies for clear channel service caused a congestion on the remaining frequencies. An attempt was made to allocate existing stations of from 250 to 1,000 watts night-time power on the remaining frequencies. An attempt was made to maintain proper separation between regional stations on some channels to make possible reasonable rural service in the areas adjacent to the community in which the station in question was located. This principle could not be extended to all regional frequencies because of the large number of stations which had to be accommodated. Consequently, congestion resulted, especially on the higher frequencies.

The large number of stations of the regional category existing at the time of the 1928 allocation reduced the available channels for local service to six. This caused an even worse congestion on local channels, since approximately the same number of local stations as regionals, existing in approximately the same areas, had to be accommodated on less than one-sixth of the number of channels available for regional service.

The existence of certain clear channel and regional stations in specific areas on given frequencies, and the necessity of maintaining a proper separation between frequencies used for any class of station in a given locality, made it impossible to employ certain of the local channels in particular sections of the country. This resulted in a further congestion, especially in given regions, and continues to this time.

Thus it was necessary to allocate 100-watt stations on the same channel within 40 and 50 miles of each other and permit simultaneous operation. Though this was in 1928, the same condition has persisted since stations could not find other frequencies on which to operate.

Another example of this congestion in 1928 was the necessity of allocating nine local stations in the State of Pennsylvania upon one frequency, namely, 1310 kilocycles. In contrast to this, the 1500 kilocycle frequency only had one station allocated to it in the entire fourth zone.

Reduce Service

The practical result of this congestion was to materially reduce the effective service range of a large number of local stations at night, and thus to impair their ability to serve more than highly restricted areas. These areas often fell below the announced purpose of local stations to serve smaller urban centers and a reasonable adjoining territory.

The increased number of local stations both being applied for and granted by the Commission in recent years, if continued, may give rise to conditions which will result in further congestion and impairment of service. The rate of increase in new local stations has been most pronounced. During the entire period of 1928-1934 a total of 50 new local stations were granted licenses. During the year of 1935 and the first eight months of 1936, 68 such stations were established.

The existence of local stations on channels adjacent to clear channels raises important problems when the possibility of operation at 500 kilowatts power is envisioned. Based upon present night-time mileage separation standards which require a separation of 350 miles at 10 kilocycle separation between a local and a clear channel station, the night-time separation required between a local and a 500 kilowatt station would be approximately 800 miles. If 30 kilocycles and 40 kilocycles separation were under

consideration, a mileage separation of 460 and 420 miles, respectively, would be required at night.

In the case of the 1190 kilocycle frequency now used by WOAI, there are nine local stations in existence on 1200 kilocycles within 800 miles of San Antonio. If 500 kilowatt stations are authorized, it may be assumed that competitive pressure will force WCAU to apply for 500 kilowatts. There are seven local stations on 1200 kilocycles, which are within 460 miles of Philadelphia. There are also 11 local stations on 1210 kilocycles within 420 miles of Philadelphia. Therefore, the operation of WCAU on 500 kilowatts and WOAI at the same power, might involve question of interference with 18 existing local stations. Thus approximately 10 per cent of the total local stations in the country might be involved when considering 500 kilowatts on 1170 and 1190 kilocycles.

Disadvantageous Position

The local station finds itself in a disadvantageous position in several other respects. From a regulatory standpoint, the ratio of day-time to night-time power allowed by the Commission is only half as great as in the case of regional stations. The local ratio is $2\frac{1}{2}$ to 1, while the regional ratio is 5 to 1. Since congestion makes it possible for the local station only to reach its outlying rural area in daytime, the restriction of daytime power actually serves even to reduce this possibility.

The local station is further denied the possibility of bettering its position and of achieving some of the flexibility which has been secured in the regional and clear channel fields by recourse to the use of directional antenna. Though there is no regulation on this matter, the effect of the use of directional antenna in conjunction with the present congested condition of local frequencies raises questions as to the practicality of such a step. Thus there is no development in the technical field which makes possible flexibility that is at present applicable to the local station. Therefore the only way in which the local station can improve its service is by improved efficiency of the transmitter and radiating system employed. The use of efficient modern radiating systems has become widespread in recent years. Even with these modern methods of efficient operation local stations find it impossible to maintain the balance existing between their own signals and competing signals delivered by regional and clear channel stations within their service area. As an example of this, the fields of several stations were measured in 1934 and 1936 near Jackson, Michigan, with the following results:

	1934	1936
WWJ	.117	.520
WJR	.527	2.700
WTAM	.056	.180
WOWO	.176	.325
WIBM (Local)	2.400	3.900

Thus from the allocation viewpoint, from the standpoint of regulation, from the angle of the possibility of utilizing modern technical developments to solve its problems, and finally from the resulting inability to maintain competitive balance with other classes of stations and service, the local stations finds itself at a distinct disadvantage; and it is completely at the mercy of this Commission if its role in American broadcasting is to be preserved.

Useful Function

What, therefore should be done about the matter? It has been shown that the local station performs a highly useful function in the American community. It has been indicated that this function is performed at the present time under sufficiently adverse conditions to materially limit the degree to which this important local service can be rendered in an effective manner. Therefore, it is highly essential that the interests of local stations and local service be safeguarded in every possible manner by the Commission in future allocations and in its regulatory policy.

To safeguard the position and service of the local station it is necessary to maintain a proper balance between the importance accorded to various basic types of service. This implies not only protection of any essential class of service from inroads by any other class, but of greater importance, it implies the equal fostering of these various classes when improvements and extension of facilities are effected. The local stations should definitely share in any improvements in allocation or regulation which may result from these hearings to a degree at least proportionately equal to other classes of service.

In keeping with the contention that proper balance should be

maintained between basic classes of service, this association is opposed to any moves which would radically alter the existing broadcasting structure. We believe any radical or sweeping change might easily upset the desired balance with the consequent impairment of general service.

No Radical Change Desirable

If any radical change is undesirable, then any move which will strengthen a particular class at the expense of other groups will disrupt this balance. This is true of the proposal for 500 kilowatt stations. The creation of any large number of these stations will adversely affect the economic position of many regional stations. According to the testimony of Mr. Paley it will result in the elimination of a number of regional stations from present national network structures. It is idle to retort optimistically that some other network may be formed which will take in these stations. Network creation is not as simple a matter as that. Key cities as well as secondary cities, must be included in the completed network structure. If the stations located in the major key cities are 50 kilowatt or 500 kilowatt and the networks retain these stations, the probability of anyone being able to construct another successful national network out of the leavings of NBS, Columbia and Mutual is highly remote.

More important will be the effect of reduced national advertiser use of regional stations. This applies to both national network and national sport business. Network affiliated regional stations located in the service area of a new 500 kilowatt transmitter may retain their affiliation, but they will do so under highly restricted conditions. The increased costs of using any large number of 500 kilowatt stations on the part of the national advertiser undoubtedly will tend to force him to use a smaller number of stations. Consequently the regional station within the service area of the 500 kilowatt transmitter will be the one dropped. It is quite nice to state that the advertiser will still require intensive coverage in various market areas, but it is only partly relevant. However, the law of comparative advantage enters at this point, and the advertiser will tend to use those stations which, in relation to cost, will give him the most for his money. Widespread coverage of the 500 kilowatt station will still be the first choice, followed by intensive coverage of restricted areas.

This entire tendency will be intensified by the present worship of power on the part of the average radio advertiser. All due respect to him, the majority of his class are highly unsophisticated when it comes to a fundamental knowledge of radio coverage. Power and coverage are synonymous to the majority of advertisers. "The Nation's Station" is a term which they have taken with a certain amount of literalness and with little real analysis. Consequently, at the outset they will flock to the new 500 kilowatt stations. The worst of it will be that they will remain on these for sometime before greater knowledge will lead them into more constructive action.

This tendency will exist with regard to both national network advertisers and national sport advertisers.

Position of Local Stations

What does this process have to do with the position of the local station? Declining national revenues on the part of the regional stations will result in increased emphasis being placed upon local business by this class of station. Consequently, the competition for local volume will be materially increased. This will take place not only in the cities where both regional and local stations now exist, but also in any communities lying within the coverage area of regional stations which happen to have local stations located in them. The regional station undoubtedly will follow the example of the newspapers and develop special retail programs and retail promotions for the outlying communities in their area. A number of regional stations already have done this. It is an old story in the newspaper field.

The regional stations undoubtedly will follow newspaper practice in another respect. Usually the advertising placed on community promotional programs of this type is billed at special rates, often materially below the regular rate. Competition of this type will constitute a severe problem for the local station situated near a regional station whose interest must now be concentrated more than ever upon local business.

Thus the absorption of an unduly large proportion of national business by the super-power station will start a movement which, like the snow-ball rolling down the hill, will threaten the economic stability of every class of station below it. The impairment of economic stability of the other classes of stations will result in

a disruption of balance between services, since effective service can be rendered only where there is adequate revenue.

This is all the more important to the local station by reason of the fact that the position which it finds itself in, even at the present, makes economic solvency, to say nothing of stability a hard won battle.

The second contention, is, that enough flexibility must be maintained, or created where necessary, to enable each class of station to perform its rightful role in broadcasting. It has been shown that the rigid classification of local service, and the congested condition of local channels make it impossible for many local stations to serve adequately the communities in which they are located; and the outlying territory which normally comes under the influence of those communities.

Local Function

And here we come upon an important thought: the difference between the rigid classification of a station of a certain power as local, and the actual "local" function to be fulfilled. It is a truism that a local station should render adequate service to the locality which it serves. But that has nothing to do with power, for power is not a measure of utility. What it means is that the station in question must be able to deliver its local programs over the entire area of the community; and by area I mean both the community itself and the adjoining territory coming within its influence.

In the smaller towns in which local stations tend to concentrate themselves, this means coverage in a portion of agricultural territory surrounding these towns. This is quite logical, for the farmers or suburbanites in these contiguous districts are just as much interested in the doings of this town as are the inhabitants of the community themselves. They buy their goods there. Their children probably go to the local high school, especially since the consolidated school has become so important. They seek the town for entertainment. They are interested in the life of the town. Unless the local station serves this area it is not really fulfilling the local function. If it is prevented from serving such areas by allocation or regulations, it *cannot* fulfill the local function.

This leads to another important conclusion. The difference between the average low powered and congested regional station, and the average local station is merely one of classification without consideration of social or economic function. The regional station of this type merely renders local service to a community and a dependent area of larger size. Other than that, it is identical with a local station. Indeed the entire classification of regional and local stations is absurd when viewed from a social or an economic angle.

Regional Network Affiliations

This is particularly true where independent regional stations not affiliated with networks are concerned. A network station is somewhat different in so far as it is part of a national magazine and partly a newspaper. Its local service tends to be subservient to its national programs. It will carry very few programs of local interest at night time, indeed very little other than popular entertainment, by reason of the almost complete sale of its facilities to national advertisers. The bulk of local service therefore must come from the independent so-called local stations, and the independent so-called, and in my opinion misnamed, regional stations of the country. It is important that the interests of the 441 of these now in existence be most carefully protected.

If there is no essential difference between the so-called local station and the average low powered and congested regional station, then it is desirable that greater flexibility should be achieved, if possible, both in the classification of stations rendering local service and in their allocation. Probably it would be wise to have a larger series of classes of stations designed to render service over varying sized area, rather than to adhere to the present archaic and illogical rigid classification of regional and local channels based upon power.

To reduce this idea to more than a theoretical assertion requires that provision be made for greater flexibility of allocation in the local station structure.

In the first place the local station, no matter how classified as to power, must be able to cover the area of influence of the community in which it is located, if it is to serve the local function adequately. This means that it should be given such power as is necessary, and such assignment as may be required for this purpose, at least as far as this may be practical.

Is It Practical?

This leads to the question as to whether this is at all practical. In the first place duplication should be authorized and then be extended on certain so-called clear channels, and provision made in this manner to relieve the present congestion of regional frequencies. This would in no way impair their existing reasonable rural service, but a reasonable number of high powered stations duplicating on present clear channels is probably the best economic use than can be made of the limited number of available channels.

If regional station congestion were relieved in this manner, then deserving local stations could be moved onto certain of the present so-called regional channels. If they continued to be maintained at a reasonably low power and were allowed to make use of the benefits of directional antennae, they would be placed in a position to render more effective local service.

Relief of congestion on local channels in this manner also would make possible either horizontal increases in power or the introduction of greater flexibility in the remaining so-called local field, if it is still called that.

In this manner, and by careful study of individual allocations, the situation of the local station can be improved.

Flexibility of regulations is the thing which the local station requires—flexibility and the right to grow. If the latter exists, it is certain that provisions will be made in some fashion for the former. This may be obliged to take place mainly in the considerations of individual assignments, but we are hopeful that it will be effected once the importance of local service is fully recognized.

Ben S. Fisher

Ben S. Fisher filed a large number of exhibits on behalf of his clients, one of which requested that all stations on 620 kilocycles have their night-time power increased to 5 kilowatts. He said that KVOB on 920 kilocycles was not interfered with by any other station on that frequency or from a station on 880 kilocycles in the same city.

On behalf of KVI Mr. Fisher asked for a night-time increase of power to 5 kilowatts and also asked a similar increase in power to all regional stations.

KHQ which operates on a frequency of 590 kilocycles Mr. Fisher said is also asking for an increase of power to 5 kilowatts at night and he requested this same increase for all stations on that same frequency.

Mr. Fisher speaking with reference to KVOB, Denver, and from information which he received from stations in that area stated "it has been demonstrated that this 40 kilocycle separation existing in Denver has been a complete success and that no objectionable interference has resulted from such operation. Not a single complaint has been received by KVOB over five years' operation from its allocation." Mr. Fisher said further that "due to the improvements and the selectivity of radio receiving sets and due to the better transmission brought about by closer adherence to the assigned frequency, it is believed that the radio art has so advanced that it is now practical and feasible for the Communications Commission to adopt a separation of 40 kilocycles in the same community and it is, therefore, recommended that such standard be adopted."

WTIC Testimony

Mr. McNary today made an engineering statement on behalf of Station WTIC, the economic side of which was presented last week by D. A. Read.

Mr. McNary said:

Since WTIC and KRLD began simultaneous operation on 1040 kilocycles on May 8, 1934, there has been an opportunity for a number of observations on the coverage of the two stations. Field observations have been made at various times in New England, in Texas and in intervening states to determine the extent of coverage and interference. In accord with the terms of the Special Experimental Authority, under which these two stations operate simultaneously, most of these data have been placed on file with the Commission prior to the present date.

WTIC operates with a power of 50 kilowatts in an area having rather high attenuation, in consequence of which the primary service area is limited to 30 or 40 miles from the station. It has been observed that the limitation to service in this area at night is fading rather than interference from KRLD, since fading becomes objectionable at distances from 30 to 40 miles from WTIC.

KRLD operates with a power of 10 kilowatts in an area having relatively low attenuation resulting in a primary service area somewhat greater than that of WTIC in spite of the disparity in power. The primary service area of KRLD at night is limited by fading to distances varying from 40 to 90 miles. This difference in range in the several directions is due to the directional characteristics of the antenna used. The primary night service area of KRLD appears to be free from objectionable interference from WTIC.

Synchronous Operation

During the past year WTIC and KRLD have been operating with synchronous carrier frequencies. The apparatus at WTIC, which was developed by engineers on the staff of WTIC, comprises a receiver for picking up signals from WLW, which operates on 700 kilocycles, and apparatus for controlling automatically the 1040 kilocycles carrier of WTIC from the received signal of WLW. This apparatus has functioned perfectly.

A manual control system issued at KRLD for controlling its frequency from signals likewise received from WLW. While the manual control has functioned with some degree of satisfaction it appears that automatic control is preferable.

The synchronized operation of WTIC and KRLD has furnished a basis for observations of interference between two stations transmitting different programs having a small carrier frequency difference. So far an exact analysis of effect of carrier synchronization with different programs has not been arrived at. Practical observations, however, indicate that there is a distinct benefit to be obtained through the use of this expedient although program cross talk is still the limiting interference factor.

Both WTIC and KRLD render some secondary service outside of their respective fading areas at night under average conditions. Observations have indicated that the secondary night service is more dependable northeast of Hartford and southwest of Dallas. In the Dallas area static appears to be more of a limitation to secondary service than interference. Observations have indicated this to be true as far west as Albuquerque.

As a result of this experimental operation it has been demonstrated that Station WTIC at Hartford, operating with a power of 50 kilowatts, and Station KRLD at Dallas, operating with a power of 10 kilowatts, separated by a distance of approximately 1500 miles can operate simultaneously on a common frequency without a common program and still render their primary service area free from heterodyne or other types of interference. In addition to the primary service some secondary service is rendered by each station depending on transmission conditions.

Louis G. Caldwell

Louis G. Caldwell today was heard in rebuttal testimony on behalf of the clear channel group in which he called attention to the fact that that group is interested (1) in the preservation of clear channels and (2) the removal of the maximum limitation on power.

Mr. Caldwell said:

It is two weeks since this hearing commenced. The presentation of the case in behalf of the Clear Channel Group commenced on the first day of the hearing. Since the close of that presentation the Commission has heard other groups, as well as a number of individual concerns. Some of these have supported our contentions either in whole or in part; others have directed themselves to matters which do not have any direct bearing on the two issues in which the Clear Channel Group is primarily interested: (1) the preservation of clear channels and (2) the removal of the maximum limitation on power. A few have directly opposed our position on both issues.

The Commission has already been so patient and so generous with its time that it would be unfair to indulge in rebuttal evidence any further than is absolutely necessary. Some of the claims made by our opponents have, I think, been adequately met by evidence offered by others who later appeared on the stand, and no purpose would be served by repetition of what they have said.

There are a few matters, however, on which a statement in rebuttal seems justified. In order to save time, we have, so far as possible, incorporated this rebuttal presentation in exhibits in which the Commission may read the facts in detail. I shall, therefore, confine myself largely to introducing these exhibits and to describing briefly what they show.

Limited Area Service

Early in Dr. Pickard's testimony, Dr. Pickard devoted several exhibits and some time to showing that, by the use of directional

antennas, it would be possible to establish 5 kw. stations at Seattle, San Francisco and Cincinnati, and to give service over very limited areas on certain clear channels. By reference, he incorporated certain exhibits which were prepared under his direction and which were introduced in evidence at hearings held about two years ago on Mr. Shepard's applications to establish new 5 kw. stations on 640 kc., occupied by KFI, Los Angeles, and 830 kc., occupied by KOA, Denver, both clear channels. I think it is important that the Commission have before it the actual recordings of the signals of KFI and KOA made at Boston under Dr. Pickard's supervision, which were introduced in evidence and on which he relied in the statements he then made. I therefore offer in evidence, as Rebuttal Exhibit No. 1 of the Clear Channel Group, a folder of photostats of those recordings and of exhibits based on them. These recordings are important because they show both KFI and KOA as delivering a substantially stronger signal at Boston in the period 1933-1934 than they are credited with in certain exhibits introduced by Dr. Pickard at this hearing, particularly Figures 25 and 29.

Some 65 recordings were taken by Dr. Pickard's staff on KFI over the period from November, 1933, to March, 1934. He used the 90% and 10% system at that time, instead of the 80% and 20% system used at this hearing. On the 10%, or interference, basis, the exhibits show an average of 0.140 mv. at the latest hour, but they range up much higher than this for particular nights. On the 90% (or service, basis, the exhibits credit KFI with a signal of from .083 to .085 mv. in January, and of about .068 to .073 mv. in February, and from .032 to .035 mv. in March. Incidentally, recordings offered in behalf of KFI in that same case showed substantially higher levels than these, but were made at other points such as on Long Island and in North Carolina.

Similar Exhibits

Similar exhibits in the KOA case show that, on the 10% basis, KOA delivered a signal of 0.510 mv. in Boston on particular nights in November, 1934, 0.430 mv. in December, 1934, with averages of 0.280 mv. in November, 0.230 mv. in December, and 0.198 mv. in January. These exhibits show that KOA's "average" curve (I am not sure just what this means) was, at the latest hour, 0.190 mv. in November, 1934, 0.160 mv. in December, 1934, and about 0.082 mv. in January, 1935.

Other matters having to do with this suggested duplication of stations on clear channels have, in the main, been sufficiently covered both in the cross-examination of Dr. Pickard and in the testimony of other witnesses. Generally speaking, we do not differ substantially with the estimates which Dr. Pickard gave on cross-examination as to the geographical extent of the interference which the proposed duplicating stations would cause to the existing clear channel stations, and as to the extent to which the clear channel station would limit the duplicating station at night. We have, however, prepared several exhibits on this subject which I should like to offer in evidence simply by description.

Rebuttal Exhibit No. 2, prepared by Mr. Chambers, shows the portion of the country over which the proposed station at Seattle would cause nighttime interference to WJZ.

Rebuttal Exhibit No. 3 shows the computed ground-wave coverage of existing Seattle stations to the 0.500 mv. line, and Rebuttal Exhibit No. 4 shows their ground-wave coverage to the 1 mv. line. These are for the purpose of affording some idea of the service already available in this city.

Rebuttal Exhibits Nos. 5 and 6 serve the same purpose with regard to San Francisco.

Unique in Contours

It is obvious from the map, I think, that both Seattle and San Francisco are rather unique in their physical contours. For the purpose of giving a graphic demonstration of this, our engineers have prepared Rebuttal Exhibit No. 7, which compares what can be done by use of a directional antenna on a 5 kw. station with what can be done with a non-directional antenna. You will see from this exhibit that it is impossible with a coastal city having more or less normal contours to serve as many people with a directional antenna as with a non-directional antenna and still give protection to an eastern clear channel station.

Exhibits 3 to 7, inclusive, were prepared for us by Mr. Glenn Gillett.

Because a vigorous attack was made on the post-card survey conducted by the Commission, we have made as thorough a study of that survey as time has permitted. I am sorry that we did not do so before. Not only do the cards themselves completely refute

the charges that have been made but they disclose a veritable mine of information as to listener habits, preferences, desires and complaints.

It has been impossible to examine and classify the cards from all the states, but enough has been done to indicate with virtual certainty what the results would be. In the first place, let me state positively and unequivocally that Nebraska is *not* a typical state. It is true that in Iowa, Kansas and Nebraska you will find daytime and limited-time stations operating with substantial power on clear channels and a substantial vote for certain of these stations. Generally speaking, you will not find this situation elsewhere in the entire country. Unfortunately, much of our tabulation was completed before this point about daytime and limited time stations was made and our exhibits show this only by implication, by reason of what is omitted rather than what is included. The implication, however, is, I think, convincingly clear.

Rebuttal Exhibit

We were primarily interested in determining, if we could, how much of the voting was for so-called clear channel stations operating on duplicated channels. Our Rebuttal Exhibit No. 8 is an analysis of the returns for the States of Minnesota, Iowa, North Dakota and South Dakota. The obvious leaders are WCCO, WLS, WLW, WSM, WGN and WHO, all of them operating on clear channels. WCFL, operating at Chicago with 5 kw. on a duplicated clear channel, does not have a single vote in the entire area for either first, second, third or fourth place. WBBM and KFAB, duplicating on a clear channel, have so small a vote in all four states as to be negligible.

Rebuttal Exhibit No. 9 tells the other half of the story, out at Seattle, Washington, where KJR operates in duplication with WCFL. This is a map of the State of Washington, showing, by counties, the vote for KJR. In only six or seven out of some 38 counties does KJR have the lead, or in fact any substantial vote at all, and those counties are all clustered around Seattle. The southern portion of the State and the western two-thirds of the State show only a tiny handful of votes for KJR and these votes almost never list it as first choice. There are several counties in which it has no vote and several more in which it has only one vote.

I realize that the KJR-WCFL case is not a very fair example, since each station has power of only 5 kw. For proof that interference plays an important part in keeping down KJR'S vote, it is necessary to look to the listeners' comments, which I shall return to later.

Let us turn, therefore, to Rebuttal Exhibit No. 10 which is a tabulation of preferences for the States of Arizona, California, Idaho, Oregon, Montana, Nevada, Utah, and Washington and the territory of Alaska. So far as KJR is concerned, it shows that stations at Los Angeles and Salt Lake City lead it in its own State of Washington.

Clear Channel Duplication

There are two duplicated clear channel stations at San Francisco, KPO with 50 kw. and KGO with 7½ kw. Notice that the only state in which either has a large vote is California; a detailed examination of the cards will show that most of this vote is within a relatively short distance of San Francisco. In general, the only other states in which either station receives what even approaches a substantial vote is directly to the north in Oregon and Washington, and there is no way of telling how much any of this reflects daytime coverage except from listener comments, to which I shall return presently.

The great inter-mountain area, comprising Arizona, Idaho, Montana, Nevada, and Utah, relies principally on four stations, the two at Los Angeles, KSL at Salt Lake City and KOA at Denver. This brings me to the one apparent exception, namely, KNX. When we take up the listener comments, you will, I think, see that this is not an exception because of the widespread complaint of interference to KNX by a Canadian station. The station in question is a little 1 kw. station in Quebec, Canada, operating, I am told, with less than 40% modulation.

Before turning to the listener comments, let us notice one more case of duplicated operation, WTIC with 50 kw. at Hartford, Conn., and KRLD with 10 kw. at Dallas. Rebuttal Exhibit No. 11 is a tabulation of the post-card preferences in Arkansas and Tennessee, at one end of the line between the two stations, and New York and Pennsylvania at the other. In Tennessee, KRLD gets only one vote, and that is for second place. In Arkansas it gets four votes for first place and a total of nineteen for all four

places. It is far out-ranked in Arkansas by WLW, WSM, WLS, WFAA-WBAP, and even WWL at New Orleans with only 10 kw.

On the other end of the circuit, WTIC has no vote for first place in Pennsylvania, only one for second, and only twelve votes in all. It has five votes for first place in New York, five for second place and thirty-five votes for all four places. Most of these come from the counties immediately adjacent to Connecticut. Hartford is only about 45 miles from the New York boundary and 110 miles from the Pennsylvania boundary.

Tabulations for States

Rebuttal Exhibit No. 12 is a similar tabulation for the States of Maine, New Hampshire, and Vermont. In this connection, note that Hartford is only about 20 miles from the Massachusetts boundary, 65 miles from Vermont, less than 70 miles from New Hampshire and 130 miles from Maine. WTIC has only four votes for first preference each in Maine and New Hampshire and three in Vermont. It trails far behind WFAF, WJZ, and WABC of New York City and substantially behind WBZ. WLW leads it in two of the three states. And again we must remember that some or many of WTIC votes may be based on daytime reception.

Now let us turn to the most eloquent testimony of all, the listener comments. I regret that we did not undertake this before, so as to be able to give you the voice of the rural listener from all over the country. You have, in these cards, a mine of information as to what that listener wants and needs and what, in fact, he is begging you to give him. These comments obviously come from a cross-section of the farming population, the illiterate as well as the cultured, the prosperous as well as the poor. There is hardly an important question raised at this hearing that is not answered in forceful fashion on the cards.

We have been able to copy and classify the comments from only four states, Washington, California, Nevada, Utah and Iowa. They are incorporated in Rebuttal Exhibit No. 13. These states were picked for no particular reason other than that they were among those in which the listener preferences were tabulated and we did not have time to complete the others. Some obviously irrelevant comments were not copied but, in the main, the exhibit includes all the remarks that came from the five states in question. The extent to which rural listeners have gone to the trouble to make known their needs and desires is evidenced by the fact that the comments from California alone cover closely typewritten pages.

Hard to Classify Comments

It was, of course, very difficult to classify the comments, particularly since many comments covered more than one subject. I arbitrarily selected six classifications: (1) Reception of clear channel stations and interference on duplicated clear channels; (2) Interference on other channels; (3) Local interference and static; (4) Class of programs preferred; (5) Advertising and (6) Miscellaneous. The first two of these headings were impossible to adhere to closely; they overlap and should be read together. So should the fourth and fifth headings.

Let us see what is said about interference resulting from duplicated use of clear channels, about reliance on clear channels for rural reception and about whether this daytime reception is satisfactory. I shall quote from only a few of a great many comments:

Washington

KGO should have a clear channel. Best station on the Pacific Coast. (Pierce)

Canadian station interferes with KNX. (Garfield)

The stations of the CBS should be cleared for better reception, KSL being the only station for that chain heard at night without interference. (Klickitat)

We are wondering why it is that we can at times reach stations as far east as Cincinnati but have difficulty in obtaining the coast stations of Portland, Tacoma and Seattle. (Lincoln)

1050 KNX. You have to keep turning the dial up and down and some time it is such a muddle you cannot distinguish the conversation, hope this could be remedied. (Thornton)

Some other station interferes at times with KNX Hollywood. I think there are too many stations. (King)

There seems to be interference on KNX. (Ferry)

Can not get any reception in daytime. (King)

Seattle radio reception is very poor in this area. (Douglas)

Keep stations off KNX and give them the power. (Garfield)

KOMO and KJR which should really be our clearest stations

are almost impossible to listen to because of station interference. Also KFRC. (Lewis)

KNX is our favorite station but there is so much interference we have to sit by the radio and keep turning the dials. (Garfield)

Leave our clear air channels alone. The eleven western states should keep what they have for western stations. (Columbia)

KGW and KJR are strictly daytime stations. All local channels are worthless at night. After dark only cleared channels may be understood. WLW and WBT are always better than such local stations as KOIN or KEX. (Pacific)

California

There is a lot of interference on KGO between 6-8 p.m. otherwise programs are coming in fine. (Stanislaus)

Interference with KNX impossible to get it at times. (River-side)

Interference on KGO and KYA. (Nopa)

Have a set in car and Station KPO is only one that I can get in daytime. Should be another station in Nor. Calif. with power enough to reach 90 or 100 miles north of Sacramento in daytime. (Butte)

KPO has the best programs but some nights there is interference which makes the reception blurred.

KGO and Dallas, Texas, too much interference. (Sutter)

No reception here whatsoever during the day. Fine at night, with no static to speak of. (Trinity)

Interference on KNX seriously impairs reception. This station carries a nightly weather service much desired by citrus growers. (Tulare)

KGO is interfered with badly. Some very good programs cannot be received because of this.

Interference is very great on stations KGO and KFRC after 5 p. m. (Calaveras)

Advise clearing of air channels by eliminating about 75% of low power, useless stations. Have high power stations in all widely separated, both in distance and air channels, particularly the latter. Also separate more widely in distance stations on the same chains or hook-up. (Contra Costa)

KGO and KNX have interference. (Fresno)

Too much interference on KPO at night causing garbled reception. (Glenn)

In this locality good reception does not start until evening, account distance from broadcast station. (Humboldt)

Reception usually possible at night only. (Inyo)

Nearer stations with greater power are preferred because of bringing in more noise in reaching for distant stations. There is lots of static in summer months. (Madera)

In this locality there is a lot of interference on KGO and KFRC. (Monterey)

Daylight reception is not so good here. (Modoc)

This part of Calif. and the part of Nevada near here has the poorest reception of any part of the country. Practically no reception in daytime. A more powerful station at Oakland would help. (Mono)

Some interference at night over KPO. (Placer)

Broadcast reception very poor in this locality. Only high powered stations available for clear reception. (Santa Barbara)

Daylight reception is very poor in Shasta county though from 6 p. m. on it is OK. We class KNX as a favorite as well. (Shasta)

Iowa

KFAB interferes with WBBM daytime reception.

WLS does not have enough power. Market reports by Jim Poole are very important to all midwest cattle and hog feeders. (Wright)

A few more high power stations on a clear channel in various parts of the country without a local low power on the same band or frequency. (Wright)

With the 500,000 watts WLW is using we get them any time of day or night—recommend more 500,000 watts be authorized for more efficiency. (Wright)

Reception from above stations is excellent during the day *only*. Much interference and fading from WBBM during day. (WCCO, WMT, WHO, WOI) (Worth)

Why is it we have trouble getting programs over CBS? Have never been able to get the Will Rogers programs without other stations coming in and crowding the programs out. Had the same trouble with the Eddie Cantor program last night. Would suggest some channels be cleared to lessen interference. Very few stations on CBS are satisfactory after night. (Wayne)

We listen to stations all over the U. S. We like WLS on Sat. nights. Dallas, Denver and Nashville are other stations we are in on regular. Give the little stations more power in daytime and cut them off at night. (Lyon)

We need a station belonging to the "Blue" Network on a cleared channel somewhere in this region. Otherwise I believe our region is served splendidly. (Jasper)

Reception very good here with the exception of WBBM and KFAB 770. Both on in the daytime cause bad interference. (Benton)

Utah

KSL is only station we get in daytime. We get many stations better than KSL in evening. We often get clear reception from Dallas. (Duchesne)

Interference on KDYL, Salt Lake City, Utah, station. Interference on KNX, Hollywood, California station.

We listen to KSL in the day. It is the only one which comes in clear. (Emery)

KSL is our nearest broadcasting station but reception is poor. It is up one minute and fades off next. There is some station that interferes with KNX at times. (Piute)

Lots of interference on KNX. Drifting away on KOA. Strong KFI. (Cache)

KSL is only station we can get during the day. (Wasatch)

Nevada

We are unable to get any stations in the daytime. (Pershing)
All stations come in clear in the evening and early morning but during the day—not so clear. (Nye)

Daytime reception very poor. KLX being about the only station coming in satisfactorily until 4 or 5 p.m. (Elko)

Unable to get CBS or KHJ and some interference on KSL. No clear channel for CBS in this part of the country. (Clark)

I have only read a fraction of the complaints relating to interference on the KNX channel. Some of it, in the northern part of Washington, is due to station separated from it by only 20 kc. but most of it, I think, must be ascribed to the little 1 kw. station with less than 40% modulation at Quebec, 2600 miles away.

What have the listeners to say with regard to regional channels? On this subject there are almost innumerable comments, of which the following are typical:

Interference on Other Channels

Washington

Remove WOW from KHQ's channel. Allow Western Columbia chain stations more power. (Pend Oreille)

The popularity of radio is at stake and if stations are not separated so a person can get what is wanted without interference it will be too bad. The Mexicans are the worst on our radio. KHQ, our main station, is about out in the evening. (Lincoln)

A lot of trouble with Omaha, Neb., interfering with KHW. (Whitman)

There are too many small stations that give no reception but interfere with stations of same wave length. (Whitman)

Too many stations on the same wave length. (Walla Walla)
Eliminate that Mexican station which interferes with KHQ of Spokane. (Lincoln)

If 1/2 of stations were off air we would get real reception. (Wahkiakum)

Why not eliminate some of stations with same wave length. We have a lot of trouble by getting too many stations at same time. Cannot listen to radio very much on that account. (Thurston)

The main trouble with radio broadcasting, there are too many stations. (Whitman)

Stations are coming in better. Less interference than a month ago. I believe that there should be a law against stations broadcasting under same frequency. (Adams)

Cut down Omaha. It interferes with KHQ. (Whitman)

California

Too many small stations. (San Luis Obispo)

Too many small stations close together that interfere with each other. (San Diego)

Memo—Reception of KHJ not good after 6:00 p.m. (San Bernardino)

Fewer stations and better agricultural programs needed. (River-side)

Too many stations—causing one station to interfere with another. (Merced)

Should be less stations and better quality of programs. (Monterey)

Yours for fewer and better stations. (Napa)

Too many stations on each wave causing muchness. (Lancaster)

Kill perhaps 90% of broadcasting stations. Have a few powerful stations properly located and kill this rotten advertising. (Tehama)

Iowa

There are too many stations broadcasting at the same time. Resulting in interference. (Woodbury)

Less stations with more power. (Winnebago)

WOW ruined at night by some station. I think Mexico station. KOIL has a great deal of interference. (Montgomery)

WOW is interfered with by a Mexican station in the evenings. I think the call letters are XENT—but am not sure. Anyhow it is a decided nuisance. (Mills)

There is too much interference on quite a number of stations. Their wave length being too close together. (Jackson)

Entirely too many stations using identical wave length in the evening. (Johnson)

Too many stations. (Van Buren)

Too many stations. One half the stations would do better work. (Scott)

Too much interference between 1100 and 1500 kilocycles in the evening. (Plymouth)

We think there are too many stations; causing interference. (Muscatine)

Suggest a change of some kind between 1200 and 1500 kc. bands. (Muscatine)

There are too many broadcasting stations. (Buchanan)

Utah

There is too much interference on KDYL. (Summit)

From 1190 to 1400 kc. the stations are so numerous they cannot be separated. (Beaver)

Fewer stations—more power. (Millard)

Too much interference from small stations. (Utah)

Nevada

"Less broadcasting stations and better programs." (White Pine)

There are other stations we like to hear but most of the time too much interference from other stations. There should be more margin between stations. Cut out about half of them. (Churchill)

Can anyone justly say that these farmers have not given a fairly correct analysis of their radio troubles, or that they are not pretty well aware of what is necessary to cure them?

Program Preference

Now let us turn from the rather dry and technical subject of interference to the very human subject of program preferences. For the sake of the industry, I am going to pass over what is said on the subject of advertising. It is all in the exhibit.

The striking thing about these unsolicited comments on programs is not the occasional criticisms of too much jazz and crooning, too much grand opera and classical music, too much speaking, too little speaking, and so on. These comments more or less balance each other out. It is the virtual unanimity on what the rural listener wants and needs to the point of actual necessity. Over and over again he stresses his desire for news, market reports, weather reports, discussions of current events, and the like. From the State of Washington alone, there are 32 comments of this character out of 107 that relate to programs. They express deep appreciation of this sort of program and ask for more. Many of them stress their isolation, their desire to keep in touch with the outside world, and their inability to get newspapers in time. These people are really relying upon radio in scheduling their daily lives, as well as looking to it for entertainment, education and religious services. Incidentally there are not a few that indicate that they want such programs in the evening since they are too busy in the daytime to listen. No greater mistake could be made than to say that these rural listeners are asking merely for local news and local markets. They are asking for the sort that they have been receiving over clear chan-

nel stations, which they frequently name by call-letters and commend for their services in this direction.

Wealth of Information

In behalf of the Clear Channel Group, I urge you not to let this wealth of information contained in rural listener comments go without study and analysis. We have been able to make a hurried survey of the cards from only five states. Except for this, we have no idea what you will find when the comments proceeding from the other forty-three states and Alaska will show. We are inclined to believe, however, that these comments are a much more trustworthy indication of the merits and defects of our present broadcasting service to rural communities than all the statistics, graphs and charts that an expert economist can devise.

One or two relatively minor points remain to be covered. Dr. Pickard laid considerable stress on the fact that regional stations now serve a daytime population of 245,292,649 persons and a nighttime population of 175,206,988 persons, counting duplications of regional assignments in the same area. I do not think he made it quite clear how he arrived at these figures. We have examined the tabulations that he submitted in evidence in support of his calculations and find that to a certain extent these totals require explanation. For example, there are in Brooklyn four 500 watt stations that divide time on 1400 kc. Each one of the four is credited with serving 7,130,446 persons by day or a total of 28,521,784 persons on this one assignment. Each is credited with serving 6,962,246 persons at night, or a total of 27,848,984 persons. The same process was followed with the three 1 kw. regional stations dividing time on 1300 kc., to which is also added the population coverage of a fourth station at Troy,

New York, dividing time with the three New York stations. Altogether these eight stations dividing time on two frequencies account for nearly 51,000,000 of Dr. Pickard's day population served by regionals, and over 49,000,000 of his night population. We have been unable to determine how he arrived at his calculation of the rural population served by these stations. Following his general method of reasoning, I suppose we would be entitled to claim that the daytime rural audience not receiving primary coverage in this country is not merely some 40,000,000 but forty times that, since there are, on the books, 40 clear channels on which they do not receive such service.

This concludes the rebuttal case for the Clear Channel Group. I should like at this point to make acknowledgment, in the name of the Group, of the invaluable technical assistance we have had, not only from Mr. Chambers, who has testified, but his partner, Mr. McNary; also Mr. Glenn D. Gillett, a consulting radio engineer at Washington, and an engineering committee composed of the chief engineers of three members of the Group, Mr. J. H. De Witt, Jr., WSM, Chairman, Mr. Carl J. Meyers, WGN, and Mr. R. J. Rockwell of WLW. They in turn have had the advice and cooperation of the chief engineers of all members of the Group. On the legal side, we acknowledge the helpful advice and counsel of the Honorable Swagar Sherley, who will argue the case in behalf of the Group.

In closing, I express the Group's appreciation of the fairness and patience with which this important hearing has been conducted.

William B. Lodge

William B. Lodge of Columbia Broadcasting System who presented engineering data to the Commission on last Friday as already noted in the Daily Bulletin, suggested engineering standards for reclassification of broadcasting stations as follows:

Designation		Suggested Name	Maximum Number Night Stations	Night Mileage Separation	Power (KW)		Groundwave Protection (MV/M) ¹	
Proposed	Present				Night	Day	Night	Day
A	Clear	Clear	1	Unduplicated	50	50	.5 ^e	.1
B	Clear	Dominant Zone	1 ^b	B-C 1500	5-50	5-50	.5 ^f	.1
C	Clear and H. P. Regional	Restricted Zone ^a	2	B-C 1500	5-50	5-50	3 ^g	.1
D	Regional	Regional	5 ^c	C-C 600	5	5	3 ^h	1
E	Regional	Sectional	10	900	5	5	3 ^h	1
F	Local	Local	60	d	1	1-5	8 ^d	1
				d	.25	.25	4 ^d	2

NOTES:

- a—In some cases, when a power less than 50 kw is used, directional antennas may be unnecessary to provide the specified protection to another Class C Station.
- b—This does not preclude addition of a Class C Station.
- c—This does not preclude addition of Class E Stations if required protection is provided all stations.
- d—Night separation to be determined by daytime groundwave interference.

- e—Except for an adjacent-channel Class A Station, for which suitable mileage separations must be developed.
- f—Protection to a Class B Station from a Class C Station.
- g—Protection to a Class C Station from either a Class B or a Class C Station.
- h—For 5 kw operation.
- i—Based on F.C.C. skywave curves (second hour after sunset) of allocation survey and these assumed antenna efficiencies: A, B, C 200 mv/m per kw; D 175 mv/m per kw; E, F 150 mv/m per kw.

Allocation Hearing Completed Today With Argument by Sherley on Behalf of Clear Channel Group

The allocation hearing which has been held before the Broadcast Division of the Federal Communications Commission almost continuously since October 5th was completed today when oral argument was made by Swagar Sherley on behalf of the Clear Channel Group.

Mr. Sherley told the Commission that the problem before it is to determine the broad policy to be pursued so that listeners may enjoy the utmost benefits from radio both in its present state and from future development.

Only by a clear concept of unique ability of radio among all forms of energy, said Mr. Sherley, can a proper approach be made to the problem. He pointed out the fact that by radio alone can space be conquered in terms of time. Area over which it may be used is limited he told the Commission only by the power employed.

Mr. Sherley argued that public interest demands that this power be not wasted or dissipated and he said that "necessarily its proper use is a national one". He contended that the Clear Channel Group have several things in mind including the fact that none of the existing clear channels should be lessened or broken down and that the power increase should not be limited. Super power he said is a phrase that is really contrary to the facts. He told the Commission that if he recalled correctly during the early days of point to point radio five hundred thousand watts were used for transcontinental transmission. He said that this so-called super power is much of a bug-a-boo and he said that this much power or more is used for the lighting up of the front of New York theatres each night, more than that is used for the presses of daily papers and each power house of the country uses more power than five hundred kilowatts. He referred to super power as "a tyranny of phrase."

Populated Areas

Mr. Sherley said that the use to be made of radio "presents conflict between those in the thickly populated areas of this country and those in more sparsely settled areas." The allocation of frequencies has been made he stated with an effort to compromise the claims of population alone and area to be served.

"In testing public interest" said Mr. Sherley "by the greatest good to the greatest number, greatest number should not be emphasized at expense of greatest good". The greatest good he said is to be found by ascertaining the greatest need.

Those whose need is greatest should have no lesser right he contended "than those more fortunately situated and consequently with less true need". The benefits of radio he contended should be available to all.

Mr. Sherley said that a quality of service has always been recognized by the radio law. Congress he said intended social consideration to outweigh economics.

"Clear channel stations have no desire to disparage the social service rendered by any class of stations" said Mr. Sherley and "approve increased power to regionals and locals to improve this service. However, clear channels serving wide areas do render the primary social service contemplated by the radio law."

Although United States radio reception said Mr. Sherley is superior to that of any other nation, it is admitted by all that the art has advanced so that greatly improved service can and should be rendered to listeners.

"In both city and country," he contended "the listener does not enjoy as good reception as knowledge of the art now renders possible. In both city and country increased power will not only improve reception of those who now enjoy it, but will give reception to many now without it.

"More power is the only real remedy which will afford better

service to both city and rural listener. Progress in listener service has always been opposed by the timid and the fearful." Mr. Sherley said that satisfactory service for the whole country can be obtained only by the preservation of clear channels and an increase of power to stations assigned to them. The engineering data he said shows that no possible arrangement of regionals and locals can produce this national coverage if all clear channels are abolished.

Limitation of Power

"Though not openly advocated as such" Mr. Sherley said "a limitation to 50 kilowatt power and permissive duplication will lead to elimination of all clear channels and as shown by engineering data prevent covering the entire area of the United States.

"Regionals have practically no secondary coverage at night and this secondary coverage of clear channels is the only method whereby truly national coverage is at all possible."

Discussing the question of the number of clear channels necessary Mr. Sherley pointed out that it is impossible for one clear channel station regardless of its power to serve the entire United States because of fading and the fact that the sky wave service is not constant.

To afford any variety of program service to the rural listener outside of the primary service area of other stations Mr. Sherley contended there must be still a greater number of high powered clear channel stations. The question of international complications from high power stations in the United States said Mr. Sherley is out of the picture. He contended that while this country wants to be a good neighbor it should not shackle the radio art. Our neighbors are not doing it he said.

On the question of monopoly Mr. Sherley said that the Clear Channel Group is highly individualistic and independent as evidenced by their ownership and the granting of 500 kilowatts would accentuate this individuality by decreasing dependence on the chains.

Can Prevent Duplication

The radio law he said is sufficient to prevent any undue duplication of programs and monopoly and he called attention to the fact that the advertiser will not pay for unnecessary duplication of his own program.

Mr. Sherley stated that increased power to these independent stations will create a bargaining power able to deal with both broadcasting companies. The prevention of concentration of ownership he said eliminates monopoly.

He said that the Clear Channel Group are not subservient outlets for the chains but they are independent and he suggested that the Commission should see that separate ownership is preserved and called attention to the fact that the Commission has power of control over contract relationship.

"Graphs showing overlapping areas served by respective stations" he said "do not necessarily prove any real duplication of programs to all listeners within the overlapping areas."

The radio listener he contended must have more than one station available for uniformly good reception. He said that in his opinion the data of the regionals overlook the fact that inability to get good service rather than financial limitations accounts for the absence of radios in many homes. Obviously he said 90 per cent of our citizens are not now receiving satisfactory radio service. If so, there would be no need for the increased power now sought by the regionals.

Dealing with the question of duplication Mr. Sherley said that while duplication is feasible the resulting benefits do not compensate for the loss.

Signal Strength

"In the narrow area lying between two stations" he said "it is possible by directional antenna to so suppress the signal strength as to protect the dominant station within the narrow area. As the width of the area is enlarged the protection becomes less."

If clear channels go to higher power said Mr. Sherley the condition as to feasibility of duplication changes rapidly. Such increase he said makes duplication impractical which may account for the opposition to the higher power. It is practically impossible he contended to again clear a channel that has been broken down. Clear channels he stated "should not be forced to repeatedly defend the exclusive use of their frequencies simply because from a strictly engineering viewpoint duplication is feasible in certain few areas."

There is no valid technical objection Mr. Sherley told the Commission to increase the power of clear channel stations. The opponents insistently urged he said "(1) that clear channels can not survive economically and (2) that they will so successfully survive as to drive regionals out."

Mr. Sherley contended that great weight should be given to the opinion of men who are willing to risk their money in the venture of 500 kilowatt stations. The question he said as to who should be allowed to increase their power can only properly be determined upon the hearing of individual application.

Service Limited

What radio stations have to offer to advertisers is limited in quantity said Mr. Sherley which presents inherent limitation in broadcast advertising regardless of the demand for a station's time. National advertising today he contended is extremely small compared to potential national advertisers. He admitted that if power is increased rates will have to be increased, based on increased circulation.

Mr. Sherley said that the ratio of radio advertising to other forms of advertising is constantly increasing and that there is now a steady growth in radio receipts. Stations he told the Commission can not exhaust or even satisfy the demand of advertisers with only 18 hours per day to sell.

"That regionals may no longer carry the same chain programs that clear channels carry," he said, "does not mean that there will be no chain programs available to them, since expansion of chain programs is not at an end."

Discussing the question of flexibility Mr. Sherley said that "it is well to consider what is meant by flexibility of regulation. If by it we mean that this plastic art should not be put into a straight jacket, I would say 'Amen.' If it means that all regulations are to be so elastic as to give no repose or security as to the basic character of different classes of stations, then I emphatically say 'No.'"

"Let me illustrate: The clear channel group have recommended a minimum requirement of 50 kilowatt power for all clear channel stations and are opposed to any maximum limitation on power. Why? For the reason that if a station is to have a frequency for its exclusive use, a very high grant, it should be required to make such use of it as to justify the grant, and if it cannot or will not, then it should have the grant revoked. There you have a proper rigidity, one necessary in the interest of the public in order that the all-too-scarce frequencies shall be put to a satisfactory use."

Better Service

"On the other hand, if a maximum on power is left open so that a station may progressively better serve the public, you have the flexibility necessary to growth. Again I can illustrate by the distance tables of separation of stations. Such a regulation is one of a working standard subject to be disregarded in the light of facts pertaining to particular frequencies and particular stations. To make such tables absolutely rigid, never to be departed from, would be to hobble the art."

"If I should undertake to formulate a rule as to when a regulation should be rigid and when flexible, I would say it was this: Let the regulation be rigid whenever it relates to a basic determination necessary to protect a desired and determined status; let it be flexible when within that classification or status a rigid application would prevent adaptability to actual facts in an instant case, and by all means let the flexibility be an aid to progress and not an invitation to retrogression."

"Perhaps another misnomer that has grown up in radio nomenclature is the expression 'secondary service area' as applied to clear channels. A truer description would be 'exclusive clear channel

service area,' for as this Commission knows full well, that coverage comes chiefly from clear channels, and is a truly primary service to many dependent almost solely upon it."

"But I must not pursue this subject. A book could be written on the harm that has come from the use of phrases that take the place of real thought."

Monopoly

On the question of monopoly Mr. Sherley discussed the likelihood of any possibility of that if clear channel stations are given increased power as professed by some.

"The stations in the clear channel group which I represent are highly individualistic," said Mr. Sherley.

"Consider the ownership of these stations and you will see how truly independent and individualistic they are. Financial ownership is entirely distinct; their relation to the national broadcast companies is separate and distinct and can be changed, and doubtless will be from time to time. While they carry in large part, chain programs, they exercise individual choice as to what sponsor or sustaining program they will take and the choices they make in these respects are frequently quite different."

"If all these stations went to 500 kilowatt power, this individuality would not only still remain, but be accentuated, for with the increased power would come a lesser dependence on the chains."

"Overlooking this individuality, critics of increased power insist that there will be an undue duplication of programs and a monopoly of the air by the chains and a few stations. A sufficient answer lies in the radio law itself."

"Control over programs of chains, particularly as to undue duplication of stations with overlapping areas, lies within the expressed power of this Commission. That such control will need to be exercised I seriously doubt, but that that power exists and if necessity arises can and will be exercised, is plain."

Duplication of Programs

Mr. Sherley said that monopoly will not be endured, either in programs, ownership of stations or otherwise. "But I think," he said, "it is fair to say that the advertiser will see to it that he does not pay for unnecessary duplication of his program. I vision in the future not a monopoly of radio broadcasting by the existing chains, but rather a multiplication of chains, not alone by the existing companies but by alliances between stations themselves."

Mr. Sherley said that "monopoly of chain broadcasting is made infinitely more likely by denying growth and strength to independent stations such as compose the clear channel group. By giving these independent stations sufficient power to cover large areas whereby four or five of them joined together can assure consistent nation-wide coverage throughout the entire year, you will create a strength of bargaining power able to deal on somewhat equal terms with either or both broadcasting companies. These stations will have resources sufficient to originate programs of equal merit with those furnished by the chains. It is even likely that in such a situation program creation will in considerable degree divorce itself from chain and station ownership and booking of such programs with groups of stations be the rule."

"The law gives you and you exercise control over change of ownership. You can and should prevent ownership of many stations in a few hands. You must prevent monopoly resulting from single ownership of all stations in any limited area. Prevent that concentration of ownership and you need have no fear of monopoly."

Contract Arrangement

"If it be thought that contract arrangement between stations and the chains gives control over ownership into the hands of the broadcasting companies, you have power to cause any necessary changes in such contracts. I know as to some of the Clear Channel Group for whom I speak, and it may be true as to a number of others, that the stations have notified the chain with which they are affiliated that the station will exercise its own judgment at any time it considers it proper to substitute its own or another program for chain programs that may have been contemplated."

"These stations are not simply subservient outlets for the chains. They are independent in the true sense of that term. They would not become less so, but just the contrary, by an increase of power and the ability to serve over larger areas. There is no danger of a monopolistic combination between such stations."

"Can you visualize a combination between WGN, the Chicago Tribune station, and WHAS, the *Courier Journal* and *Louisville Times* station? My imagination is not so facile or vivid. And

the same is true of any other combination of the stations in the group. Preserve separate ownership. Control if need be contract relationship and you will certainly prevent monopoly."

Dealing with the duplication of program Mr. Sherley said that the Commission must not let the talk of duplication of chain programs mislead it. "I am sure this Commission," he said, "will not overlook the need for some duplication, no matter how great the power that may be given to clear channel stations. It is one thing to show overlapping areas by graphs, depicting the areas served by respective stations. It is quite another thing to prove thereby that there is in any true sense a duplication of all listeners within the overlapping areas."

Advertising Claims

"This is apparent if we consider the matter from an angle other than the advertising claims of the broadcasting companies. The exhibits and data which have been assembled by regional associations as bearing on this question are on the basis of the ability to hear a single station and to hear it with a single strength .4141 millivolts." Mr. Sherley said that there was no use in refuting the statement that 90 per cent of the citizens of the United States are now receiving satisfactory radio service. "Were this true," he said, "the regionals situated in all the large cities and towns of the country would not now be seeking additional power. This Commission knows that static and man made noises make necessary increase of power if service is to be truly satisfactory in the city, town or country."

"Monopoly is not to be prevented by denial to a station of any class of power sufficient to adequately perform the service expected of a station of that class. This Commission is not so impotent in its power and control of stations as to need to keep them inefficient in order to preserve independence in broadcasting."

In connection with objections urged to the elimination of any maximum of power for clear channels Mr. Sherley said:

"Those who have opposed the elimination of the present maximum upon power permissible for clear channels and who in particular strenuously object to any grant of 500 kilowatt power to any of these stations, if I understand their position aright, urged in substance four reasons: (1) engineering objections; (2) economic objections, as applied to the clear channel stations themselves; (3) economic injury to regional and local station; and (4) international complications that will result. Let us examine these objections in order."

Engineering Opinion

"I think I am warranted in the statement that there is a unanimity of engineering opinion that in the light of the selectivity of present day receivers, there is no valid technical objection to the increase of power and this is true irrespective of whether there is a corresponding increase of power by clear channel stations on adjacent frequencies; or as the engineers put it, there is no insurmountable problem of adjacent channel interference."

"Men are always impeded by their fears and I recall that when the then supposedly great increase to higher power was being considered by the Radio Commission, and out of which came the present 50 KW power stations, it was urged that the interference between stations on adjacent channels would be such as to seriously impair the service that would be rendered. We all now know that those fears were groundless."

"I come then to the second objection urged, an economic consideration. We are told that the clear channel stations cannot afford to make the investment necessary for increased power and will be unable to bear the increased cost of operation, maintenance, depreciation, etc."

"I might in passing say that it strikes one as a little curious that those who urge the inability of the clear channel stations to survive are those who also urge that they will survive so successfully as to imperil the life of the regionals."

Economically Justified

"But I am not concerned with either the maximum or the minimum figures that have been presented, or some intermediate figure, though I want to suggest to your Commission before I go into the question of the reasons why I believe the increase of power will be economically justified, that very great weight should be given to the opinion of men who are risking their money in the venture. Certainly a commission should be exceedingly slow to stop the improvement of broadcasting service to the country by a predetermination on general considerations of the unwisdom of

expenditures by those willing to take the gamble. America's progress has been made by the courageous who in the face of the declaration that it could not be done, have gone forward and done the particular thing."

"Let me suggest again that the ability of individual clear channel stations to make the outlay and sustain the increased cost of operation is one that can only be properly determined upon the hearing of the individual applications. This Commission is not confronted with the decision of now determining that 30 clear channel stations shall go to 500 KW power and no such request is urged by the group that I represent. What is being asked is that the prohibition against going to higher power shall be removed from the regulations."

Problem as Whole

"But let us turn to the question, viewing the problem as a whole, as to whether there is advertising patronage sufficient to make the venture successful. I would like to impress the Commission with this basic thought: What radio stations have to offer to advertisers is limited in quantity. It should not be limited in quality by any regulation that the Commission may make. Now what I mean by that is this: There are probably not over 18 hours a day of salable time, varying in value according to the particular time of the day or night. This is a limitation inherent in broadcast advertising and in this particular it differs entirely from advertising through other media. The newspaper may increase the volume of advertising carried by it to whatever extent the demand may require. But no matter how great the demand for a station's time, it has only so many minutes and so many hours available to carry the advertising program."

"It is because of this limitation that I am quite sure that the difficulty ahead of radio stations of all classes is not to find advertisers wanting their time; the difficulty will infrequently be to find time for such advertisers."

"If you will consider the number of different national programs carried on the air today by all stations, you will find it exceedingly small. A few hundred would certainly cover the number. Compare that with the potential national advertisers as measured by those businesses in America now engaged in national advertising through other media and I think it will readily be concluded that the saturation point is in no sense even approached, let alone reached."

John V. L. Hogan testified before the Commission yesterday as president of the Interstate Broadcasting Company, New York. Others testifying yesterday included Edward N. Nockels, secretary of the Chicago Federation of Labor and general manager of stations WCFL and W9XAA, and Professor J. F. Byrne on behalf of Station WGAR, Cleveland.

John V. L. Hogan

Mr. Hogan in his statement to the Commission urged that the Commission retain the experimental privileges and requirements as to stations in the 1510-1600 kilocycle section of the broadcast band. He urged the Commission also to open the 1510 and 1590 kilocycle channels for stations of a maximum power of 10 kilowatts. He made several other suggestions.

Mr. Hogan said:

First I would like to congratulate you of the Commission and the staff of your Engineering Department upon the plan underlying the present hearings, and to thank you for the opportunity to express to you such of my views as may be of possible utility to you. It was my good fortune and pleasure to cooperate with the Department of Commerce in its first broadcasting allocations, and with the Federal Radio Commission in forming the engineering basis for the allocation of 1928. I have enjoyed hearing and reading much of the testimony that has been presented here, and I think that I may say that we should all be grateful to the Commission, for the Clear Channel Survey as a direct proof of many of the principles underlying allocation engineering, and to many of those who have appeared before you, for their sound analyses and applications of the engineering principles that have been available to guide us throughout the growth of broadcasting. It is a matter of considerable interest, if not of considerable importance, that these hearings have developed much new information in support and confirmation of sound engineering principles, and nothing, so far as I know, that is radical or which would indicate the need of any revolutionary changes in allocation or allocation engineering."

Second, I would like to give you, as concisely as possible, my

thoughts with regard to certain of the topics listed in your Notice relating to these hearings on Docket No. 4063. It may be convenient if I treat these in the order of the Notice, which seems to me to be logical and satisfactory. I have had the opportunity of studying these topics with the Broadcasting Committee of the Institute of Radio Engineers and of contributing to the Institute's comments that were presented by Professor Hazeltine, but nevertheless, you may be interested in hearing at first hand the viewpoint of an independent consulting engineer.

Classes of Stations

Your first topic is the "Classification of Broadcast Stations." There are just two classes of broadcast stations. One is that of the clear channel station, whose day and night service is properly limited only by the noise level at distant receiving points, or improperly by interference from station on neighboring channels. The other class is that of the shared channel station, whose day service is limited either by noise at the receiver or by interference from stations on the same or on neighboring channels and whose night service is limited principally by interference from other stations on the same channel. If there is to be any reclassification of stations, I suggest this simple division into the two groups, clear channel and shared channel.

As to definitions and purpose, the clear channel station whose service is limited only by noise level, is obviously for the purpose of serving listeners in nearby urban centers, in the hundreds or thousands of more remote cities and towns who have no stations of their own, and in the widespread rural areas that cannot be reached by shared channel stations. The shared channel station is for the provision of an *additional* or supplementary service, usually more local in flavor, to cities, towns and their nearby trading areas or otherwise defined local territories. That is all that shared-channel stations can do, by night, particularly if they are spaced so closely as is now common.

Number of Channels

With respect to the number of channels to be allocated to each class, I favor (and always have favored) an increased number of cleared channels. That is because I feel that, in general, urban centers have been getting all the radio they need, while our rural population has *not* been getting all the radio it needs and deserves. Since shared-channel stations serve the urban populations *only*, at the expense of the rural listeners, whereas clear channel stations serve *both* urban and rural listeners, there is no reason for further impairment of clear channel service and there are many sound reasons for working in the direction of at least 40 real clear channels in the broadcast spectrum.

With respect to the effect of frequency, I would point out that the sky wave depended upon for night-time wide area coverage is equally good throughout the broadcast band, and that the indicated difference in fading period favors the selection of the higher frequencies for clear channel service. So also does the reduced natural noise level that has often been observed. For daytime service, the lower frequencies are in general somewhat better than the higher frequencies, but by no means in the amount indicated by some of the witnesses here. There is evidence of the existence of a useful daytime sky wave at the upper part of the band, and much of the supposed increase in attenuation is offset by a higher antenna efficiency. Thus, for night-time service, the 1000-1600 kc. waves are equal or superior to the 550-1000 kc. waves, and for daytime service the variations in attenuation seem to be of less practical consequence than has often been suggested.

There can be no rule as to the number of stations to be permitted to operate simultaneously on a single channel at night. Once a channel has been dedicated to the supplemental service of *urban* listeners, i.e., once it has become shared, the number of stations to be permitted on it depends entirely upon the relative location and sizes of the areas to be served. At the two extremes are the present local channels, one each of which many small areas of perhaps only fifty or one hundred square miles are served, and the present two-station shared channels, on each of which two large urban and suburban areas may be served unless the two stations are geographically too close together.

Separation Tables

Mileage-frequency separation tables may be useful as a rough guide for shared channel allocation, but they can be no more than that unless they are extended to include the factor of the size of the area to be served by each station and, for daytime service, the

channel frequency and the character of attenuation for the territory under consideration. On the whole, I think it much wiser to establish service standards to be met and to be protected, and then to consider each specific case on its merits and in view of all the facts that can be determined to apply to that particular case, than to depend upon averaged or arbitrary mileage tables.

As to subclasses, there is no way to set up groups within the clear channel classification. Shared channels might be usefully subdivided according to the number of stations to be permitted on each.

With respect to the use of frequencies designated as clear channels "by stations of another class", it should be noted that this is impossible at night. As soon as a second station is allowed to operate on a clear channel at night, the channel is no longer clear, but automatically becomes shared, and automatically loses its capacity for rural service. But there is probably no need for a cleared channel by day, unless, with very high power and probably at a low frequency, a station can push out a division signal well above the noise level to such great distances that a second station on its channel would restrict the useful service. In general, under today's conditions, all channels that are clear at night could be shared in the daytime.

Protect Rural Listeners

However, the Commission should protect the rural listeners from the ever present dangers of losing their radio service, by refusing to such additional daytime stations any possibility of becoming (either gradually or abruptly) night-time stations, with the inevitable transformation of the channel from a clear channel to a shared channel.

In my opinion there is no reason why a single frequency should not be simultaneously used at night by two 50 KW. stations separated by a substantial distance, provided it is clearly understood that this results in a *shared* channel capable of serving well two centers of population, and that it is *not* a clear channel and consequently that it cannot serve as large a rural area as would be reached by a single 50 KW. station on a clear channel. By day it is entirely feasible to put two or even more 50 KW. stations into simultaneous operation on a single channel, without reducing the useful rural or urban area of any of them.

The hour of sunset at the westernmost station of a pair or a group is a convenient and, so far, a satisfactory time for making the division between daytime and night-time service conditions. Until we have learned more about the intensity of the daytime sky wave at the higher frequencies, however, it would be wise to limit the daytime loading of channels above 1000 kilocycles.

The remaining sub-topics of directive antennas and synchronization are in themselves matters that would warrant long discussion. At the moment I will say simply that neither one is the long sought answer to the prayer for a technical means whereby anybody can put up a new broadcast station anywhere he may choose.

Rule for Power

As to the maximum and minimum power, again there can be no general rule. The principles are well known: First, increased power always gives better service over noise; second, "Horizontal" increases do not change the distribution of service, but improve service where it had been given. There is no reason to fear increased power, as has amply been proved; it should be welcomed to the extent that it can be paid for and to the extent that it can be used without reducing the service of other stations on the same or adjacent channels. But every application for a change in power should be considered on its own merits, although not necessarily by means of a hearing. Your Engineering Department is competent to advise you as to the changes in service and interference conditions that may be expected to result from any particular change in power that may be contemplated. In general, there should be no reluctance in permitting daytime power five or even ten times that used by the same station at night, and, in the interest of the listener, there should be encouragement of the use of higher powers, both day and night, by stations of all kinds.

On your main topic II, Standards for Coverage and Interference, the Commission's use of 20:1 as a proper minimum ratio of desired to undesired signal and at 5.2 and 0.2 MV/M as measures of minimum service signal under urban, residential and rural conditions, have worked out about as well as any arbitrary figures could be expected to. We all recognize that 20:1 does not represent freedom from interference, but merely a condition that can often be tolerated, and I believe that the use of a higher ratio would give listeners a better service. Also, we all know that there are many urban locations where a 5 MV/M signal is utterly inadequate, although it seems to be a fair enough average value for first approxi-

mations. In relation to this point, I would like to emphasize the importance of working to reduce the urban and suburban noise level, a matter which is capable of much improvement by cooperative and even by legislative means. The broadcasters are working to deliver a signal-to-noise ratio, not merely a signal, and it is just as effective to help the listener by reducing the interfering noises as by increasing the transmitter power. Of course, the present practical way to improve the ratio is to increase transmitter power, for that can be done at once, but noise reduction should not be lost sight of.

Channel Separation

With regard to the established 10 KC. separation between channels and 50 KC. between stations located in the same community, I urge that these standards, which are none too high and which have been used for years, apparently without undue hardship to anyone, be continued as a service minimum.

Your sub-topic II, 6, (d), entitled "permissible disparity in power between stations on adjacent frequencies", seems to imply that the ideal situation would be to have adjacent channels occupied by stations of the same power. I feel that there are advantages in the opposite view, and that there should be no requirement as to a minimum difference in or ratio of power between stations on adjacent frequencies. This will be clear from consideration of the fact that a clear channel station serves a nearby urban and residential area plus a very large rural area, but is not expected to give optimum service in distant urban areas. If a second clear channel is immediately adjacent, each powerful transmitter will tend to reduce the rural service of the other in large areas. On the other hand, if the channels on either side of a powerful clear channel station are used by a number of channel-sharing low powered stations, each of the smaller stations may give a good service to the limited urban or community area in which it is located, but, because of the smaller power, its interference will not extend far into the rural service area of the cleared channel station. Thus the best possible allocation may well be one in which a "wave" system of power assignments is followed, the simplest case of the "wave" system being represented by successive channels with first low power, then medium, then high, then medium, then low, then medium, then high, and so on. This would be difficult to achieve at once without revolutionary changes in the present assignments, but is worth study and further consideration.

Blanketing Signal

As to blanketing signal, there is no doubt that 100 MV/M is too low. With most receivers as made during the past few years, and many made before, it is easy to receive programs 50 kc off the immediate local frequency even though that local signal have a field intensity of several volts per meter. Certainly no signal weaker than 1000 MV/M, i.e., one volt per meter, should today be called a "blanketing signal."

The only other topics of the Notice on which it may be helpful for me to speak at this time are Nos. 2 and 3 under heading III. I consider that it would be substantially impossible to establish a quota system that would include in a single set of rules all the factors necessary for adequate and proper compliance with Section 307 (b) of the 1934 Act. There is no automatic or mechanical way of providing "a fair, efficient and equitable distribution of radio service among the several states and communities," so far as I can see, except the progressive application of sound engineering principles and thereby the gradual evolution of such a distribution of service.

Experience

Finally, I would like to discuss the 1510-1600 kilocycle portion of the broadcast band, based upon my experience with W2XR since it began operating as an experimental broadcast station on July 2, 1934. In this period of more than two years it has been demonstrated beyond doubt that the frequencies above 1500 kilocycles are satisfactory for the delivery of a useful broadcast service. By day they suffer somewhat from a higher attenuation, but only slightly more than other broadcast stations such as the high-power regionals, and this handicap is largely offset by higher antenna efficiency and the evident existence of a useful sky wave even in the daytime. At night the 1510-1600 kc channels have a tremendously effective sky wave, and we have satisfactory evidence that that sky wave can be depended upon for night time service at great distances. The channels can be used on either a clear or a shared basis, but the relation between the number of stations that may be operated simultaneously on one channel, and the

area that can be covered by each, is still to be determined by further observations on the day and night sky waves. However, our knowledge to date is sufficient to warrant the Commission in opening at once at least three more channels in the band, these being 1510, 1590 and 1600 kilocycles. Two of these, viz., 1510 and 1590 kc, should be made available only to interests that will do a good job of initial installation of stations of at least 1 kilowatt power with a well directed investigation and long-period study of wave transmission effects on those frequencies. The 1600 kc frequency might well be used under the same restrictions and for the same purposes, but its availability in many sections of the country for local stations of 100 to 250 watts power should also be considered.

High Fidelity

The high fidelity angle of broadcasting has also been proved out by W2XR, and there can be no doubt whatever that the vast majority of listeners recognizes and appreciates high fidelity transmission based upon extended frequency range, uniform frequency response and minimized harmonic distortion, even though they listen on commercial broadcast receiving sets. For that reason, I urge the Commission now to preserve the present 20 kilocycle separation between 1510, 1530, 1550, 1570 and 1590 kilocycles, and thus to permit the further demonstration of the value of high fidelity. This work should be carried on by the stations on 1530, 1550 and 1570 kilocycles with the present power limit of 1 kilowatt raised to at least 5 kilowatts and preferably to 10 kilowatts, so that the deleterious effects of electrical background noise on true high fidelity transmission can be more completely overcome.

Sidebands

We must recognize, however, that 10 kilocycle sidebands can be effectively transmitted over the service area of a high fidelity station even though an adjacent channel only 10 kc removed is occupied by another station, provided that the two stations are separated geographically so that the carrier of one has been attenuated to the noise level at the margin of the other's service. This offers the opportunity for the Commission to open first the 1520 and 1580 kilocycle channels, under such rigid geographical restrictions, and later the 1540 and 1560 kilocycle channels after the results have been observed and studied. In view of the excellent sky wave night-time service that all these channels can render to rural listeners, the Commission should be extremely careful not to permit any crowding of the channels with the consequent loss of rural service that cannot now be had in any other way. It would be far better to open additional channels, even at the sacrifice of 20 kilocycle separation between widely spaced stations, than to put more than a very few stations on any one channel other than such as may be dedicated to local service. In these new channels, by limiting their use only to licensees who will carry on the necessary and fundamental investigations that are needed by the art and by the Commission, you have the opportunity of determining more facts that are greatly needed while at the same time providing an extended radio service to listeners. I hope that you will not lose sight of the facts that the 1530, 1550 and 1570 kilocycle channels have already been found to be a valuable proving ground for what is new in radio, and that the pioneer work on these channels has resulted in increasing radio's potentialities for service both as to coverage and as to the realistic rendition of programs.

Summary

There are a number of other aspects of broadcasting that I would like to take up with you, but I have already perhaps talked too long. Let me summarize by recommending:

1. That you retain the experimental privileges and requirements as to stations in the 1510-1600 kc section of the broadcast band.
2. That you immediately open the 1510 and 1590 kilocycle channels for stations of a maximum power of ten kilowatts.
3. That you immediately change the power limitation for stations on the 1530, 1550 and 1570 kc channels from 1 kw to 10 kw.
4. That you study the advisability of opening the 1520 and 1580 kc channels to a limited number of stations, possibly using directive antennas, at a later date.
5. That you similarly consider the advisability of opening the 1540 and 1560 kc channels at a still later date.
6. That you immediately open the 1600 kc channel for similar stations, or, in your judgment of listeners' requirements, to a number of local stations of 100 to 250 watts power.

7. That you encourage the study of the sky wave coverage that has been demonstrated to be useful on these high frequency channels.

Hogan Cross Examination

Mr. Hogan under cross examination stated definitely that in his opinion it is necessary for the Commission to make provisions for local stations. He called attention during the course of his cross examination that engineering is an applied science and a science with an economic viewpoint.

Asked if he thought it is necessary to retain 40 clear channels Mr. Hogan stated that he did not know the answer to that. He contended that the Commission itself must decide how much service is to be given to rural listeners. Mr. Hogan stated that the curves of the allocation survey of the Commission are useful as a basis for coverage.

Discussing the question of directional antennas Mr. Hogan said that "directional antennas are useful medicine the same as alcohol is but like it, it can be abused." On the question of high power clear channel stations Mr. Hogan said that one station located on either coast could not give a good service to the country as we know it in the cities. Two high powered stations located on the east and west coast on the same frequency would cause interference he said, unless a fence could be built in the middle of the country.

City Noises

Discussing the possible reduction of city noises Mr. Hogan said that he had no specific recommendations to make in answer to this problem but he suggested that the Commission look into it. He stated that surveys are being made abroad on this subject.

In answer to further specific questions Mr. Hogan said that in his opinion there is no reason for a top limit of power nor is there any reason for a low limit. He testified that he is opposed to technical rules which will work hardship in any cases.

Mr. Hogan said that day-time static effects lower frequencies more than it does higher frequencies while at night-time the transmission is at a par.

Edward N. Nockels

Mr. Nockels in his testimony suggested to the Commission that it make a reallocation of the wave lengths and a revision of the regulations calculated to make sure "radio broadcasting is to be on the basis of the greatest need for the greatest number."

Mr. Nockels said:

In every other great country on earth the governments of those countries are so jealous of the use of broadcasting facilities in the interest of the people, that they have either placed strict limits on the commercialization of broadcasting or have entirely prohibited advertising by radio.

In this country Congress has permitted private interests to use broadcast facilities but wrote into law certain provisions to guide the Commission in the allocation of those facilities. It provided, first, that the Commission could grant licenses only for limited periods of time. Labor desires to commend the Commission for having carried out the purpose and spirit of that part of the law by limiting broadcast licenses to an even shorter period than the law requires.

In the second place, Congress provided that the Commission should grant licenses and *renewals of licenses* only in accordance with the public interest, convenience and necessity. That alone was to be the test. It was heralded as the Magna Charta of the radio listeners of America. It was claimed that this provision would forever protect the American people against over-commercialization of radio broadcasting.

What is the public interest, convenience and necessity? Labor desires to discuss this subject. It may be said that it is an old subject, but we submit it is a subject that is ever new in radio broadcasting in this country. It is always new in this country, because eventually public opinion will determine what kind of radio programs serve the public interest, convenience and necessity.

Public Interest

May we be permitted to call your attention to what Labor believes constitutes the public interest, convenience and necessity? It is that which contributes to the health, comfort and happiness of the people. It is that which provides wholesome entertainment, increases knowledge, arouses individual thinking, inspires noble impulses, strengthens human ties, breaks down hatred, encourages respect for law. It is that which aids employment, im-

proves the standard of living, and adds to the peace and contentment of mankind.

Is it in the public interest, convenience and necessity that this marvelous new means of communication should be placed within the control of a few large corporations, or handed out as a free gift to a few private business concerns for commercial exploitation, or sucked into the maw of great metropolitan newspapers already in uncontrolled possession of power that threatens the welfare of this country? Is it that the public interest, convenience and necessity is to be determined by noisy acclaim? If so, then the movies overwhelm the universities and are themselves outranked by a ball game or a prize fight. The basest sex novel would then put to shame the greatest scientific treatise.

Utility Monopoly

Is it in the public interest, convenience and necessity that Bill Jones of Podunk have a radio station to advertise his garage or that a great public utility monopoly operate a 500,000 watt or even a 50,000 watt station to further its interest, when great labor and educational organizations are asking for radio facilities to serve great masses of the people instead?

The public interest, convenience and necessity is nation-wide. It is age long. It has to do with the physical, mental, moral, social and economic welfare of all the people. It is not greatly concerned with Bill Jones' garage or the private profit which a station owner hopes to derive from these broadcasting operations. It is not enhanced by the granting of special favors to a few individuals or corporations, however large and powerful they may be. The great things of civilization are not sob songs, nor symphony orchestras. They are matters that have to do with employment, home life, health, standard of living, great economic and industrial problems that enter into the web and woof of the existence of all the people. To serve the public interest, radio must pour into the homes of the nation not only entertainment, but something that will help solve the practical problems of everyday life.

Is it in the public interest, convenience and necessity that all of the 90 channels for radio broadcasting be given to capital and its friends and not even one channel to the millions who toil? Will the public interest be served by granting all the channels of communication to those who do the employing and denying even one cleared channel of communication to the vast groups of employees?

Some years ago Station WCFL urged Congress to create a permanent Commission in charge of all wireless communications. We appreciated the extraordinary difficulties and problems that confronted the Commission in its early work. We recognized the magnitude of the work it has had to do. We tried not to indulge in fruitless criticism.

Engineering Tests

We urged a substantial amount of engineering tests and surveys. We believed they were necessary in order that the Commission might have accurate information regarding radio interference. We wanted channels and frequencies used efficiently. We recognized the relative advantages of high and low power. We desired the utilization of short wave frequencies, and many similar matters. We believed the law could not be efficiently administered by anybody until such scientific data had been assembled. But we never believed that the Commission should disregard the social, educational and economic considerations that broadcasting involves.

Labor believes the Commission must observe certain engineering rules, but believes the Commission should also apply the sole test provided by the Radio Act, viz: "The public interest, necessity and convenience." Permit me to state why.

In the earlier allocations some years ago the Commission granted the General Electric Company, Westinghouse Electric & Manufacturing Company, and Radio Corporation of America eleven stations with aggregate power of about 220,000 watts. It granted them seven cleared channels. These three great corporations at that time already had a strangle-hold on the radio industry by reason of some 2,000 patents which they have cross licensed to each other. We insisted then, that was in 1929, that it was not in the public interest, necessity and convenience to hand over to them so large a portion of the limited broadcasting facilities, while denying any adequate facility to other applicants, some of whom represent reputable and substantial citizens in very large groups.

Violation of Rules

At that time Westinghouse Company owned five stations, all in the National Broadcasting Chain, on cleared channels, and three

of them had high power. In fact, it had so many stations it leased KYW to the Chicago *Herald Examiner*. That was a 5,000 watt station then, located in the heart of Chicago in violation of the Rules of the Commission, and over our protest. It blanketed our Station WCFL, which only had 1,500 watts power then. Another Westinghouse station, KDKA at Pittsburgh, had 5,000 watts power on a cleared channel adjacent to WCFL and caused a great deal of interference with our programs.

That was seven years ago. What has happened? The Department of Justice brought anti-trust actions against the General Electric Company, Westinghouse Electric Manufacturing Company, Radio Corporation of America, American Telephone & Telegraph Company, Western Electric Company, R. C. A. Photophone, Inc., R. C. A. Radiotrone Company, R. C. A. Victor Company, and General Motors Radio Corporation. It declared them trusts and monopolies with the result that they have been split into many separate corporations. But what has been the result in the broadcast field?

Of the forty cleared channels an analysis today shows that National Broadcasting Company, now 100 per cent owned by Radio Corporation of America, owns or controls eleven 50,000 watt stations. They are: KPO San Francisco, KOA Denver, WENR and WLS Chicago, WMAQ Chicago, WBZ Springfield, WEAJ New York, WJZ New York, WGY Schenectady, WTAM Cleveland, and KDKA Pittsburgh. This company alone controls approximately 550,000 watts of aggregate power today as compared with the 220,000 that the total trust combination controlled in 1929. Now let us examine the Columbia Broadcasting System. It now owns or controls seven 50,000 watt stations and one 10,000 watts. They are: WCCO St. Paul, KMOX St. Louis, WBBM Chicago, KNX Hollywood, WABC New York, KFAB Lincoln, WCAU Philadelphia, and WBT Charlotte, N. C. Thus they control 360,000 watts of aggregate power, which is almost one and one-half times as large as that controlled by all the organizations in the trust in 1929.

Networks Control

As the situation stands today, the networks control more than 50 per cent of the total facilities now available on cleared channel assignments. Is that in the public interest? Labor thinks it is not. To give each of their stations now asking 500,000 watts will only make the situation that much worse.

Another development which Labor has watched with growing apprehension is the acquiring of more than one station in a given locality by these interests and closely allied individuals. In New York City the National Broadcasting Company controls stations WEAJ and WJZ, with 50,000 watts each. In Chicago the National Broadcasting Company controls WMAQ and WENR, each with 50,000 watts. In San Francisco the National Broadcasting Company controls Stations KPO with 50,000 watts and WGO with 7,500 watts. In New York City the Columbia Broadcasting System controls WABC with 50,000 watts and is attempting the control of another cleared channel used by WPG and WLWL with 5000 watts each. In the Chicago area the Atlas Brothers own station WJJD with 20,000 watts and WIND with 5000 watts. Any technical denial of this fact can be easily refuted by their published commercial propaganda.

The National Broadcasting Company further owns and operates in conjunction with three cities in the Northwest duplicate facilities, namely, Portland, Oregon, stations KGW and KEX; Seattle, Washington, stations KOMO and KJR; and Spokane, Washington, stations KHQ and KGA. In the opinion of Labor, a condition such as this is not in the public interest, convenience or necessity.

Oppose 500 KW.

Labor is opposed to the authorization of any additional 500,000 watt stations in America for the reason that such authorizations are contrary to the public interest and directly opposed to the fundamental principle of accomplishing the greatest good for the greatest number. Any further authorization of super power stations would be directly in line with the erroneous and much to be regretted policy in the first allocation of wave lengths, which amounted to nothing more or less than the cutting of a monstrous melon into forty luscious slices. These were passed out to the gluttons of monopoly and dedicated to the furtherance of selfish interest, with little thought for the public interest, convenience and necessity.

Labor has predicted and still predicts that the radio industry and radio service to the people of America will never reach a maximum of efficiency until the original misallocation of wave lengths is corrected. The first allocation can only properly be described as the division of the swag, at which time all persons and organiza-

tions whose desire for radio facilities were actuated by a zeal for public service were forced to sit on the side lines, while the monopolies and trusts and representatives of special privilege together with the monopoly owned newspapers and magazines and the radio chains were well taken care of in the manner to which such economic royalists were accustomed.

Reason for Opposition

The reason the authorization of 500,000 watt stations should be strenuously opposed is as simple as ABC. It requires no great mathematician or engineer to figure it out—it is based on a few fundamental natural facts which no one can deny. The time pieces of the world account for only twenty-four hours a day; of these twenty-four hours not more than eighteen can be said to be the average listening day of any radio station. In that average day it is only possible to crowd a limited number of programs. If a few radio stations in America are given the right to use power to the extent to which they now demand, they will to all intents and purposes drown out many other stations in America, and there will be available to the 120 million people living in this country only those limited programs which will be broadcast over a limited number of stations which might operate on this proposed super power.

That is not all. The cost of these super power stations, both to build and to operate is so large that the only way to maintain them is to increase advertising rates and thereby load down their programs with more and more advertising. Already the American people are protesting against too much advertising and too much commercialization. Labor respectfully submits that this Commission should not make that situation worse by grants of super power that will necessarily compel more advertising.

In times of national emergency, controversy, strikes, lockouts, and disagreement, these interests will surely disseminate propaganda the like of which this country has never yet experienced, with the result of further clipping and controlling by sheer power and brute force the intellectual and economic soul of this country. The importance of radio and the tremendous effect it has created in removing mental shackles from the public has been a source of consternation to the trusts and monopolies. In recent years they have made a determined effort to bring this powerful medium to a point of absolute subjugation. Failing in this they then made a determined drive to gain control and, gentlemen, they are now at the threshold ready to accomplish this purpose.

Power to Prevent

This Commission has the power to prevent the accomplishment of their purpose. Labor appeals to you to protect the people against them by refusing to grant their latest demand for super power stations all over America that will necessarily prevent the enlarging of radio facilities for the use of those other organizations who desire them for the public good instead of profit.

Although America has been quite properly called the "melting pot of the world", still its 120 million people are by no means possessed of the same characteristics nor of the same tastes when it comes to radio programs. These people spring from a varied type of antecedents. They have lived and are living in different kinds of environments. Their interests can not help but be diversified. They have widely separated likes and dislikes. If the radio channels are to be used in the public interest, all these people should be provided the variety of entertainment they demand. Along with this entertainment radio should furnish the varied types of economic and educational matter, which if intelligently disseminated, will do more than anything else toward removing the unrest with which the nation is afflicted.

The radio channels rightfully belong to all the people. We have previously asserted they constitute the last of the public domain. A basis should be carefully worked out for their permanent distribution for the benefit of all the people rather than for the benefit of a few of those special monopolistic interests which unfortunately stood ready and waiting at the time of their first distribution, to gobble them up for their own selfish interests and purposes. The granting of authority for super power to the radio stations now applying for it, as well as additional stations who might apply, would only be a continuation and enlargement of the original error.

Two Wrongs

Two wrongs do not make a right. Instead of making another grievous mistake, let us go back and rectify the first, in so far as rectification is possible. The Commission can do this by reassign-

ment of the cleared channels so that they may be occupied and utilized in perpetuity for the public good.

I am General Manager of Radio Station WCFL, "The Voice of Labor", and our short wave station W9XAA. WCFL started out with 500 watts over ten years ago and then was increased to 1500 watts and finally to 5,000 watts. Under this power authorization we have rendered what might be termed comparatively good service for those times. All the other stations in Chicago that had started at along about this time commenced to increase their power until we suddenly found that those stations which had originally been comparable with ours secured authority for utilizing 50,000 watts.

What happened? The radio audience naturally turned its dials and soon discovered that with 50,000 watts these stations not only had a larger coverage in adjoining territory, but a more intensive coverage within the Chicago Metropolitan area. We, therefore, applied for 50,000 watts and our application is pending before the Commission at this time. We certainly shall not discuss that application here, except to say that Labor is of the opinion because of its pioneering in this field, it is justly entitled to one national cleared channel in the United States.

Various Stations

National Broadcasting Company operates Station WEAJ on 660 KC. with a power of 50 KW. The only other station that exists on that channel is Station WAAW at Omaha, Nebraska, a 500 watt station operating until sunset only. Station WABC in New York City, owned and controlled by the Columbia Broadcasting System, operates on a power of 50 KW. on a frequency of 860 KC., with no other station on that channel excepting Station WHB with a power of 1 KW. day only, at Kansas City. Station WBZ also controlled by National Broadcasting Company, operates on a frequency of 990 KC. with a power of 50 KW., unlimited time in synchronism with Station WBZA in Springfield, Massachusetts, a distance of only 96 miles, and with the exception of these two stations no other facilities are utilized anywhere in the United States on this frequency.

Station KYW owned by Westinghouse and operated by the National Broadcasting Company, operates with a power of 10 KW. unlimited time in Philadelphia with only one other station operating on this frequency, which is WDZ with power of 250 watts and until sunset only. WDZ is located at Tuscola, Illinois.

Station WCAU at Philadelphia, controlled by Columbia Broadcasting System, operates on a power of 50 KW. unlimited time on 1170 KC. with no other station operating on this frequency within the bounds of the United States.

It is a matter of very interesting public record that Station WGY, owned by the General Electric Company and operated by the National Broadcasting Company, fought for and won the right in court to simultaneous operation on 790 KC. with Station KGO in San Francisco, both stations operating full time and controlled by the same concern.

East Coast Outlet

It is also an interesting fact that when the National Broadcasting Company desired an east coast outlet at Raleigh, North Carolina, without hesitation they placed Station WPTF on 680 KC. and operated simultaneously day and night with their owned and operated station KPO at San Francisco, California, which station operates with 50 KW. unlimited time.

Station KDKA at Pittsburgh, Pennsylvania, operates on a frequency of 980 KC. with a power of 50 KW. unlimited time. It is owned by the Westinghouse Company and operated by the National Broadcasting Company with no other station in the United States operating at any time on this frequency.

The three stations formerly owned by the Northwest Network and which were unsuccessfully operated by two corporations before the National Broadcasting Company acquired ownership, as I before stated, have been leased to associated corporations operating other stations in the same cities and it is the recommendation of Labor that Station KJR in Seattle, being controlled by the same corporation which controls these frequencies on the east coast, which frequencies are not being duplicated for simultaneous operation in the west coast, be placed on 990 KC. to operate simultaneously, full time, thus freeing a channel for which Labor has striven and to which Labor is justly entitled, with no inconvenience to the owners and controlling interests who administer the policies of these two stations.

Since it has been demonstrated that two stations can operate during night time hours simultaneously on opposite coasts, when

they want to do so, it seems to Labor that the principle has been flagrantly neglected in further application.

It is not in the interest of the public. It is only in the interest of monopoly.

Monopolistic Tendency

Certainly the holding of these cleared channels without an attempt to duplicate them with additional facilities for simultaneous operation on opposite coasts shows a monopolistic tendency and not one in accordance with the intent of the law when referring to the clause "public interest, convenience and necessity."

After the advent of radio the first attempt of the newspapers and national periodicals was to nullify and kill the effect radio might have on the public. In later years, failing in this attempt and recognizing the fact that the printed word might soon be outdone by the spoken broadcast message, they then sought to render their own opportunity of molding public opinion doubly secure by acquiring radio facilities. Then they operated these radio facilities in behalf of the same interests for which the kept press had been operated for years. Not satisfied with owning one station, some single newspapers have sought ownership or control of two or more stations, and in the last few years we have witnessed the development of a chain of radio stations owned and controlled by William Randolph Hearst and operated by him in the same manner as his newspapers are operated for his personal benefit and aggrandizement.

Summary

For these reasons, Labor takes the position that there are but three ways out of this situation with which radio broadcasting is confronted today:

1. A re-allocation of the wave lengths and a revision of the regulations calculated to make sure radio broadcasting is to be on the basis of the greatest good for the greatest number.

2. A limitation of all stations to a power of 10 KW., making them all virtually local stations, and serving only their own locality, and with only one station in any locality to any one owner or controlling interest.

3. That the Government take over and operate all radio stations in the United States. Labor hopes and trusts that the necessity for the last named alternative will not be forced upon us, but we are heartily and thoroughly in favor of complete government control and operation in preference to complete control and operation by trusts, press, magazine, radio networks and their closely allied interests.

Labor sincerely hopes that in this crisis the Federal Communications Commission will exercise its vested authority in the action which they are about to take in correcting the conditions I have here mentioned. The History of this country definitely shows that the people still have a powerful voice in matters of legislation and that the people have been compelled to destroy the trusts and monopolies in a continual war on private control and that these actions have occurred in a never ending cycle.

No public utility in America is as sensitive to public opinion as radio. Every Senator and every Congressman is in close touch with that public opinion as it changes from time to time.

If these trusts and monopolies and vested interests of an avaricious capitalistic group of corporations and individuals, seeking special privilege, are allowed now to obtain their ends, then will the people, through their one weapon, the Congress of the United States, be forced to take action again.

Nockels Cross Examination

During a brief cross examination Mr. Nockels said that labor strenuously opposes duplication of programs on networks. He said also that labor is anxious that the farmers of the country get good reception. He testified that there is no interference between WCFL and KJR. He said that his station had asked for 50 kilowatt power because it was not reaching its listeners. He expressed himself as being definitely opposed to 500 kilowatts.

J. F. Byrne

Mr. Byrne on behalf of Station WGAR, Cleveland, presented testimony with slides from the point of view of both the listener and as an engineer.

Mr. Byrne said:

The material presented at this time will be offered partly from the point of view of the listener and partly from an engineering point of view and it is hoped that the lines of thought presented will prove to be of some value in connection with the purpose of this hearing.

Aside from the important and extensive engineering advances that have taken place since the inauguration of the present allocation plan in 1928, probably the most outstanding change has taken place in the listeners' attitude toward broadcast reception. The average broadcast listener of today is not a radio fan, he is today a broadcast listener in the strictest sense of the word, and values his radio receiver because it is capable of providing news, entertainment and educational features. Today's listener picks two to five channels in the broadcast band and looks to these channels for his broadcast service. These channels ordinarily provide the most satisfactory technical service at his receiver. The change in the broadcast listener's habits is further clarified if one glances at the radio page of the New York *Times* of eight years ago and compare it with a radio page today. In 1928 the *Times* printed detailed programs of transmission for stations in the far west, southwest, middle west and south, in addition to the program material of the local stations. Today the programs of foreign short wave stations replace those of our own remote broadcasting stations. The rural listener survey of this Commission furnishes still further and more convincing evidence concerning the listening habits of a rural group and will be mentioned frequently.

As a matter of clarity it will be convenient to discuss the present allocation system and conditions as they exist today, in view of the technical considerations furnished by the allocation survey of the Commission. The discussion will be taken up in the following order:

1. Clear Channel Stations
2. High Power Regional Stations
3. Regional Stations
4. Local Stations.

The principal source of material is the allocation survey published by the Commission September 1.

Clear Channel Stations

According to the Broadcast Committee of the Institute of Radio Engineers "The field of the clear channel is to afford service to those vast intervening areas in which the density of population is so low that a broadcast service could not otherwise be supported and in addition, to a single large center." This is an excellent summation of the purpose of a clear channel station. One is prompted to ask, however, how vast is the vast intervening area mentioned in the definition? The answer to this question is given in the postcard reports on file in the offices of this Commission.

Samples of cards from North Dakota, Kansas, Arkansas and Alabama were analyzed and produced the result shown in Plate I, where the sum of all listener reports of clear channel stations located at distances of between 100 and 200 miles from the receivers was plotted as a single point at 150 miles. The process was continued up to distances of 1000 miles. There were fifteen reports of stations at distances greater than 1000 miles, only 2 per cent of the total number of reports. The curve definitely shows that 50 KW stations have approximately 95 per cent of their rural audience located within 800 miles of the transmitter. The field intensity survey of the Commission may be used as a guide for estimating the field intensity existing at the various distances from a 50 KW station, assuming an unattenuated field of 1450 MV/M at one mile. The dotted curve in Plate I is a graph of field intensity exceeded 90 per cent of the time versus distance. This plate shows quite definitely that the average rural listener pays little or no attention to signals below 160 micro-volts per meter 10 per cent of the time. This practical limit of service of 50 KW stations exists at a distance of 800 miles and has several interesting angles. First, the operation of one 500 KW station resulted in its being shown a marked preference among rural listeners. This is undoubtedly due to the fact that its signal was 10 DB higher than other clear channel stations at comparable distances. However, beyond a point where its field intensity dropped to .25 millivolts, the number of listener reports it received was negligible. This lends support to the assertion that the average broadcast listener tunes to the strongest signal in the band provided that the program material is to his liking. Clear channel stations of less than 50 KW, or operating with a poor antenna, or in a poor location were quite easily noted in the card analysis. As a matter of fact, if the postcard survey were completely analyzed it seems reasonable to assume that the actual radiated power of each station could be estimated with good accuracy.

If a number of 50 KW stations were to increase their power to 500 KW it seems reasonable to assume that the revised picture of rural service would not differ greatly from that shown in the present survey. Why? Because one of the most important fac-

tors limiting the service of broadcast stations, particularly those on clear channels, is the *strong signal preference* of listener. With the present geographical spacing of clear channel stations this factor limits the practical service provided by stations of equal power to a maximum of not over 900 or 1000 miles for 500 KW groups, or 800 miles for 50 KW groups.

Possible Sharing of Present Clear Channels

If the engineering division's present requirement of a 20:1 ratio of desired to undesired signal is taken as a standard, Plate III shows the power permissible at various distances from a clear channel station. The 20:1 ratio is understood to exist at a distance of 800 miles from the 50 KW station at least 90 per cent of the time. A glance at the curve shows that a 1 KW station could be placed at a distance of 2270 miles. If this degree of protection is afforded the $\frac{1}{2}$ millivolt signal, however, we are doubtless affording far more protection to the signal than do the gods of the storm. A signal that exceeds $\frac{1}{2}$ millivolt 50 per cent of the time will only exceed $\frac{1}{3}$ of a millivolt 30 per cent of the time, or $\frac{1}{6}$ of a millivolt 10 per cent of the time. Does 160 microvolts sounds like a field intensity value 20:1 in excess of the average static level? Probably not. Grant that there is a scarcity of good data on atmospherics, and just scan the sample field intensity records enclosed in the clear channel report—noise records on comparatively sluggish recorders. They follow:

- | | |
|--------------------------------------|----------------------------|
| 1. May 14 at Florhan Park, average | 20-30 microvolts per meter |
| 2. Mar. 24 at Florhan Park, average | 20-30 microvolts per meter |
| 3. April 14 at Florhan Park, average | 5-15 microvolts per meter |
| 4. Feb. 5 at Grand Island, average. | 5* |
| 5. May 2 at Grand Island, average | 5-10* |
| 6. April 2 at Boston, average | under 5* |

* On a Brown recording instrument, crashes do not record well.

It should be remarked, that those reports were taken in absence of carrier, and hence are representative and comparable to side band intensities of a modulated signal. Inasmuch as the average modulation of a radio broadcast transmitter seldom exceeds 50 per cent, the above field intensities should be multiplied by 5 or 6 to compare them to a modulated signal, on an interference or noise basis. No doubt these data are far too sketchy to use as a criterion, but they certainly seem to show that a further study should be made to determine just what degree of protection should be afforded a .5 millivolt average signal. There is certainly little or no advantage in protecting it to a point where the side band intensities of the interfering signal are below the static level.

Furthermore, if further work shows that if a .5 millivolt signal is sufficiently protected when the interfering signal's side band intensities are equal to the static level, one would be led to adopt a figure more like 5:1 for the ratio of the desired to undesired signals to be exceeded 90 per cent of the time. Where this is the case, a 1 KW station could be erected at a distance of 1750 miles, and the channel would accommodate stations having a present regional classification at distances greater than 2000 miles. However, even the 5:1 ratio 90 per cent of the time would prohibit the simultaneous operation of two 50 KW stations, non-directional.

Frequencies for Clear Channel Stations

If one admits that a clear channel station serves a dual purpose, intense local coverage and extensive rural coverage, it might be rather difficult to state exactly what frequencies would be most desirable. It is a well recognized fact that the low frequencies are particularly good for ground wave coverage, while the signal to noise ratio is better at the higher frequencies. The remote listener receives a better quality signal as far as signal to noise ratio is concerned at the high frequency end of the band. It would seem that in populous centers, low frequencies would be desirable, while in smaller communities higher frequencies might be of more value.

Effectiveness of Present Clear Channel Stations

The records as represented by the listener survey in Plate II show that a considerable number of the "clear" channel stations are much below par as far as rural service is concerned. They apparently are not fully cognizant of the responsibility that is theirs, to provide a decent signal for rural communities remotely situated. This situation should be remedied, either by reducing the number of clear channels, or by requiring a field intensity of at least 1500 millivolts per meter at one mile of all "clear" channel stations.

Classification of "Clear" Channel Stations

An attempt has been made to show the vastness of the intervening areas mentioned by the Broadcast Committee of the I. R. E., and data have been presented to show, that for all practical purposes, the area has a radius of 800 miles. A "clear" channel station is thus a regional station—clearness of the channel notwithstanding. The region served is of approximately 800 miles radius. True, such a large area served by a station in the center of the country would not permit simultaneous operation of other stations of any consequence, but when located on or near either coast, some other class of service could be established on the channel at a remote point.

Note on the Economics of Sky Wave Service

Plate IV shows the power required to produce $\frac{1}{2}$ millivolt at various distances for both a quarter wave and a half wave antenna. The power per square mile required to produce $\frac{1}{2}$ millivolts 50 per cent of the time has been plotted against the radius of the area in miles and is given on Plate V. For any particular case, if the annual cost of operation can be expressed in terms of dollars per watt for transmitters of different powers, a curve, dollars per square mile of $\frac{1}{2}$ my service can be constructed. Figures, such as annual cost of operation, are subject to considerable variation, and this has not been done. Suffice it to say, that, unless the dollars per watt diminish very rapidly with increasing power, good economic practice will limit the service to less than 800 to 1000 miles.

High Power Regional Stations

Much of the material presented in the foregoing discussion of clear channel stations can be used in the discussion of the high power regional problem. Of particular importance in this connection is Table II. Consideration of this table shows that 5 KW and 10 KW stations are not a factor when secondary rural service is considered, due to the relatively low level of the received signal. If high power regional stations are to exist and justify themselves it certainly seems as though their signals should be afforded protection out to distances of 4 or 5 hundred miles, and powered sufficiently to provide a signal value that will be used by rural listeners. The radio public has become high level conscious and the trend noted in the allocation survey seems to show that the amount of power required for sky wave coverage should be at least 25 and preferably 50 kilowatts.

The minimum spacing of stations of this class will depend, of course, upon the degree of protection to be afforded at a distance of 500 miles.

The present status of high power regional stations is such that practically no sky wave coverage is obtained, and the ground wave coverage is extremely limited due to their high frequency assignments. Unless these stations are protected to an extent that permits secondary service, their present place in the broadcast scheme seems to be uncertain.

It is suggested that the function of a high power regional station should be to provide two services: First, a ground wave service of comparatively limited extent, and second, a secondary sky wave service out to a distance of 300 to 500 miles. The present frequencies would seem to be appropriate, if this definition of the service to be rendered is satisfactory.

Regional Stations

The function of a regional station has been well defined by other witnesses and need not be repeated here. However, the word regional might possibly require further definition. Economically, a station of the classification is interested in providing good ground wave service to those people living within the trading area of the community in which the station is located.

Service of Regional Stations

The amount of service rendered by regional stations in the United States varies between wide limits, a fact well recognized by everyone. In general the regional stations provide a day service much in excess of that provided at night. This effective day service might cover a region of anywhere from 20 miles radius up to 200 to 300 miles—the latter figures applying to conditions where the power is 5 KW, the frequency low, and the conductivity good. This day service, particularly in the west, is of considerable value to rural listeners, including small communities having no local radio facilities.

Because of the tremendous variation in ground wave transmission regional assignments are far from being equal in technical and eco-

nomic value. Plate VI, for example, shows the limit of service (on a 20:1 ratio 90 per cent of the time) as a function of frequency. The two co-channel stations are assumed to be 800 miles distant. If one takes the case discussed in Plate VI, and assumes a night power of 1 KW, the low limit of field intensity for good broadcast service is 5.6 millivolts per meter. This value is independent of conductivity and frequency, for the interfering signal exceeds 280 microvolts 10 per cent of the time. In the case of local channels a typical channel when analyzed shows that the field intensity exceeds 200 microvolts 10 per cent of the time and 20:1 ratio would require a value of 4.0 millivolts for 90 per cent service. It is of interest to note that for good conductivity the low frequency regionals (600 KC) provide good broadcast reception at 28 miles, the mid-band regionals at 20 miles (900 KC), and the high frequency regional at 14 miles. If the conductivity is fair to poor, as it generally is in the larger urban centers of the east, the figures are under 22, 15, and 10 miles respectively. If the service of a station in centers of population is limited to ten miles, it is placed at a distinct economic disadvantage. It does not provide a reasonably large portion of the marketing and with an acceptable signal.

Ratio of Desired to Undesired Signal Intensities

It is interesting to compare the figures quoted in the clear channel survey concerning limit of service of regional and local stations, with the 20:1 ratio 90 per cent of the time. The allocation survey quotes on page 6 as follows:

"Another part of the allocation survey was conducted by dispatching inspectors from the Field Section of the Commission's Engineering Department through various localities with field cars. On these trips rural listeners living within the primary service areas of several broadcasting stations of the different classifications were interviewed, for the purpose of determining the approximate limit of the night primary service areas. At the point where listeners reported to the inspectors that satisfactory service was no longer obtained, the day field intensity from the station was measured."

Class of Channel	Number of Measurements	Number of Stations	Day Field Intensity	Empirical Standard	Standards Based on Calculations
Regional	123	66	.935	1.0	5.6
Local	44	30	1.27	2.0	4.0

If the results as published in the survey are correct, it would seem that the 20:1 ratio of desired to undesired is not obtained in practice, the ratio dropping to 3.33 to 1 on regional channels and 6.3 to 1 on local channels.

What can one say about this striking difference in field reports (3 to 6:1) and laboratory tests (20:1)? There are several angles to the question. Undoubtedly the service provided by regional stations at their practical limit of service radius is inferior to that recommended by anyone who has conducted laboratory tests. The regional station, which provides a constant signal level at the receiver with a variable amount of flutter, cross talk, etc., does provide some service where to be conservative, the ratio of desired to undesired signal is of the order of 7:1, 90 per cent of the time. This service is used in spite of the fact that clear channel stations provide a secondary sky wave service at the points in question, entirely free from cross talk interference.

Frequency Assignments of Regional Stations

If we expect to provide a reasonably high technical standard of broadcast service by the use of regional stations, it is obvious that at the present time, there are with few exceptions far too many regional stations operating simultaneously on the same channel and this is particularly true if regional assignments in small towns are to be expected to have the same geographical coverage as those in populous centers. Possibly some arguments can be advanced in support of the equality hypothesis, but the fact remains that where condensation of population occurs, whether it be large or small, the density of population in general diminishes with increasing distance from the population center in such a way that the number of people living between 10 and 20 miles of a large center is greater than the number of people living in the same limits of distance from a small center. As a guess, the ratio of the numbers would be about the same as the population ratio of the centers in question. Furthermore, people in the larger centers expect and

get a good quality of broadcast service and it is probable that the 20:1 ratio of desired to undesired signals comes closer to realization in such centers. With these facts in mind, consider the lot of a high frequency regional station in a large community. Its service is extremely limited by cross talk interference on its channel, and the radius of grade A service is, in some cases, as low as 6 or 8 miles.

As a matter of fact, if the 20:1 ratio is to be maintained, the service radii of regional stations is so restricted by present allocation that it is impossible to provide good broadcast service to any reasonably large city, particularly on a high frequency regional assignment. This difficult situation might be somewhat relieved if the frequencies 520, 530, and 540 KC. were made available for regional service in larger communities where at present a number of high frequency regional channels are the principal ones in use.

Power of Regional Stations

For economic reasons it is undesirable to allow too great a difference of field intensities to exist in the primary service areas of broadcasting stations in the same community. With the present trend toward higher power and improvement of signal to noise ratios generally, the question of the power to be used on regional frequencies becomes important. A table of considerations of power increases for regional stations follows:

For Power Increase	For Status Quo
Signal level competition	Small increase in primary
Signal to noise ratio	night coverage
Obsolescence of present equipment	Additional cost of new equipment
Increase in day service	Higher operating costs

In a large city, there may be clear channel assignments in or nearby, and the listeners near the boundary of the regional station's service will be receiving signal levels of greatly different intensity from the regional and clear channel stations. In a small community, however, the listeners will be for the most part, nearer the regional station's transmitter, receiving a high level signal, and primary clear channel service may not be available. Hence the advisability of raising the signal level in the larger cities, and the questionableness of raising it in smaller communities.

Man-made electrical noise is probably predominant in larger cities and considerable improvement in signal to noise ratio can be effected by power increases. In the smaller communities, because of the probably nearness of the transmitter, a marked improvement of signal to man-made noise ratio would be of relatively small importance.

Increase in day service is desirable for stations in both large and small cities although in the larger centers the additional population served is undoubtedly greater.

The regional station in small towns would receive little or no additional night coverage, while as has been pointed out, the increase in signal to noise ratio would possibly increase the regional coverage in cities.

Operating revenues of stations in small towns would probably be increased a negligible amount and technical operating costs increased to about the same extent as other stations of equal rating.

Summarize

To summarize, a power increase seems to be desirable for regional stations in larger cities—definite technical and economic objectives are achieved by the increase. The exact technical and economic objectives are not as easily defined, however, in the case of some of the smaller regional stations, and it is conceivable that some of them do not care to obtain an increase in power. The increase in power to be permitted might be arrived at by adopting a value of power that would result in equal signal values at a point half-way to the fading wall of a clear channel station and half-way to the interference wall of a regional station.

The above considerations again seem to strengthen the argument that low frequency regional assignments should be in the larger cities, and in addition higher values of transmitting power would seem to be indicated and desirable for this class of regional station.

Furthermore, consideration of Plate VI permits one to draw a general conclusion concerning regional assignments. The ratio of useful service area to nuisance area of a station is greater at the low frequency and of the broadcast band—hence, the desirability of low frequency facilities. A system of allocation of regional facilities that would place low frequency and higher power regional stations in larger population centers of the country would undoubtedly be most sound economically. While it is realized that

any sudden change might be undesirable and impracticable, a trend toward such a system would seem to be in order.

Local Stations

The principal problem of the local station in a larger town is very much the same as that of the regional station. Most of the discussion concerning regional stations could be repeated for local stations, with the single exception that the lowest local channel frequency is 1200 KC. Locals are almost necessarily situated in the centers of communities, and hence they very likely have and will continue to have low average antenna efficiencies. It should be noted here that if the interference level on a local channel exceeds 200 microvolts per meter 10 per cent of the time, the average local station on 1200 KC. would be limited to its 4 millivolt contour. At 1200 KC. and conductivity of 5×10^{-16} e.m.u. the 4 millivolt contour will probably lie at an average distance of $4\frac{1}{2}$ to 5 miles. The position of the local station might be expressed by the following table:

Service rendered	Stations
Large trading center, either as to area or population	Clear and regional
Intermediate center	Regional and local
Small center	Local

This alignment is in the process of being automatically effected, because of the inherent nature of the broadcasting business. There are, of course, notable exceptions to this general proposition, particularly in the clear channel group, where the most successful stations are not necessarily located in the largest communities.

Power for Local Stations

It has been pointed out before that the public has become and is becoming more and more strong signal conscious. As one contemplates the broadcast problem, with respect to horizontal increases in power on all frequencies, one is confronted with the fact that the increase in primary night coverage under such increases will be small. Improvement in service will be attained, however, because of the increase in signal to noise ratio. The question of increases in power is thus reduced to a question of increase in quality of broadcast service, and economically the question becomes, what is the increased quality of service worth in dollars and cents? This question should be answered by the local stations themselves, with some top limit of power authorized.

In connection with some of the more specific items on the docket, the following topical discussions are offered:

Antenna Efficiency

The allocation survey shows curves of field intensity versus distance, corrected to a common basis of 100 millivolts per meter at one mile. For purposes of allocation, should not these data be analyzed according to antenna types? From the point of view of duplication of stations on a single frequency the most important consideration is the field intensity at 800 to 1000 miles. If an analysis shows that the value of signal received at these distances, when corrected to the same field intensity at one mile, is of the same magnitude regardless of antenna, one cannot help but ask, of what value is a half-wave antenna to a regional station? Theoretically at least, the increase in low angle radiation is very nearly proportional to the increase in ground wave intensity, where a high antenna is installed. In practice, it is the writer's opinion that the same net result could be accomplished by power increases using the shorter antennas. This argument, of course, is not valid where conditions of fading limit the service of a station, but where co-channel interference is the limiting factor, high antennas would almost seem to be an economic absurdity.

The question of actual antenna efficiency receives undue emphasis because of the fact that station licenses are based on power input to the radiating system. What other method of licensing could be used? At present, a station may obtain a license on a power output basis, but the only difficulty is that such a determination is practically impossible. However, the polar radiation patterns of simple antenna configurations are easily calculated (a building top antenna is *not* a simple configuration). It would seem reasonable, for example, that a short, vertical antenna that provides an unattenuated field intensity of 186 MV/M at one mile is radiating one kilowatt, regardless of the input power necessary to produce this result. The principal consideration for all regional stations should be one of economy. The cost of additional power should be compared with the fixed charges on the antenna system. It is realized

that the thoughts presented above depend upon the relative nuisance signals produced at a distance of approximately 800 miles by a short and tall vertical antenna with the same field at one mile.

Directional Antennas

A minimum height limitation on directional systems would seem to be inadvisable, particularly on the lower frequencies. Here again, the additional cost of power supplied to the antenna should be compared with the actual fixed charges on the antenna system, and an antenna height selected that results in greatest economy. Directional systems could be licensed on a basis of RMS field intensity at one mile that would result with the licensed power if the antenna losses were not present.

Directional systems for regional stations should only be used in locations where a reasonable estimate of sky wave, etc., can be made.

Synchronization

Synchronous operation of a booster transmitter during the night hours might provide a possible "out" for high frequency regional stations in large cities, where sizable communities geographically adjacent now receive no night service. If the engineering and economic phases of operation are carefully worked out, it would seem that such operation should be permitted, and in some cases encouraged. The use of a directional antenna at the booster can greatly increase the feasibility of such schemes as the areas of distortion can be chosen so as to include as little population as possible.

Field Intensity Measurement

The Standards Committee of the I. R. E. some years ago, suggested the principle of using two coaxial loops as a standard way to measure receiver sensitivity. This same principle can be used to calibrate field intensity sets, and has the very definite advantage that the calibrating voltage is a distributed one, and errors introduced into measurements because of loop tuning, loop distributed capacitance, etc., are completely absent. When this system of calibration is used it may take the form of a small single turn loop located in the center and in the plane of the measuring or receiving loop. The mutual inductance between the receiving and calibrating loops can be accurately calculated, and the standardizing current in the calibrating loop can be accurately measured. The possibility of error is reduced to a minimum. Cannot this method of calibration be used as a standard? The complete technical advantages of such a scheme are too detailed to mention at this time, but the possibilities of the system as a standard are very encouraging.

Byrne Cross Examination

Mr. Byrne under cross examination stated that in his opinion the ground wave curve of the Commission's allocation survey is sound as a guide and he also declared that the sky wave curves in the same survey are good. He expressed it as his opinion that there is a need for some reclassification of regional stations. He favored, he stated, the use of lower frequencies for cities. Mr. Byrne said in answer to further questions that the rural people of Ohio listen to the University station while the city people do not.

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DENIAL OF FLORIDA STATION RECOMMENDED

The Tribune Company applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Tampa, Florida, to use 550 kilocycles, 1,000 watts night and 5,000 watts LS, and unlimited time.

Examiner John P. Bramhall, in Report No. I-301, has recommended that the application be denied. He found that the applicant failed to show the need for additional service in the area proposed to be served. The Examiner stated also that the proposed station would cause interference with a number of existing stations.

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

- W. Wallace Alexander, Inc., Philadelphia, Pa. (2-2526, Form A-1)
- Electrol, Inc., Clifton, N. J. (2-2527, Form A-1)
- Montana-Dakota Utilities Co., Minneapolis, Minn. (2-2528, Form A-2)
- Tips Glass Company, Three Rivers, Tex. (2-2530, Form A-1)
- Bondholders Committee Woods Bros. Corp., Chicago, Ill. (2-2531, Form D-1)
- Associated Gold Producers, Inc., Washington, D. C. (2-2532, Form A-1)
- Gage County Electric Co., Beatrice, Nebr. (2-2533, Form E-1)
- Climas Engineering Co., Chicago, Ill. (2-2534, Form A-2)
- Walter E. Heller & Co., Chicago, Ill. (2-2540, Form A-2)
- New Mexico Gas Co., Chicago, Ill. (2-2537, Form A-1)
- South Bend Lathe Works, South Bend, Ind. (2-2538, Form A-2)
- Majestic Radio Company, Chicago, Ill. (2-2539, Form A-1)
- Walter F. Heller & Co., Chicago, Ill. (2-2540, Form A-2)
- Independence Fund of North America, Inc., New York City. (2-2541, Form C-1)
- Independence Fund of North America, Inc., New York City. (2-2542, Form C-1)
- Bay State Fund, Inc., Boston, Mass. (2-2543, Form A-1)

BROADCAST STATION CHANGES

The Federal Communications Commission has made public a list containing alterations and corrections (italicized) of broadcast stations to the edition dated January 1, 1936, for the month of September.

Call Letters	Main Studio Location	Name of Licensee	Power	Frequency (kc)	Time Designation
KARK	Little Rock, Arkansas	Arkansas Radio and Equipment Co.	250w 500w-LS	890	U
KDNC	C. P. T-N. Little Rock.....	Democrat News Co., Inc.	500w-1kw-LS		
KECA	Lewistown, Mont.	Earle C. Anthony, Inc.	100w 250w-LS	1200	U (C. P. only)
KELO	Los Angeles, Calif. T-Los Angeles County	Sioux Falls Broadcast Assn., Inc.	1kw 5kw-LS	1430	U
KFEL	Sioux Falls, So. Dak.	Sioux Falls Broadcast Assn., Inc.	100w Effective 10-20-36	1200	U (C. P. only)
KGFG	Denver, Colo. T-nr. Denver	Eugene P. O'Fallon, Inc.	500w	920	S-KVOD
KMLB	Oklahoma City, Okla.	Oklahoma Broadcasting Co., Inc.	100w	1370	S-KCRC
KOAM	Monroe, La.	Liner's Broadcasting Station, Inc.	100w C. P. 250w-LS	1200	**U
KOIL	Pittsburg, Kansas	A. Staneart Graham, E. V. Baxter & Norman Baxter, d/b as Pittsburg Broadcasting Co.	1kw Effective 10-6-36	790	D (C. P. only)
KPDN	Omaha, Nebr. T-Council Bluffs, Iowa.	Central States Broadcasting Co.	1kw 2½kw-LS	1260	U
KPRC	Pampa, Texas	R. C. Hoiles	100w	1310	D
KRE	Houston, Tex. T-Deepwater	Houston Printing Corp.	1kw 5kw-LS	920	U
KRGV	Berkeley, Calif.	Central California Broadcasters, Inc.	100w 250w-LS	1370	U
KRLC	Weslaco, Texas	KRGV, Incorporated	500w C. P. 1kw	1260	U
KRQA	Lewiston, Idaho	H. E. Studebaker	100w C. P. 250w.....	1420 1390	U
KSJS	Santa Fe, N. Mex. Formerly KIUF	J. Laurance Martin	100w	1310	U
	Salina, Kansas	R. J. Laubengayer	100w	1500	U (C. P. only)

Call Letters	Main Studio Location	Name of Licensee	Power	Frequency (kc)	Time Designation
KSUB	Cedar City, Utah	Harold Johnson & Leland M. Perry, d/b as Johnson & Perry	100w Effective 10-27-36	1310	U (C. P. only)
KUOA	Siloam Springs, Ark. T-Fayetteville C. P. T-Siloam Springs.....	KUOA, Incorporated	1kw 2½kw	1260	D
KVOA	Tucson, Ariz.	Arizona Broadcasting Co., Inc.	500w C. P. 1kw	1260	U
KVSC	San Diego, Calif.	Pacific Acceptance Corp.	100w	1200	D (C. P. only)
KWK	St. Louis, Mo. T-nr. St. Louis	Thomas Patrick, Inc.	1kw 5kw-LS	1350	U
KWOS	Jefferson City, Mo.	Tribune Printing Co.	100w	1310	D (C. P. only)
KXOK	St. Louis, Mo. T-nr. Venice, Ill.	Star-Times Publishing Co.	1kw Effective 10-6-36	1250	U (C. P. only)
WABY	Albany, N. Y. C. P. T-Colonie, N. Y.	The Adirondack Broadcasting Co., Inc.	100w	1370	U
WADC	Tallmadge, Ohio	Allen T. Simmons	1kw 5kw-LS	1320	U
WAIR	Winston-Salem, N. C.	C. G. Hill, George D. Walker, Susan H. Walker	250w Effective 11-10-36	1250	D (C. P. only)
WASH	Grand Rapids, Mich.	King-Trendle Broadcasting Corp.	500w C. P. 1kw-LS	1270	S-WOOD
WATR	Waterbury, Conn.	The WATR Co., Inc.	100w C. P. 250w.....	1190 1290.....	L-WOAI U
WBHP	Huntsville, Ala.	Wilton Jarvey Pollard	100w Effective 10-27-36	1200	U (C. P. only)
WBJW	Kingston, N. C.	Jonas Weiland	100w 250w-LS Effective 10-20-36	1200	U (C. P. only)
WCBD	Chicago, Ill. T-Zion	WCBD, Incorporated	5kw	1080	L-WBT, S-WMBI
WCLO	Janesville, Wis.	Gazette Printing Co., Inc.	100w 250w-LS	1200	U
WDRB	Wausau, Wisc.	Northern Broadcasting Co., Inc.	100w Effective 11-10-36	1370	D (C. P. only)
WDAE	Tampa, Fla.	Tampa Times Co.	1kw 5kw-LS	1220	U
WEBC	Duluth, Minn. T-Superior, Wisc.	Head of the Lakes Broadcasting Co.	1kw 5kw-LS	1290	U
WEHS	Cicero, Ill.	WEHS, Incorporated	100w 250w-LS (subject compliance C. P. granted WHFC)	1420	S. H.
WEOA	Evansville, Ind.	Evansville on the Air, Inc.	100w C. P. 250w-LS	1370	U
WFIL	Philadelphia, Pa. C. P. T-Merion Twp.....	WFIL Broadcasting Co.	500w 1kw-LS 1kw S. A. 1kw-night-Exp.	560	U
WGAN	Portland, Me.	Portland Broadcasting System, Inc.	500w	640	L-KFI (C. P. only)
Formerly WSPG					
Strike out issues being determined by Court of Appeals, District of Columbia					
WGR	Buffalo, N. Y. T-Amherst Twp.	Buffalo Broadcasting Corp.	1kw C. P. 5kw-LS	550	U
WGST	Atlanta, Ga.	Georgia School of Technology	500w 1kw-LS **1kw C. P. 5kw-LS	890	U
WHDL	Olean, N. Y. C. P. T-Town of Allegany.....	Olean Broadcasting Co., Inc.	100w 250w.....	1420 1400	D
WHFC	Cicero, Ill.	WHFC, Incorporated	100w C. P. 250w-LS	1420	S. H.
WHIP	Hammond, Ind. T-Highland	Hammond-Calumet Broadcasting Corp.	5kw	1480	D (C. P. only)
WILL	Urbana, Ill.	University of Illinois	250w 1kw-LS *1kw..... 1kw.....	890 580..... 580.....	S-KFNF, KUSD D D
WJEJ	C. P. T-S. of Champaign..... Hagerstown, Md.	Hagerstown Broadcasting Co.	100w	1210	D **S. H. night 50 watts

Call Letters	Main Studio Location	Name of Licensee	Power	Frequency (kc)	Time Designation
WJSV	Washington, D. C.	Old Dominion Broadcasting Co.	10kw	1460	U
WKBI	Cicero, Ill.	WKBI, Incorporated	100w	1420	S. H.
			250w-LS (subject compliance C. P. granted WHFC)		
WLBL	Stevens Point, Wis.	State of Wisconsin, Department of Agriculture and Markets	2½kw	900	S. H.
	T-nr. Ellis				
	C. P. T-S. of Auburndale		5kw		D
WMBQ	Brooklyn, N. Y.	Metropolitan Broadcasting Corp.	100w	1500	S. H.
		S. A. Joseph Husid, Receiver—to operate station			
WMVA	New York, N. Y.	Knickerbocker Broadcasting Co., Inc.	500w	570	U
	T-Flushing		**1kw Conditionally		
WMEX	Boston, Mass.	The Northern Corp.	100w	1500	U
	T-Chelsea		250w-LS		
		Strike out C. P. T-Milton	5kw	1470	
WMFG	Hibbing, Minn.	Head of the Lakes Broadcasting Co.	100w	1210	U
		C. P. 250w-LS			
WMIN	St. Paul, Minn.	Edward Hoffman	100w	1370	U (C. P. only)
			250w-LS		
WMMN	Fairmont, W. Va.	Monongahela Valley Broadcasting Co.	250w	890	U
			500w-LS		
			C. P. 500w-1kw-LS		
WMT	Cedar Rapids, Iowa	Iowa Broadcasting Co.	1kw	600	U
	T-nr. Marion		5kw-LS		
WNNY	Watertown, N. Y.	Black River Valley Broadcasts, Inc.	100w	1420	U (C. P. only)
			250w-LS		
			Effective 10-13-36		
WOOD	Grand Rapids, Mich.	King-Trendle Broadcasting Corp.	500w	1270	S-WASH
			C. P. 1kw-LS		
WOWO	Ft. Wayne, Indiana	Westinghouse Radio Stations, Inc.	10kw	1160	Simultaneous D. S-WWVA night
WPTF	Raleigh, N. C.	WPTF Radio Co.	5kw	680	L-KPO
	T-Cary				
			S. A. 5kw to 11 P. M. EST-Exp.		
			Strike out S. A. 1kw to 11 P. M. EST-Exp.		
WRDW	Augusta, Ga.	Augusta Broadcasting Co.	100w	1500	U
	C. P. T-N. Augusta, S. C.				
WRJN	Racine, Wis.	Racine Broadcasting Corp.	100w	1370	U
	T-Mt. Pleasant		250w-LS		
WTMJ	Milwaukee, Wis.	The Journal Co. (Milwaukee Journal)	1kw	620	U
	T-Brookfield		5kw-LS		
WXYZ	Detroit, Mich.	King-Trendle Broadcasting Corp.	1kw	1240	U
.....	Corsicana, Texas	Navarro Broadcasting Assn., J. C. West, Pres.	100w	1310	D (C. P. only)
			Effective 10-20-36		

Call letters not yet assigned

**See Abbreviations—Lists of January 1, 1936.

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints against the following firms. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

No. 2942. Five trade associations, composed of manufacturers and jobbers of automobile parts and accessories, are charged with forming a combination to control the market in and to fix and maintain the resale prices of these products throughout the United States, in a complaint.

Two of these associations, the National Standard Parts Association, of Detroit, and the Motor and Equipment Wholesale Association, of Chicago, are national organizations. The other three are middle western regional groups, namely: Automotive Trades Association of Greater Kansas City, Kansas City, Mo.; Mississippi Valley Automotive Jobbers Association, and Southwestern Jobbers Association, for neither of which is the headquarters listed. The complaint also names as respondents the officers, directors and members of the five associations.

The case is a consolidation of two previously issued complaints, one against the National Standard Parts Association, and others (Docket 2764), and one against the Motor and Equipment Wholesale Association, and others (Docket 2765), both dated April 15, 1936. Both those cases have been closed. The new complaint alleges substantially the same violations of the Federal Trade Com-

mission Act as the two old complaints, and is expected to simplify trial of the case through adjustment of certain duplications in the names of respondents listed in the former complaints, and through elimination of various corporate respondents named separately in the former complaints. The new complaint is believed to cover practically the same field as the former complaints by including as respondents the five trade associations, their officers, members and directors.

No. 2943. Trading as United States School of Music, David F. Kemp, 225 Fifth Ave., New York, is charged with use of unfair methods of competition in selling correspondence courses of instruction in the art of playing various musical instruments. The respondent allegedly misrepresents in advertising matter the character of and the results to be obtained from a study of his courses, in violation of Section 5 of the Federal Trade Commission Act.

The respondent is said to make representations, which the complaint charges are exaggerated and untrue, that he has taught 700,000 pupils to play musical instruments and that a pupil can be taught to play in one-half the time usually required; that a pupil studying his course will quickly learn to play any jazz or classical selection, and, at the end of the course, the average pupil is sufficiently proficient to pass a teacher's examination; that no talent is necessary, and that when a pupil enrolls in the United States School of Music he is assured of success.

No. 2944. Cline Music Company, 126 W. Beverly St., Staunton, Va., is respondent in a complaint alleging use of unfair methods of competition in connection with the sale of pianos.

The respondent corporation is said to advertise that it has for sale repossessed pianos, "almost new," which it has taken back from purchasers who could not keep up payments and which it will "sacrifice for the balance due." Each piano so advertised has stamped upon it a price purporting to be the regular retail price, the complaint alleges.

According to the complaint, the assertions made in the respondent corporation's advertisements together with the price markings serve as representations to prospective purchasers that the pianos are of high quality and of superior workmanship, were originally sold at prices closely approximating those stamped thereon, that they had been repossessed, and that prices at which they actually were offered for sale were sacrificed prices made for the purpose of eliminating shipping and other repossession charges.

No. 2948. Eastern Pharmacal Company, Inc., 151 Ludlow St., Yonkers, N. Y., has been charged in a complaint with unfair representations in the sale of its product, "Aspiral," in violation of Section 5 of the Federal Trade Commission Act.

Advertising that "Elixir Aspiral offers the better way of prescribing aspirin," the respondent company is alleged to have designated its product in a manner tending to deceive buyers into believing that the product is aspirin and is designed for treatment of the same ills and conditions of the body as aspirin, and contains all the ingredients of aspirin.

Pointing out that the respondent company's product is not the same as aspirin, the complaint charges that its representations have a tendency to divert trade from competitors selling acetyl salicylic acid products, which are aspirin.

No. 2951. Alleging violation of Section 2 (a) of the Robinson-Patman Act prohibiting price discrimination, a complaint has been issued against the **United States Quarry Tile Company, of Canton, Ohio.** This is the fourth complaint issued under the recently enacted Robinson-Patman amendment to Section 2 of the Clayton Act.

The Commission's complaint charges that the United States Quarry Tile Company, which maintains factories in West Virginia and Ohio, has violated Section 2 (a) of the Robinson-Patman Act by discriminating in price between customers located in other states who are in competition with one another in the sale of tile to consumers. The United States Quarry Tile Company is alleged to have granted a 15 per cent discount to certain so-called wholesalers, regardless of the quantity sold, which discount has not been made available to tile contractors, thus tending to injure, destroy or prevent competition by tile contractors with the so-called wholesalers who are, in fact, in many instances acting as retailers by selling to the ultimate consumer.

Section 2 (a) of the Robinson-Patman Act, under which the complaint has been issued, says, "That it shall be unlawful for any person engaged in commerce * * * to discriminate in price between different purchasers of commodities of like grade or quality * * * where the effect of such discrimination may be substantially to lessen competition * * *."

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

No. 01471. S. D. Cates and Juel Denn (Mrs. S. D. Cates), trading as The Buel Company, 207 North Michigan Ave., Chicago, agree to cease representing that "Buel Medicated Hair Drill" grows hair, prevents baldness, is an effective remedy for dandruff and for conditions responsible for a too oily scalp, or that it reconditions the scalp in 15 days, or at all. The respondents will stop advertising that dandruff causes the hair to break and fall out and that lifeless, brittle, faded hair is due to germ-infected hair follicles.

No. 01472. Richie Joseph Tucker, 700 Texas Avenue, San Antonio, Tex., operating under the name National Detective Bureau, in the sale of correspondence instruction in "private investigation" and of memberships in the bureau, agrees to cease and desist from representing that any individual employed by Tucker holds the position of "chief of staff" or "chief counsel, legal department"; that the respondent sells a "complete course" in private investigation; by direct statement or reasonable implication that the respondent has detective work to be performed by the "members" of his "bureau"; that anyone is "wanted" as a detective by the respondent, and other similar representations.

No. 01474. Herbal Medicine Company and Natex Company, 219 West Saratoga St., Baltimore, stipulate to cease representing that either "Natex" or "Herb Doctor Compound" is a competent remedy for a wide variety of diseases and ailments, including dyspepsia, rheumatism, headaches, stomach, liver and

kidney troubles, high blood pressure, and blood impurities. They also will discontinue claims that either of their preparations is a new medicine, builds rich blood, acts as a tonic for the whole system, gives permanent relief from any physical disorder or disease, or removes the basic cause thereof.

Other respondents in this case are George Earl McKewen, George McKewen, Mrs. George McKewen, Mr. and Mrs. Leroy Burdette, James Howard, Jr., and H. B. Baker, representing Publicity Engravers and trading as Herbal Medicine Company and Natex Company.

No. 01475. Blair Laboratories, a Lynchburg, Va., corporation engaged in selling a variety of products, will stop representing that its "Whitehouse Cleaning Fluid" is "the" perfect home dry cleaner; that "Whitehouse Household Cement" will hold together shoes, torn soles, or anything else made of leather, so tightly that it will never come apart again, and that the "join" made with this preparation is stronger than before the break occurred.

In advertising its other preparations, the respondent corporation will discontinue claims that "Airo-Zone" makes clothes closets moth-proof; that "Dr. Blair's Cream of Cucumber" entirely cures face eruptions caused by the use of irritating face powders; that "Dr. Blair's Cleansing Cream" quickly restores the delicate complexion typical of youth, preserves it for years, and prevents blemishes; that "Dr. Blair's Snow White Bleaching Cream" clears up the complexion and banishes skin blemishes, unless such skin conditions are limited to external causes; that "Dr. Blair's Acne Cream" is a skin food that builds up broken-down tissues and refines the skin; that "Dr. Blair's Beauty Clay" corrects flabby, sallow and wrinkled skins by removing the cause of such conditions; that "N.B.O. Deodorant" banishes perspiration odor; that "Dr. Blair's Double Distilled Extract Witch Hazel" is 2-times stronger than U. S. Pharmacopoeia requirements; that "Dr. Blair's Shaving Lotion" kills germs, prevents eruptions, or keeps the skin in a healthy condition; that "Dr. Blair's Hair Tonic" removes dandruff or stops falling hair, and that "Family Salve" heals cuts, burns, stings of insects, or rough skin.

No. 01476. Seabury, Inc., 222 Fourth Ave., New York, will stop representing that "Edrolax" is a competent treatment for constipation, unless limited to those types of constipation the relief of which is within the known therapeutic efficacy of the product, and that use of the preparation will keep the intestinal tract in a normal, healthy condition. Other claims that will be discontinued are that "Edrolax" is especially beneficial to children, that it is neither a medicine nor a cathartic, that most cathartics weaken the intestinal wall, and that one portion of the product provides as much vegetable bulk or lubrication as a whole vegetable dinner.

No. 01477. Durand-McNeil-Horner Company, Chicago, selling "Klor-O-Wash," stipulates that it will desist from advertising that this cleaning compound is a deodorizer and disinfectant for chinaware, glassware, pots, pans, washbowls, bathtubs, tile floors, linoleum and sick room equipment, unless such representations are accompanied by instructions to the effect that the places or articles to be deodorized and disinfected should be thoroughly washed before using "Klor-O-Wash." Another representation that will be discontinued is that the product will remove alcohol, ink, coffee, tea, fruit, mildew and scorch stains from white cotton or linen fabrics by soaking the article for a few minutes in a solution of one part of "Klor-O-Wash" to 20 parts of water.

No. 01478. Carl A. Burkhardt, 1448 Webster St., Oakland, Calif., trading as Family Remedy Company and selling "Wong Yick Family Tea," agrees to cease from representing that his product is scientific and an effective remedy for indigestion, headaches, overweight, poor appetite, high blood pressure, arthritis, sinus trouble, tuberculosis, asthma, and other ailments. The respondent also will discontinue claims that his preparation is non-habit forming; will be "found very effective in removing the cause of many obstinate and obscure ailments"; that it will banish poison from the system and cause the kidneys to function properly.

No. 01479. Martha E. Richason, 4304 McPherson St., St. Louis, trading as Athex Company, will cease advertising that her preparation is competent in the treatment of athlete's foot and skin ailments, and that the term athlete's foot is synonymous with itch, ringworm, blistered feet, rash or tetter. The representation that "Athex" is guaranteed to produce any stated therapeutic effects will be discontinued.

No. 01480. Wilbert Products Company, Inc., 805 East 139th St., New York City, engaged in selling a washing fluid designated "Javex," will cease representing that the product disinfects or deodorizes, unless directions are given for first cleaning the article to be disinfected or deodorized; that it kills all germs, including their spores, or destroys odors, and that it is "magical" in whitening clothes.

No. 01481. E. J. O'Bryan, 2211 Woodward Ave., Detroit, trading as Hemerald Company, entered into a stipulation to refrain from advertising that the "Hemerald Pile Ointment" he sells is antiseptic or a germicide, or that it is an effective remedy, unless the assertion is specifically limited to its soothing and astringent effect and to its action as an emollient. Other representations that will be stopped are, that the ointment reduces swollen blood vessels, or that it is healing; that it prevents liver and kidney troubles, sciatic neuritis, rheumatism and constipation, and that these conditions enumerated will follow if piles are not treated.

No. 01482. Trading as International Agency, George Rosenzweig, Jr., of Cincinnati, sells booklets entitled "The Herbalist," "Complete Index of Salable Raw Drugs" and "Supplement of Raw Drug Buyers." Among representations to be discontinued under the stipulation, are: That "The Herbalist" teaches one to recognize, gather or prepare roots, herbs, flowers or seeds for the market, or is a text book or complete course; that the booklet entitled "The Index" is an index of drugs, and that the supplement booklet is a supplement of buyers of drugs; inferentially or otherwise, that the usual cost of merchandise sold by the respondent is any amount in excess of its actual market value, or, that the respondent offers any employment, or buys or finds the market for any item, until this is the fact.

No. 01485. The Star Water Manufacturing Company, Waterbury, Conn., agrees to discontinue representations that its "Star Water" washing fluid is a non-poisonous germicide and is safe; that it is an antiseptic, disinfectant or deodorant, without following such assertion with directions for cleansing the article to be disinfected or deodorized; and that it sterilizes, kills bacteria and disinfects when used to wash dishes.

No. 01486. Paul I. Miller, 5175 Hovey St., Indianapolis, Ind., trading as The Bioxo Products Company, agrees that in the sale of "Bioxo Salets" he will discontinue the following representations: That the preparation is competent in the treatment of neuritis, neuralgia, sciatica, lumbago or muscular soreness, unless such representations are limited to the temporary relief of pain; that it helps to eliminate poisons, overcomes the cause of any ailment, and aids digestive organs to assimilate food; that its formula is the latest in the field for treatment of the various ailments mentioned, or that it is a physician's prescription; that no other preparation on the market has the same formula, and that neglect of colds, defective teeth or infections are the causes of almost all cases of rheumatism.

No. 01487. Houchens Medicine Company, 2800 Philadelphia Road, Baltimore, selling "Houchens Liquid Vegetable Tonic Laxative," will discontinue representing that the preparation has any value as a tonic except to the intestines; it is a competent treatment for colds, acid stomach, fever or biliousness; that it is the kind of laxative most doctors prescribe and hospitals use; that it will overcome the effects of over-indulgence in food or drink, and is safe so long as it contains potassium chlorate in any substantial amount.

In stipulations entered into with the Federal Trade Commission, two Washington, D. C., firms dealing in women's fur and fur-trimmed wearing apparel have agreed to discontinue false representations in advertising matter.

Nos. 01460-01484. Mandre, Inc., Louis C. Rosenblatt, Arthur J. Rosenblatt and H. Edelman, trading as M. Brooks & Co., 1109 G St., N. W., Washington, D. C., are respondents in one stipulation. **Saks Fur Company, 610 12th St., N. W., Washington, D. C.,** is named in the other.

The respondents in both cases agree, among other things, to stop describing furs in any other way than by use of the correct name of the fur as the last word of the descriptive phrase, and when any dye or blend is used to simulate another fur, the true name of the fur must be preceded by the word "dyed" or "blended," compounded with the name of the simulated fur.

The respondents, for example, agree to stop using the words "seal" or "Hudson seal" to designate dyed muskrat, unless these words are compounded with "dyed" and immediately followed by words signifying the true name of the fur, as "Seal-dyed muskrat" or "Hudson seal-dyed muskrat."

Other advertising practices to be discontinued are the use of any geographical term to describe a fur unless such fur comes from the region indicated, and representing that rabbit, coney or lapin is "sealine" or "beaverette," or using any other descriptive term either as a prefix, suffix or name not commonly used to indicate rabbit fur dyed to imitate seal or beaver.

Mandre, Inc., and M. Brooks & Co., in their stipulation, agree to cease representing that garments or furs are imported from France, or elsewhere, unless such is the fact, and if so, a statement will be made in connection therewith indicating whether it is the

garments or the furs that are so imported. These respondents admitted that certain coats described in an advertisement as "Imported French Seal (dyed coney)" were made in the United States of pelts that were stamped on the back "Dyed in France."

Selling and distributing dairy products and a poultry food in interstate commerce, the **Challenge Cream and Butter Association, 925 East 2nd St., Los Angeles,** and **Ultra-Life Laboratories, Inc., 103 South 35th St., East St. Louis, Ill.,** have entered into stipulations to discontinue certain unfair advertising practices.

The Los Angeles association, dealing in dairy products, agrees to cease and desist from asserting that butter is the best known resister of disease; that it contains all elements necessary to human growth and will provide Vitamin A in quantities sufficient to afford protection from head and throat infections, sinus or mastoids.

No. 01470. Advertising its "Challenge Dry Skim Milk" as a poultry food, the respondent company agrees to discontinue representing that this milk affords complete protection from coccidiosis; that it will build health or vitality in chickens; that it will build resistance to all forms of diseases in chickens or promote vigor and stamina in breeding stock, and that it will provide adequate growth for baby chicks or control their health.

No. 1483. Ultra-Life Laboratories, Inc., is said to have advertised its product "Ultra-Life" as a "combination of a number of expensive ingredients," guaranteed, when mixed according to formula, to add exactly the required amount of every known vitamin to feeds. The respondent company stipulates that it will cease representing its product by such a guarantee, and that it will discontinue, inferentially or otherwise, representing that its product is the only product containing any specific number of vitamins, unless this is substantiated by factual evidence. It will also cease asserting that certain beneficial results in the health of poultry cannot be derived from feeds in which its product is not contained. Other similar representations will be discontinued.

FTC DISMISSES COMPLAINT

No. 2540. The Federal Trade Commission has dismissed its complaint against **W. Gordon Pervis, Tennille, Ga.,** who had been charged with unfair competition in the sale of so-called electric radio plates for the treatment of various diseases.

According to the order of dismissal, the evidence adduced in the case did not sustain the allegations of the complaint.

Pervis' product is a device to be worn in the shoes and is represented by him as giving relief to persons suffering from high or low blood pressure, headaches, asthma, paralysis, kidney trouble, and other ailments.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

The following hearings are scheduled at the Commission for the week beginning, Monday, October 26.

Thursday, October 29

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-237:

NEW—Miles J. Hansen, Fresno, Calif.—C. P., 1420 kc., 100 watts, unlimited time.

NEW—Julius Brunton & Sons Co., Fresno, Calif.—C. P., 980 kc., 250 watts, daytime.

Examiner's Report No. I-238:

NEW—Harold H. Hanseth, Fresno, Calif.—C. P., 1410 kc., 1 KW, unlimited time.

NEW—Fresno Broadcasting Co., Fresno, Calif.—C. P., 1410 kc., 500 watts, 1 KW LS, unlimited time.

Examiner's Report No. I-239:

NEW—Ventura County Star, Inc., Ventura, Calif.—C. P., 1170 kc., 250 watts, daytime.

Examiner's Report No. I-242:

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah—C. P., 1290 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 1290 kc., 1 KW, unlimited time.

Friday, October 30

HEARING BEFORE AN EXAMINER

(Broadcast)

- XICA—Western Broadcasters, Inc., Clovis, New Mexico—Modification of license, 1370 kc., 100 watts, unlimited time. Present assignment: 1370 kc., 100 watts, specified hours.
- NEW—The Southwest Broadcasting Co., La Junta, Colo.—C. P., 1370 kc., 100 watts, unlimited time.

APPLICATIONS GRANTED

- WLBF—WLBF Broadcasting Co., Kansas City, Kans.—Granted authority to make changes in equipment.
- WIBU—Wm. C. Forrest, Poynette, Wis.—Granted C. P. to install new equipment.
- WRBL—WRBL Radio Station, Inc., Columbus, Ga.—Granted C. P. to make changes in equipment, increase day power from 100 to 250 watts, erect an approved type of antenna system at new site to be determined subject to Commission's approval.
- WCBS—WCBS, Inc., Springfield, Ill.—Granted C. P. approving vertical radiator, new transmitter site, changes in equipment.
- WEXL—Royal Oak Broadcasting Co., Royal Oak, Mich.—Granted C. P. to authorize changes in equipment.
- WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Granted C. P. to install new equipment.
- KTSA—KTSA Broadcasting Co., San Antonio, Tex.—Granted authority to determine operating power by direct measurement of antenna input in accordance with Rule 137. Also granted license to cover C. P. authorizing installation of new equipment.
- WHA—University of Wisconsin, Madison, Wis.—Granted license to cover C. P. authorizing changes in equipment and increase in power from 2½ KW to 5 KW.
- WHLB—Head of the Lakes Broadcasting Co., Virginia, Minn.—Granted license to cover C. P. authorizing erection of new station; 1370 kc., 100 watts, unlimited time.
- KIDO—Frank L. Hill, C. G. Phillips, d/b as Boise Broadcast Sta., Boise, Idaho—Granted license to cover C. P. authorizing change in transmitter location, installation of new equipment and vertical radiator.
- WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted license to cover C. P. authorizing change in composite equipment and reduction in power from 1 KW to 500 watts for auxiliary purposes only.
- KALE—KALE Inc., Portland, Ore.—Granted renewal of license for the period Nov. 1, 1936 to May 1, 1937.
- KGMB—Honolulu Broadcasting Co., Ltd., Honolulu, T. H.—Granted renewal of license for the period Nov. 1, 1936 to May 1, 1937.
- KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska—Granted extension of present license for a period of 30 days on a temporary basis.
- KVEC—Christina M. Jacobson, d/b as The Valley Electric Co., San Luis Obispo, Cal.—Granted modification of C. P. approving antenna and transmitter site south from center of San Luis Obispo, Cal.
- KTEM—Bell Broadcasting Co., Temple, Tex.—Granted modification of C. P. approving transmitter and studio sites, authority to change type of equipment, approval of vertical radiator, and extension of commencement date to 30 days after grant, and completion date to 90 days after grant.
- KFJB—Marshall Electric Co., Inc., Marshalltown, Iowa—Granted modification of C. P. to install new equipment, extend commencement date of 30 days after grant and completion date to 60 days thereafter.
- KBST—The Big Spring Herald Broadcasting Co., Big Spring, Tex.—Granted modification of C. P. to make changes in equipment, approval of transmitter site and antenna system.
- WNEW—Wodaam Corp., Newark, N. J.—Granted modification of license to change studio location from Newark, N. J. to New York City.
- KVOR—S. H. Patterson, Colorado Springs, Colo.—Granted consent to voluntary assignment of license to Out West Broadcasting Co., 1270 kc., 1 KW, unlimited time.
- WHBI—May Radio Broadcast Corp., Newark, N. J.—Granted extension of present license for a period of 90 days (Main Transmitter) 1250 kc., 1 KW night, 2½ KW day, shares with WNEW.
- WHBI—May Radio Broadcast Corp., Newark, N. J.—Granted extension of present license for a period of 90 days (for auxiliary transmitter), 1250 kc., 1 KW night, 2½ KW day, shares with WNEW.
- WPTF—WPTF Radio Co., Raleigh, N. C.—Granted authority to determine operating power of main transmitter by direct measurement of antenna input in compliance with Rule 137.
- KGO—National Broadcasting Co., Inc., San Francisco, Cal.—Granted authority to install automatic frequency control apparatus for auxiliary equipment.
- KGHF—Curtis P. Ritchie, Pueblo, Colo.—Granted authority to install automatic frequency control.
- KTSM—Tri-State Broadcasting Co., Inc., El Paso, Tex.—Granted authority to make changes in automatic frequency control equipment.
- KSOO—Sioux Falls Broadcasting Assn., Sioux Falls, S. Dak.—Granted authority to make changes in automatic frequency control equipment.
- WEST—Asso. Broadcasters, Inc., Easton, Pa.—Granted authority to make changes in automatic frequency control equipment.
- WWNC—Citizen Broadcasting Co., Inc., Asheville, N. C.—Granted consent to voluntary assignment of license to Asheville Citizen-Times Co., Inc.
- WOCL—A. E. Newton, Jamestown, N. Y.—Granted voluntary assignment of license to the James Broadcasting Co., Inc.
- NEW—Westinghouse E and M Co., Mobile, Chicopee Falls, Mass.—Granted C. P. for new experimental relay broadcast station; frequencies 31100, 34600, 37600, 40600 kc., 50 watts. Unlimited time. Also granted license covering same.
- NEW—Westinghouse E and M Co., Portable-Mobile, Chicopee Falls, Mass.—Granted C. P. and license for low frequency relay broadcast station; frequencies 1606, 2022, 2102, 2758 kc., 15 watts.
- NEW—Westinghouse E and M Co., Portable-Mobile, Chicopee Falls, Mass.—Granted C. P. and license for high frequency relay broadcast station; frequencies 31100, 34600, 37600 and 40600 kc. in an experimental basis; 500 watts.
- NEW—Westinghouse E and M Co., Portable-Mobile, Chicopee Falls, Mass.—Granted C. P. and license for high frequency relay broadcast station; frequencies 31100, 34600, 37600 and 40600 kc. in an experimental basis; 500 watts.
- NEW—Westinghouse E and M Co., Portable-Mobile, Chicopee Falls, Mass.—Granted C. P. and license for high frequency relay broadcast station; frequencies 31100, 34600, 37600 and 40600 kc. in an experimental basis; 500 watts.
- NEW—Westinghouse E and M Co., Portable-Mobile, Chicopee Falls, Mass.—Granted C. P. and license for high frequency relay broadcast station; frequencies 31100, 34500, 37600, 40600 kc., 500 watts, unlimited.
- NEW—Westinghouse E and M Co., Portable-Mobile—Granted C. P. and license for high frequency relay broadcast station; frequencies 31100, 34600, 37600, 40600 kc., 50 watts, unlimited.
- WSMK—WSMK, Inc., Dayton, Ohio—Granted special temporary authority to operate simultaneously with station KQV, unlimited time on Tuesday, Nov. 3, 1936, in order to broadcast local, state and national election returns.
- KPAC—Port Arthur College, Port Arthur, Tex.—Granted special temporary authority to operate from 5:15 p. m. to 12 midnight CST, Nov. 6, 14, and 26, 1936, in order to broadcast local high school football games.
- WFAM—The South Bend Tribune, South Bend, Ind.—Granted special temporary authority to operate station without an approved frequency monitor for a period beginning Oct. 19 and ending no later than Oct. 30, 1936.
- KUOA—KUOA, Inc., Fayetteville, Ark.—Granted special temporary authority to operate station without an approved frequency monitor for a period Oct. 16 to Oct. 25, 1936.
- WPG—City of Atlantic City—Granted special temporary authority to operate from 12 midnight to 6 a. m., EST, Nov. 4; and from 12 midnight to 4 a. m., Nov. 5, in order to broadcast election returns.
- KCMC—KCMC, Inc., Texarkana, Ark.—Granted special temporary authority to operate station without an approved frequency monitor for a period Nov. 11 to 30, 1936.
- WCLS—WCLS, Inc., Joliet, Ill.—Granted special temporary authority to operate from 8:30 to 9 p. m., CST, Oct. 20 and 21, in order to broadcast special programs of Labor Non-Partisan League.
- The Farmers and Bankers Life Ins., Co., Abilene, Kans.—Granted special temporary authority to operate a portable (high

frequency relay broadcast) transceiver for the period ending in no event later than Oct. 31, 1936.

WBNX—Standard Cahill Co., Inc., New York City—Granted special temporary authority to operate from 12 midnight, Sat., Oct. 17, to 12 midnight, Mon., Oct. 26, with power of 1 KW and with one tower only (non-directional), unlimited time, or in the alternative, to operate with 1 KW power daytime with one tower only (non-directional), power to be reduced at local sunset to a point where the radiation does not exceed 100 millivolts per meter at one mile in the direction of station KWK, St. Louis, Mo.

KGFL—KGFL, Inc., Roswell, N. Mex.—Granted special temporary authority to operate simultaneously with station KICA from 7:30 to 10:30 p. m., EST, Friday, Oct. 23, in order to broadcast speech of Congressman J. J. Dempsey and other candidates.

W8XIN—Radio Air Service Corp., Cleveland, Ohio, Portable-Mobile—Granted license to cover C. P. for new relay broadcast station on an experimental basis; frequencies 31100, 34600, 37600 and 40600 kc., 10 watts.

W6XKG—Ben S. McGlashan, Los Angeles, Cal.—Granted license to cover C. P. of experimental high frequency broadcast station for authority to change equipment and increase power from 100 watts to 1 KW.

W10XGK—Ben S. McGlashan, Los Angeles, Cal., Portable-Mobile—Granted license to cover C. P. for new relay broadcast station; frequencies 31100, 34600, 37600 and 40500 kc., and 100000, 149,000, 280,000 and 580,000 kc. on a temporary experimental basis only; 10 watts.

W6XLN—Ben S. McGlashan, Los Angeles, Cal., Portable-Mobile—Granted license to cover C. P. for new relay broadcast station in accordance with Rules 1000 and 1001 (b); frequencies 31100, 34600, 37600 and 40600 kc., and 90,000, 150,000, 300,000 and 600,000 kc. on temporary experimental basis only; 100 watts.

KSOO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—Granted special temporary authority to operate from 5:45 to 6:30 p. m., CST, Oct. 21, 22 and 28, 1936, in order to broadcast political talks.

WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—Granted special temporary authority to operate from 8 to 10 p. m., EST, Wed. night, Oct. 21, 1936, using power of 100 watts, in order to broadcast a Democratic Rally.

WTBO—Asso. Broadcasters Corp., Cumberland, Md.—Granted special temporary authority to operate from 8 to 10 p. m., EST, Oct. 20, 1936, in order to broadcast local Democratic meeting. Also to operate from 10 to 10:30 p. m., EST, Wed., Oct. 21, in order to broadcast an address by Pres. Roosevelt.

KFNF—KFNF, Inc., Shenandoah, Iowa—Granted special temporary authority to operate station without approved frequency monitor for a period beginning Oct. 20, and ending no later than Nov. 18, 1936.

WHDF—The Upper Mich. Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 6:30 to 10 p. m., CST, Oct. 22, in order to broadcast a Republican Rally; from 6:30 to 9:30 p. m., CST, Oct. 26, in order to broadcast the 22nd WHDF Radio Revue and Barn Dance; from 6:30 p. m. to 12 midnight, CST, Nov. 3, in order to broadcast election returns.

WTCN—Minn. Broadcasting Corp., Minneapolis, Minn.—Granted extension of special temporary authority to operate with temporary antenna for the period Oct. 23 to Nov. 21, 1936.

KSOO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—Granted special temporary authority to operate from 6:30 to 7 p. m., CST, Oct. 23, in order to broadcast political talks.

WWVA—W. Va. Broadcasting Corp., Wheeling, W. Va.—Granted extension of special temporary authority to operate with a temporary antenna pending the rebuilding of towers demolished by storm, for the period Oct. 26 to Nov. 24, 1936.

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Granted extension of special temporary authority to operate with additional power of 750 watts at night for the period Oct. 28 to Nov. 26, 1936.

WMBG—Havens & Martin Inc., Richmond, Va.—Granted extension of special temporary authority to operate from 5:30 to 7 p. m., EST, on Sundays, during month of November (provided WBBL remains silent) in order to broadcast special programs.

WCBS—WCBS, Inc., Springfield, Ill.—Granted special temporary

authority to operate from 10 p. m., CST, Nov. 3, until 1 a. m., CST, Nov. 4, in order to broadcast election returns.

WWVA—W. Va. Broadcasting Corp., Wheeling, West Va.—Granted special temporary authority to operate simultaneously with WOWO on night of Tuesday, Nov. 3, in order to broadcast election returns.

WOWO—The Main Auto Supply Co., Fort Wayne, Ind.—Granted special temporary authority to operate simultaneously with WWVA on night of Tuesday, Nov. 3, in order to broadcast election returns.

WJAC—WJAC, Inc., Johnstown, Pa.—Granted special temporary authority to operate simultaneously with station WFBG from 10 to 10:30 p. m., EST, Oct. 21, 1936, in order to broadcast speech by President.

WCLS—WCLS, Inc., Joliet, Ill.—Granted special temporary authority to operate from 8:30 to 9 p. m., CST, Oct. 20 and 21, in order to broadcast special programs of Labor Non-Partisan League.

KRLC—H. E. Studebaker, Lewiston, Idaho—Granted special temporary authority to operate without an approved frequency monitor for a period not to exceed 30 days.

KWKH—International Broadcasting Corp., Shreveport, La.—Granted special temporary authority to operate with reduced power of 2500 watts for period not to exceed 10 days.

KOY—Nielson Radio & Sporting Goods Co., Phoenix, Ariz.—Granted special temporary authority to operate with former antenna system for period not to exceed 30 days, pending application for new antenna and site.

KLRA—Ark. Broadcasting Co., Little Rock, Ark.—Granted special temporary authority to operate with reduced power not less than 1 KW during daytime hours of operation while constructing new tower, for period not to exceed 30 days.

WATL—J. W. Woodruff, and S. A. Cisler, d/b as Atlanta Broadcasting Co., Atlanta, Ga.—Granted extension of special temporary authority to operate a 100 watt portable transmitter on 1370 kc., in the vicinity of Atlanta, Ga., between the hours of 12 midnight and 6 a. m., CST, for a period not to exceed 30 days from Oct. 23, 1936, in order to make field intensity survey tests.

KHBC—Honolulu Broadcasting Co., Ltd., Hilo, T. H.—Granted special temporary authority to operate without an approved frequency monitor for a period beginning Oct. 15 and ending not later than Nov. 13, 1936.

WEST—Asso. Broadcasters Inc., Easton, Pa.—Granted special temporary authority to operate simultaneously with station WKBO from 9 to 9:30 p. m., EST, Tuesday, Oct. 20, in order to broadcast a Democratic national network program featuring a speech by Mr. Farley.

WCAX—Burlington Daily News, Inc., Burlington, Vt.—Granted special temporary authority to operate from 7 p. m. to 12 midnight, EST, Tuesday, Nov. 3, 1936, in order to broadcast election returns.

WELI—City Broadcasting Corp., New Haven, Conn.—Granted special temporary authority to operate unlimited time, Tuesday, Nov. 3, 1936, in order to broadcast election returns.

WKBV—Knox Radio Corp., Richmond, Ind.—Granted special temporary authority to operate from 1:30 to 5:30 p. m., CST, Nov. 7, 1936, for the purpose of broadcasting Earlham College Football game.

SET FOR HEARING

NEW—John D. Fields, Inc., Las Vegas, Nev.—Application for C. P. for new broadcast station at Las Vegas, Nev., to authorize operation on 1370 kc., 100 watts, unlimited time, site to be approved.

NEW—Peninsula Newspapers, Inc., Palo Alto, Calif.—Amended application for C. P. for a new broadcast station at Palo Alto, Calif., to authorize operation on 1160 kc., 250 watts, daytime only. Transmitter site and type of antenna to be determined with Commission's approval.

NEW—KLZ Broadcasting Co., Denver, Colo.—Application for a C. P. for new broadcast station at Denver, Colo., to authorize operation on 1210 kc., 100 watts night, 250 watts day, unlimited time. Site and type of antenna are to be determined with Commission's approval.

NEW—The Louisville Times Co., Louisville, Ky.—Application for C. P. for new broadcast station at Louisville, Ky., to authorize operation on 1210 kc., 100 watts, unlimited time.

NEW—Okmulgee Broadcasting Corp., Okmulgee, Okla.—Application for C. P. for new broadcast station at Okmulgee, Okla.,

to authorize operation on 1210 kc., 100 watts, daytime only. Site to be determined subject to Commission approval.

NEW—Times Publishing Co., Okmulgee, Okla.—Application for C. P. for new broadcast station at Okmulgee, Okla., to authorize operation on 1210 kc., 100 watts, daytime only. Transmitter site and antenna to be determined with Commission's approval.

NEW—Paul B. McEvoy, publisher, Hobart Democrat-Chief, Hobart, Okla.—Amended application for C. P. for a new broadcast station at Hobart, Okla., to authorize operation on 1420 kc., 100 watts, daytime only.

NEW—J. Leslie Doss, Sarasota, Fla.—Application for C. P. for new broadcast station at Sarasota, Fla., to authorize operation on 1390 kc., 250 watts, daytime only.

NEW—Broadus McSwain, d/b as "The Voice of The Times" Raleigh, N. C.—Application for C. P. for new broadcast station at Raleigh, N. C., to authorize operation on 1210 kc., 100 watts, daytime only.

NEW—Clarence A. Berger, Coeur d'Alene, Idaho.—Application for C. P. for new broadcast station at Coeur d'Alene, Idaho, to authorize operation on 1200 kc., 100 watts, daytime only. Transmitter site and antenna design to be determined subject to Commission's approval.

NEW—Richard M. Casto, Johnson City, Tenn.—Application for C. P. for new broadcast station at Johnson City, Tenn., to authorize operation on 1200 kc., 100 watts night, 250 watts day, unlimited time.

NEW—Falls City Broadcasting Corp., Falls City, Nebr.—Amended application for C. P. for new broadcast station at Falls City, Nebr., to authorize operation on 1310 kc., 100 watts, unlimited time.

KLPM—John B. Cooley, Minot, N. Dak.—Application for C. P. requesting authority to move transmitter to rural location near Minot, N. Dak.; install approved antenna system; change frequency to 1360 kc. from 1240 kc.; make changes in equipment; increase night and day power to 1 KW, and increase operation from specified hours to unlimited time.

KWBG—The Nation's Center Broadcasting Co., Inc., Hutchinson, Kans.—Amended application for C. P. to authorize moving transmitter locally, install directional antenna system, make changes in equipment, change frequency from 1420 kc. to 550 kc., and increase power from 100 watts to 250 watts, unlimited time, using directional antenna system for night-time operation.

WSJS—Winston-Salem Journal Co., Winston-Salem, N. C.—Application for C. P. to change frequency from 1310 kc. to 1250 kc., make changes in equipment, increase power from 100 watts to 1 KW, and move transmitter locally. Site and antenna system to be determined subject to Commission approval.

WJBW—Charles C. Carlson, New Orleans, La.—Application for C. P. to change studio location, install new equipment and vertical radiator, increase day power from 100 watts to 250 watts and time of operation from sharing time with station WBNO to unlimited time.

WMBD—Peoria Broadcasting Co., Peoria, Ill.—Application for C. P. to authorize installation of new equipment, increase night power from 500 watts to 1 KW and day power from 1 KW to 5 KW, unlimited time.

NEW—J. H. Allison, Rhea Howard, B. D. Donnell, d/b as West Texas Broadcasting Co., Wichita Falls, Tex.—Application for C. P. to erect new station at Wichita Falls, Tex., to authorize operation on 1380 kc., 1 KW, unlimited time, employing directional antenna system nighttime.

KUOA—KUOA, Inc., Siloam Springs, Ark.—Application for modification of C. P. requesting authority to increase day power from 2.5 KW to 5 KW, increase operating time to include midnight to 6 a. m., using 5 KW power, and extend commencement date from August 12, 1936, to 30 days after grant, and completion date from February 12, 1937, to 150 days thereafter. Hearing before Broadcast Division.

WJBR—J. B. Roberts, Gastonia, N. C.—Application for modification of C. P. requesting extension of commencement date from 12-15-35 to 10-1-36 and completion date from 6-15-36 to 1-1-37.

KFKA—The Mid-Western Radio Corp., Greeley, Colo.—Application for modification of license requesting authority to change frequency from 880 kc. to 1450 kc., and increase operation to unlimited time.

WHN—Marcus Loew Booking Agency, New York, N. Y.—Hearing before Broadcast Division on application for modifica-

tion of license to authorize increase in night power from 1 KW to 5 KW.

WORL—Broadcasting Service Organization, Inc., Needham, Mass.—Application for C. P. for authority to increase power from 500 watts to 1 KW, to increase time of operation from daytime to unlimited time, and for authority to use a directional antenna both day and night.

KMPC—Beverly Hills Broadcasting Corp., Beverly Hills, Calif.—Application for Commission's consent to the transfer of control of the Beverly Hills Broadcasting Corp. from the Pacific Southwest Discount Corp. to George A. Richards.

ORAL ARGUMENT GRANTED

NEW—Ex. Rep. I-289: Saginaw Broadcasting Co., Saginaw, Mich.; Harold F. Gross and Edmund C. Shields, Saginaw, Mich.—Granted oral argument before Broadcast Division to be held on December 17, 1936.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KDFM, Casper, Wyo.; KECA, Los Angeles; KFBK, Sacramento, Calif.; KMO, Tacoma, Wash.; KQV, Pittsburgh, Pa.; KSCJ, Sioux City, Iowa; KWK, St. Louis, Mo.; KXYZ, Houston, Tex.; WBNS, Columbus, Ohio; WFBL, Syracuse, N. Y.; WGAR, Cleveland, Ohio; WGES, Chicago; WHBL, Sheboygan, Wis.; WHEC, Rochester, N. Y.; WHK, Cleveland, Ohio; WHOM, Jersey City, N. J.; WHP, Harrisburg, Pa.; WJSV, Alexandria, Va.; WKBW, Buffalo, N. Y.; WLAC, Nashville, Tenn.; WSAF, Fall River, Mass.; WSBT, South Bend, Ind.; WSFA, Montgomery, Ala.; WSPD, Toledo, Ohio; WTAQ, Green Bay, Wis.

APPLICATIONS DISMISSED

The following cases, heretofore set for hearing, were dismissed at request of applicants:

NEW—Auburn Pub. Co., Auburn, N. Y.—Applied for C. P., 1420 kc., 100 watts, unlimited.

NEW—Maine Broadcasting Co., Inc., Portland, Me.—Applied for C. P., 620 kc., 500 watts, 1 KW LS, unlimited.

WLBZ, Maine Broadcasting Co., Inc., Bangor, Me.—Applied for modification of license, 970 kc., 500 watts, 1 KW LS, day and until sunset at Chicago.

NEW—Clarence C. Dill, Washington, D. C.—Applied for C. P., 1310 kc., 100 watts, unlimited.

WBIG—North Carolina Broadcasting Co., Inc., Greensburg, N. C.—Special experimental authority, 1440 kc., 1 KW, unlimited.

NEW—Rev. Edw. Warren Creney, Rector, Church Wardens & Vestrymen of St. Michael's P. E. Church, Brooklyn, N. Y.—Applied for C. P., 1130 kc., 1 KW, daytime, facilities of WOV.

NEW—Voice of Corsicana Assn., Corsicana, Tex.—Applied for C. P., 1310 kc., 100 watts, daytime.

The following cases, heretofore set for hearing, were denied as in cases of default for failure of applicants to file an appearance:

NEW—Paul Sullivan Andrews, Lewiston, Me.—Applied for C. P., 560 kc., 250 watts, daytime.

NEW—I. Martin Courtney, Toledo, Ohio.—Applied for C. P., 1420 kc., 100 watts, unlimited.

NEW—Bay State Broadcasting Corp., Providence, R. I.—Applied for C. P., 720 kc., 1 KW, limited.

MISCELLANEOUS

NEW—Navarro Broadcasting Assn., Corsicana, Tex.—Denied request that new station granted on September 28, 1936, in Corsicana, Tex., be assigned call letters WOLF, since it is policy of Commission to assign stations west of Mississippi River call letters beginning with "K".

NEW—Philip J. Wiseman, Lewiston, Me.—Granted petition to intervene at hearing of application of Paul Sullivan Andrews for new broadcast station at Lewiston, Me.

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—Reconsidered and granted application for modification of license so as to operate full time instead of 6/7 time on present frequency of 1250 kc.

WCAL—St. Olaf College, Northfield, Minn.—Reconsidered and granted application to change frequency from 1250 kc. to 760 kc. and to increase power to 5 KW daytime only, sharing time with WLB. WCAL to use 1/3 daytime.

WLB—University of Minnesota, Minneapolis, Minn.—Reconsidered and granted application to change frequency from 1250 kc. to 760 kc. and to increase power to 5 KW daytime only. WLB is to operate 2/3 daytime.

WGPC—Americus Broadcast Corp., Albany, Ga.—Granted petition to postpone hearing on renewal of license from November 2 to November 19.

NEW—John S. Braun, Waco, Tex.—Granted petition to continue hearing scheduled for November 11, 1936, in re application for C. P. to erect a new broadcast station at Waco, Tex., to operate on 1500 kc., 100 watts, daytime only, for a period of 90 days. KTSA Broadcasting Co., licensee of WACO, which has been permitted to intervene in the proceedings, has consented to the continuance.

WACO—KTSA Broadcasting Co., Waco, Tex.—Granted petition to intervene in hearing scheduled on application of John S. Braun for C. P. to erect new broadcast station at Waco, Tex., to operate on 1500 kc., 100 watts, unlimited time.

NEW—J. W. Plame, Los Angeles, Calif.—Application for C. P. for new station at Vernon, Calif., requesting facilities of KVOE, Santa Ana, Calif., dismissed. Petition filed by KVOE to strike appearance sustained.

NEW—Pacific Acceptance Corp., Los Angeles, Calif.—Reconsidered action of September 22, 1936, granting C. P. for new station to operate on 1200 kc., 100 watts daytime, and redesignated application for hearing.

RATIFICATIONS

The Commission ratified the following acts authorized on the dates shown:

KABF—James McClatchy Co., Sacramento, Calif.—Granted authority to operate as licensed October 16 to November 1, 1936, relay-broadcast orchestra music from Twin-gardens to KFBK nightly.

WHER—Westinghouse Electric and Manufacturing Co., Chicopee Falls, Mass.—Granted authority to operate as licensed at intermittent intervals beginning October 16 to November 14, 1936, in connection with test flights of Commander Hawks.

W8XIP-W8XIQ-W8XIR-WGAR Broadcasting Co., Cleveland, Ohio.—Granted authority to operate as licensed October 16 from athletic field, Baldwin-Wallace College; October 17 from Western Reserve University; and October 17 to November 17, inclusive, station W8XIR interviews with school children.

KGDE—Radio Station KGDE, Fergus Falls, Minn.—Granted authority to install and use for 30 days Commercial Radio Equipment Co. Type FC two frequency control equipment pending filing and action on formal application.

WEMC—Westinghouse Electric and Manufacturing Co., Chicopee Falls, Mass.—Granted extension of special temporary authority to operate portable-mobile (low frequency relay broadcast) transmitter for period beginning October 16 and ending no later than November 14, aboard Commander Hawks' plane for rebroadcast of test flight; frequencies 1606, 2022, 2102, 2758 kc., 15 watts.

KGFX—Dana McNeil, Pierre, S. Dak.—Granted special temporary authority to Mrs. Dana McNeil to operate station KGFX for period October 17 to November 15, 1936, pending receipt and action on application for consent to involuntary assignment of license.

King-Trendle Broadcasting Corp., Detroit, Mich.—Granted authority to transmit sustaining programs from WXYZ to stations of the Canadian Broadcasting Corp. for a period of 6 months from September 15, 1936.

APPLICATIONS RECEIVED

First Zone

WBZA—Westinghouse Electric & Manufacturing Co., Springfield, 550 Mass.—Construction permit to install a new transmitter and directional antenna; change frequency from 990 kc. to 550 kc.; move transmitter from 625 Page Blvd., East Springfield, Mass., to Agawam, Mass., and studio from Hotel Bradford, 275 Tremont St., Boston, Mass., to 140 Chestnut St., Springfield, Mass.; also change hours of operation from unlimited when synchronized with WBZ to unlimited time. Amended to request facilities of WDEV. (Suggests that WDEV be assigned to 560 kc. with present power and hours of operation.)

NEW—Troy Broadcasting Company, Inc., Troy, N. Y.—Construc-

950 tion permit to erect a new broadcast station to be operated on 1240 kc., 500 watts power, daytime operation. Amended to make changes in equipment, and change requested frequency from 1240 kc. to 950 kc., and power from 500 watts to 1 KW.

WCAX—Burlington Daily News, Inc., Burlington, Vt.—Construction permit to make changes in equipment, erect a vertical antenna, increase power from 100 watts to 100 watts night and 250 watts day, change specified hours.

WGBB—Harry H. Carman, Freeport, N. Y.—Construction permit 1210 to make changes in equipment.

WSAY—Brown Radio Service & Laboratory (Gordon P. Brown, 1210 owner), Rochester, N. Y.—Modification of license to change hours of operation from daytime to unlimited. Request nighttime facilities of WOCL.

NEW—John Glebauskas, Athol, Mass.—Construction permit to erect a new broadcast station to be operated on 1210 kc., 100 watts, specified hours of operation. Amended to give corrected specified hours.

WABY—Adirondack Broadcasting Company, Inc., Albany, N. Y. 1370 —Modification of construction permit (B1-P-1191) for new equipment, move transmitter and studio, requesting further changes in equipment and increase in power from 100 watts to 100 watts night and 250 watts day.

NEW—James D. Scannell, Lewiston, Maine.—Construction permit 1420 to erect a new broadcast station to be operated on 1210 kc., 100 watts power, unlimited time. Amended to change frequency from 1210 kc. to 1420 kc.

WILM—Delaware Broadcasting Company, Wilmington, Del.— 1420 Authority to make changes in automatic frequency control apparatus.

NEW—Paul J. Gollhofer, Brooklyn, N. Y.—Construction permit 1500 to erect a new broadcast station to be operated on 1500 kc., 100 watts power, specified hours, facilities of station WMBQ.

NEW—Broadcasting Service Organization, Inc., Boston, Mass.— Construction permit for a high frequency relay broadcast station on 31100, 34600, 37600, 40600 kc., 5 watts power.

NEW—The Baltimore Radio Show, Inc., Baltimore, Md.—Construction permit to erect a high frequency relay broadcast station on 31100, 34600, 37600, 40600 kc., 1 watt power.

NEW—The Baltimore Radio Show, Inc., Baltimore, Md.—License to cover the above.

NEW—The Baltimore Radio Show, Inc., Baltimore, Md.—Construction permit to erect a high frequency relay broadcast station on 31100, 34600, 37600, 40600 kc., 1 watt power.

NEW—The Baltimore Radio Show, Inc., Baltimore, Md.—License to cover above.

Second Zone

WCHS—Charleston Broadcasting Corporation, Charleston, W. Va. 580 —Voluntary assignment of license from Charleston Broadcasting Corporation to Charleston Broadcasting Company.

WRAX—WRAX Broadcasting Company, Philadelphia, Pa.—Au- 920 thority to transfer control of corporation from Clarence H. Taubel to John Iraci, 60 shares of common stock.

WPEN—Wm. Penn Broadcasting Company, Philadelphia, Pa.— 920 Authority to transfer control of corporation from Clarence H. Taubel to John Iraci, 450 shares of common stock.

WPEN—Wm. Penn Broadcasting Company, Philadelphia, Pa.— 920 Modification of license to change hours of operation from share with WRAX to unlimited time, facilities of WRAX.

NEW—Voice of Detroit, Inc., Detroit, Mich.—Construction per- 1120 mit to erect a new broadcast station to be operated on 1120 kc., 500 watts power night and 1 KW power daytime, unlimited hours of operation. Amended to give transmitter site at 13 mile road, north of Detroit, Michigan; and install directional antenna for night use.

WALR—WALR Broadcasting Corp., Zanesville, Ohio—Construc- 1210 tion permit to install a new transmitter.

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Construction 1210 permit to install a new transmitter.

NEW—Geo. W. Taylor Co., Inc., Williamson, W. Va.—Construc- 1210 tion permit to erect a new broadcast station to be operated on 1210 kc., 100 watts, daytime.

NEW—John H. Stenger, Jr., Wilkes-Barre, Pa.—Construction per- 1260 mit to erect a new broadcast station to be operated on 1260 kc., 1 KW power, unlimited time.

WBLK—The Exponent Co., Clarksburg, W. Va.—Modification of 1370 construction permit (B2-P-1127) for a new station, requesting changes in transmitting equipment, approval of vertical antenna, and transmitter site at 5th St. and West

Virginia Ave., Clarksburg, W. Va. Amended: Antenna changes.

- NEW—Valley Broadcasting Co., Youngstown, Ohio.—Construction permit for new broadcast station to be operated on 780 kc., 1 KW power, unlimited time. Amended to make equipment changes, specify vertical antenna, change requested frequency from 780 kc. to 1370 kc., power from 1 KW day and night to 100 watts night and 250 watts day.
- NEW—West Virginia Newspaper Publishing Co., Buckhannon, W. Va.—Construction permit for a high frequency relay broadcast station on 31600, 35600, 38600, 41000 kc., 100 watts power.

Third Zone

- WSOC—WSOC, Inc., Charlotte, N. C.—Construction permit to install a new transmitter, erect a directional antenna for night use, change frequency from 1210 kc. to 600 kc., increase power from 100 watts night and 250 watts day to 250 watts night and 1 KW day, move transmitter from 516 W. Trade St., Charlotte, N. C., to 2½ miles north of Charlotte, N. C.
- WSPA—Virgil V. Evans, d/b as The Voice of South Carolina, Spartanburg, S. C.—Construction permit to install a new transmitter, erect vertical antenna, increase power from 1 KW to 5 KW. Amended to change frequency from 920 kc. to 970 kc.
- WBNO—The Coliseum Place Baptist Church, New Orleans, La.—Construction permit to install new equipment, vertical antenna; change time from shares with WJBW to unlimited; move studio from New Orleans Hotel, 1300 Canal St., New Orleans, La., to St. Charles Hotel, 211 St. Charles St., New Orleans, La., and transmitter from 1376 Camp St., New Orleans, La., to Thalia and South Broad St., New Orleans, La.; requesting facilities of WJBW. (Filed under name of Pelican State Broadcasting Company.) Amended to change frequency from 1200 kc. to 1500 kc., omit request for facilities of WJBW.
- WGCM—WGCM, Inc., Mississippi City, Miss.—Construction permit to install new transmitter.
- NEW—Charles Chambers and Jack Hawkins, d/b as Alpine Broadcasting Co., Alpine, Tex.—Construction permit for new broadcast station to be operated on 1370 kc., 100 watts power, unlimited time.
- KCMC—KCMC, Inc., Texarkana, Ark.—Modification of construction permit (B3-P-1307) to make changes in antenna, move studio and transmitter from 2600 Locust St., Texarkana, Ark., to 317 Pine St., Texarkana, Ark.
- WRGA—Rome Broadcasting Corp., Rome, Ga.—Authority to install automatic frequency control.
- NEW—Tulsa Broadcasting Company, Inc., Tulsa, Okla.—Construction permit for a high frequency relay broadcast station on 31100, 34600, 37600, 40600 kc., 10.5 watts power.

Fourth Zone

- KFNF—KFNF, Incorporated, Shenandoah, Iowa.—Construction permit to install a new transmitter, erect a vertical antenna, increase power from 500 watts, 1 KW day to 1 KW night and 5 KW day.
- WTAD—Illinois Broadcasting Corporation, Quincy, Ill.—Modification of construction permit (B4-P-1325) to install new transmitter and antenna, and move transmitter, further requesting authority to increase power from 500 watts to 1 KW.
- NEW—Edgar L. Bill, Peoria, Ill.—Construction permit to erect a new broadcast station to be operated on 1040 kc., 250 watts daytime.
- WCAZ—Superior Broadcasting Service, Inc., Carthage, Ill.—Construction permit to make changes in equipment and increase power from 100 watts to 250 watts.
- WDGY—Dr. George W. Young, Minneapolis, Minn.—Construction permit to install a new transmitter.
- WFAM—The South Bend Tribune, South Bend, Ind.—Construction permit to install new transmitter.
- KWLC—Luther College, Decorah, Iowa.—Authority to make changes in automatic frequency control apparatus.
- WMIN—Edward Hoffman, St. Paul, Minn.—License to cover construction permit (4-P-B-3310) as modified for new station. Amended: License to cover construction permits, 4-P-B-3310 and B4-P-1230.

WHFC—WHFC, Incorporated, Cicero, Ill.—Modification of construction permit (B4-P-300) for new equipment, and antenna, increase in power, requesting changes in authorized equipment.

NEW—Frank M. Dunham, Fort Dodge, Iowa.—Construction permit to erect a new broadcast station to be operated on 1210 kc., 100 watts power, unlimited time. Amended: To change frequency from 1210 to 1500 kc., hours of operation from unlimited to daytime.

WKBV—KNOX Radio Corp., Richmond, Ind.—Modification of license to change hours of operation from specified to unlimited time.

Fifth Zone

- KFEL—Eugene P. O'Fallon, Inc., Denver, Colo.—Modification of license to change hours of operation from shares equally with KVID to unlimited time. This application contingent upon granting of application filed by KVID for change in frequency and hours of operation.
- KVID—Colorado Radio Corp., Denver, Colo.—Modification of license to change frequency from 920 kc. to 630 kc., change hours of operation from shares KFEL to unlimited, contingent upon the granting of KFEL's application for unlimited time.
- KYOS—Merced Star Publishing Co., Inc., Merced, Calif.—License to cover construction permit (B5-P-673) as modified for new station.
- KRSC—Radio Sales Corporation, Seattle, Wash.—Modification of construction permit (B5-P-498) for changes in equipment, increase power, and change hours of operation, requesting authority to install vertical antenna and for approval of transmitter site at 819 Fairview Place, Seattle, Wash.
- KSUN—Copper Electric Co., Inc., Lowell, Ariz.—License to cover construction permit (B5-P-1155) for changes in equipment, new antenna, and increase in power.
- KROY—Royal Miller, Sacramento, Calif.—Modification of construction permit (B5-P-713) to make changes in equipment, for approval of antenna and transmitter site at 14th Ave. and 65th St., Sacramento, Calif., and change studio site from 16th and Kay Sts. to Sacramento Hotel, Sacramento, Calif.
- KGy—KGy, Inc., Olympia, Wash.—License to cover construction permit (B5-P-1144) for new equipment.
- KALE—KALE, Inc., Portland, Ore.—Modification of license to change hours of operation from specified hours to unlimited.
- KUJ—KUJ, Inc., Walla Walla, Wash.—Construction permit to make changes in equipment.
- KSLM—Oregon Radio, Inc., Salem, Ore.—Modification of construction permit (B5-P-1182) for a new transmitter, requesting changes in authorized equipment.
- KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Authority to determine operating power by direct measurement of antenna power.
- KLS—S. W. Warner and E. N. Warner, d/b as Warner Brothers, Oakland, Calif.—Construction permit to install vertical antenna, move studio and transmitter from 2201 Telegraph Ave., Oakland, Calif., to 323-327 21st St., Oakland, Calif.
- KGA—Louis Wasmer, Spokane, Wash.—Modification of license to change frequency from 1470 kc. to 950 kc., and power from 5 KW to 1 KW night, 5 KW day.
- NEW—Earle Yates, Las Cruces, N. Mex.—Construction permit to erect a new broadcast station to be operated on 930 kc., 1 KW power, daytime operation. Amended: Changes in equipment, and install vertical antenna, change frequency from 930 to 1500 kc., power from 1 KW to 100 watts night and 250 watts day, time from daytime to unlimited.
- NEW—S. H. Patterson, Denver, Colo.—Construction permit for a special broadcast station to be operated on 1570 kc., 1 KW, unlimited time. Amended: Changes in antenna and transmitting equipment.
- W10XGK—Ben McGlashan, Portable—License to cover construction permit for high frequency relay broadcast station on 31100, 34600, 37600, 40600, 100000, 1400000, 280000, 580000 kc., 10 watts.
- W6XKG—Ben McGlashan, Los Angeles, Calif.—License to cover construction permit for 1000 watts power for high frequency broadcast station.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

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RADIO LITIGATION

The following broadcasting station appeals are pending in some form or other in the United States Court of Appeals for the District of Columbia as of this date:

Paul R. Heimeyer, Cheyenne, Wyoming, vs. FCC.
Paul R. Heimeyer, Salt Lake City, Utah, vs. FCC.
Eastland Company vs. FCC.
Congress Square Hotel Company vs. FCC.
The Monocacy Broadcasting Company vs. FCC.
Great Western Broadcasting Association, Inc., Logan, Utah, vs. FCC.
Great Western Broadcasting Association, Inc., Provo, Utah, vs. FCC.
Intermountain Broadcasting Corporation vs. FCC.
W. H. Kindig vs. FCC.
Pulitzer Publishing Company vs. FCC.
Missouri Broadcasting Company vs. FCC.
A. H. Bole vs. FCC.

FULL TIME RECOMMENDED FOR WHTT

WNRI, Newport, R. I., applied to the Federal Communications Commission for an extension of time to complete station construction, to use 1200 kilocycles, 100 watts and 250 watts LS and unlimited time; E. Anthony & Sons, Inc., asked for a construction permit for the erection of a new station at Pawtucket, R. I., to use 1200 kilocycles, 100 watts and 250 watts LS and unlimited time, and WHTT, Hartford, Conn., using 1200 kilocycles, 100 watts power and daytime hours of operation, asked for unlimited time on the air.

Examiner R. H. Hyde, in Report No. I-303, recommended that the application of WHTT be granted for full time operation; that the application for time extension for the erection of a new station by S. George Webb called WNRI be terminated "by allocation of the frequency involved for the operation of WHTT, and that the application of E. Anthony & Sons, Inc., be denied."

STATUS OF RECORD SUITS

On July 8th, 1936, the National Association of Performing Artists caused to be filed against the owners of Station WHN a suit in the New York Supreme Court in the County of New York in the name of Frank Crumit asking that the station be enjoined from broadcasting any of the Crumit records in the future. Simultaneously with the filing of the suit the plaintiff secured an order from the Court to compel the station to show cause why an injunction should not be granted immediately and this motion was returnable on July 15th. The station required some additional time to investigate the facts and prepare its defense papers due to the short notice of this motion for temporary relief and accordingly secured an extension of time from the plaintiff's attorney, Maurice J. Speiser, to July 29th and again to August 5th. On August 5th the defendant was prepared to proceed with the argument of the motion in opposition to the demand for a temporary injunction, but the plaintiff's counsel claimed not to be ready. The following

NOTES FOR THE SALES STAFF

The extent to which the summer slump has been beaten in 1936 should prove important sales data for use in the spring of 1937. (See Total Broadcast Advertising, page 1748 in the present report and Total Broadcast Advertising, page 1588 in the July report of October 1, 1936.)

The continued strength of local and regional station volume in the non-network field should be of interest to the sales staffs of stations in these groups. (See Non-network Advertising, page 1748.)

The marked gains shown by national announcement business and local transcription business during August also are significant in the planning of future business. (See Non-network Advertising by Type of Sponsoring Business, page 1750.)

is a record of the adjournments secured at the request of Mr. Speiser:

August 5th to August 19th
August 19th to September 2nd
September 2nd to September 16th
September 16th to September 30th
September 30th to October 21st
October 21st to November 18th

It is safe to assume that NAPA is unwilling to go ahead with this suit. It is also self evident that the delay of over three months by the plaintiff is proof that a temporary injunction is not at all necessary.

In the suit by Whiteman in the United States District Court for the Southern District of New York nothing has happened since the filing of the answer by Station WNEW early in September.

In August NAPA caused to be filed a suit in the name of Abe Lyman in the Circuit Court of Cook County, Ill., against Station WGES, requesting an injunction, an accounting of profits and the sum of \$5,000, together with costs and attorneys' fees. An immediate injunction was asked but was denied by the Court when the station offered to give plaintiff's counsel a letter to the effect that it would not play any more of Abe Lyman's records in the future. The present status of the case is that it will probably be referred to a Master of the Court for trial since the plaintiff indicates that it is not satisfied with the letter agreeing not to play any more Abe Lyman records. The attitude of the Court in refusing a temporary injunction apparently surprised the plaintiff's counsel, and so another suit was commenced, this time in the United States District Court for the Northern District of Illinois, Eastern Division, in the name of Connie Boswell, asking for an injunction and costs and attorneys' fees, on September 15, 1936. This case is being defended by the station and an answer will shortly be filed by it.

The American Society of Recording Artists, Inc., filed a suit in its name in the California Superior Court, Los Angeles County, against Station KFWB, for an injunction and an accounting for the broadcasting of Jan Garber records on or about August 27, 1936. This case is being defended by the station which filed an answer on or about October 5th. Another suit was filed by ASRA in the same court on September 23rd against Station KFAC, asking for an injunction and an accounting. This case is also being defended by the station and an answer will be filed shortly. The case involves the artists Victor Young and Don Bestor.

If the amazing procrastination of NAPA in the Crumit case is at all indicative, then we may assume that NAPA and ASRA in the other cases will endeavor to delay as long as possible bringing the suits to the point where they may be decided by the Courts.

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities and Exchange Commission under the Securities Act:

Henry Fischer Packing Company, Louisville, Ky. (2-2544, Form A-2)
 Morgan J. Hammers, New York City (2-2545, Form F-1)
 Abbott Laboratories, North Chicago, Ill. (2-2546, Form A-2)
 Murray Ohio Manufacturing Co., Cleveland, Ohio (2-2547, Form A-2)
 Detroit-Michigan Stove Company, Detroit, Mich. (2-2548, Form A-2)
 Washington National Cemetery Corp., Washington, D. C. (2-2549, Form A-1)
 Bondholders Committee Council Bluffs Railway Co., Omaha, Nebr. (2-2550, Form D-1)
 Faulkenham Lake Gold Mines, Ltd., Toronto, Canada (2-2551, Form A-1)
 Silver Summit Mining Company, Wallace, Idaho (2-2552, Form A-1)
 Mountain State Water Company, Philadelphia, Pa. (2-2553, Form A-2)
 Turners Falls Power & Electric Co., Turners Falls, Mass. (2-2554, Form A-2)

ROBERT E. BLYTHE

Anyone considering doing business with Robert E. Blythe, operating as a one-man agency, should communicate with W. N. McGill, Station KGGC, San Francisco.

RECOMMENDS DENIAL AS IN DEFAULT

Theodore E. Johnson filed an application with the Federal Communications Commission asking for a construction permit for the erection of a new station at Houston, Texas, to use 1210 kilocycles, 100 watts power and unlimited time on the air.

Examiner Ralph L. Walker in Report No. I-302 has recommended that the "application be denied as in cases of default." When the case was called for hearing the applicant failed to appear and no evidence was offered in support of the application.

BROADCAST ADVERTISING IN AUGUST

Highlights of the Month

Broadcast advertising during August continued to show less in the way of a seasonal decline than during the preceding year. Total radio volume declined 3.1% from the July level as compared to 3.5% in the case of the previous August.

Total gross time sales for the month of August amounted to \$6,994,675 and were 24.1% greater than during the corresponding month of 1935. Gains were fairly strong throughout all portions of the medium, with national non-network advertising alone showing weakness. The increase in the national non-network field was but half as great as for the medium as a whole.

Local and regional stations continued to experience the greatest gain in advertising volume as compared to the corresponding period of the preceding year. Non-network advertising also exhibited marked strength in the South.

In the non-network field, the two principal developments of interest during the month were the marked increase in national announcement volume and in local transcription business. All forms of rendition declined to generally the same degree as compared to the preceding month.

Decreases were general in various sponsor groups as compared to July. Several exceptions of importance occurred. Local gasoline and accessory and clothing advertising rose materially, while national non-network food advertising increased 5.6%. Regional network and national non-network soap and kitchen supply volume and national network and national non-network radio set advertising also rose during the month.

Compared to August 1935, gains were fairly general throughout the entire sponsor field. Local automotive volume rose materially, though other automotive broadcast advertising showed weakness for the first time in many months. Regional network gasoline and accessory and drug advertising increased materially.

National network beverage, confectionery, soap and

kitchen supply, radio set and tobacco volume increased to an important degree. National non-network drug and cosmetic advertising also increased. In addition to a 53.1% rise in local automotive volume, a marked gain was experienced in local department store advertising over the radio.

Total Broadcast Advertising

Total broadcast advertising during the month of August is found in Table I.

TABLE I
TOTAL BROADCAST ADVERTISING

Class of Business	July	August	Cumulative
			Jan.-August
National networks.....	\$3,832,320	\$3,776,885	\$35,791,181
Regional networks.....	113,705	114,990	873,168
National non-network...	1,661,200	1,518,200	14,707,260
Local.....	1,625,000	1,584,600	13,657,470
Total.....	\$7,232,225	\$6,994,675	\$65,029,079

Broadcast advertising declined in volume 3.1% from the level of the previous month. With the exception of regional network business, which remained unchanged, all portions of the medium experienced decreases. The heaviest dropping off in volume occurred in the national non-network field, where it amounted to 8.6% of July volume. National network advertising declined 1.4% and local business 2.4%.

When compared to August of the preceding year, all forms of broadcast advertising gained. National network volume rose 28.5%, while regional network advertising increased 38.6%. Local advertising increased 25.0%. National non-network business experienced the least increase over the previous year, rising but 12.7%.

Comparison with Other Media

Advertising volume by major media during the month under consideration is set forth in Table II.

TABLE II
ADVERTISING BY MAJOR MEDIA

Advertising Medium	July	August	Cumulative
			Jan.-August
Radio broadcasting...	\$7,232,225	\$6,994,675	\$65,029,079
National magazines ¹ ...	8,907,011	8,505,337	92,169,232
National farm papers ¹	398,892	422,624	4,552,281
Newspapers ²	44,085,000	41,084,000	360,875,000
Total.....	\$60,623,128	\$57,006,636	\$522,625,592

¹ Publishers Information Bureau.

² Estimated.

Seasonal declines were prevalent in the case of all media. National magazine advertising decreased 4.6%, national farm paper volume 5.9%, and newspaper advertising 6.8%. Gains as compared to the corresponding month of the preceding year also were general. National magazine advertising was 15.2% more than during August 1935. National farm paper volume rose 38.0%. Newspaper lineage increased 9.8%.

Non-network Advertising

General non-network advertising decreased 5.5% as compared to July, but experienced a gain of 18.7% when comparison was made with August of last year. The greatest decrease as against July occurred in the clear channel and high powered regional field where non-network volume decreased 12.4%. Regional station advertising remained practically unchanged, decreasing but 0.7% during the month. Local station business decreased 2.6% as against July.

As against August of last year, clear channel station non-network business decreased 6.6%, due principally to rising national network volume. Regional station non-network advertising rose 33.1%, while local volume gained 61.6%.

Broadcast advertising in the non-network field by power of station is found in Table III.

TABLE III
NON-NETWORK ADVERTISING BY POWER OF STATION

Power of Station	1936 Gross Time Sales		
	July	August	Cumulative Jan.-August
Over 1,000 watts.....	\$1,281,400	\$1,121,800	\$12,267,540
250-1,000 watts.....	1,420,800	1,411,900	11,631,450
100 watts.....	584,000	569,100	4,465,740
Total.....	\$3,286,200	\$3,102,800	\$28,364,730

Trends in non-network broadcast advertising volume by various sections of the country are set forth in Table IV.

TABLE IV
NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

Geographical District	1936 Gross Time Sales		
	July	August	Cumulative Jan.-August
New England-Middle Atlantic Area.....	\$595,300	\$701,300	\$6,099,250
South Atlantic-South Central Area.....	727,500	671,800	5,703,870
North Central Area.....	1,286,800	1,175,600	11,139,330
Pacific and Mountain Area	676,600	554,100	5,422,280
Total.....	\$3,286,200	\$3,102,800	\$28,364,730

TABLE V
NON-NETWORK ADVERTISING BY TYPE OF RENDITION

Type of Rendition	National non-network	
	July	August
Electrical transcriptions.....	\$601,100	\$509,000
Live talent programs.....	697,840	679,500
Records.....	8,800	9,700
Announcements.....	353,460	320,000
Total.....	\$1,661,200	\$1,518,200

The most important gain in the national non-network field, as compared to August 1935, was the 77.7% rise in announcement volume. Transcription business remained 7.1% above the level of the corresponding month of the preceding year. Live talent business showed a decline for the first time in a long while. The decrease was 9.8% below the level of August of last year.

In the local field transcription business experienced the greatest gain, rising 63.3% above last August. Gains were fairly even throughout other types of rendition and were as follows: live talent 24.2%, records 29.6%, announcements 21.3%.

Total non-network volume experienced the following gains with regard to the various types of rendition: transcription 17.1%, live talent 10.7%, records 1.5%, announcements 36.1%.

Sponsor Trends in August

Declines were general with regard to the advertising of all sponsoring groups when comparison is made with July. There were but few exceptions to this trend. Local clothing volume increased 25.0%, while gasoline and accessory advertising in that field increased 17.3%. National non-network food advertising rose 5.6%. Regional network soap and kitchen supply advertising gained 9.2% over July, while national non-network volume in the same field rose 4.1%. National network and national non-network radio set advertising increased 6.1% and 7.0%, respectively. General gains were experienced in the miscellaneous group.

Comparison with Preceding Year

A number of important gains were experienced as compared to August 1935, while a number of significant decreases in broadcast advertising volume also occurred. National network beverage advertising rose 58.8%, while confectionery volume almost tripled. National network soap and kitchen supply advertising increased 82.3%, radio set volume 156.6%, and tobacco advertising 116.9%.

In the regional network field gasoline and accessory sponsorship

Non-network advertising in the Middle Atlantic and New England States alone increased as compared to July, rising 17.8%. Declines in other sections of the country were as follows: North Central States, 8.6%; South Atlantic and South Central States, 7.6%; Mountain and Pacific States, 18.1%.

With the exception of the Mountain and Pacific States, where volume remained unchanged from August of the preceding year, all sections of the country experienced increases. Non-network volume in the Middle Atlantic and New England States rose 14.2%, while that in the South increased 96.9%. Non-network business in the North Central States gained 6.5%.

Non-network Advertising by Type of Rendition

Declines were experienced in all forms of rendition during the month. Total transcription business decreased 15.4%, live talent volume 4.2%, records 8.6%, and announcements 8.0%.

The principal decrease in the national non-network field occurred with regard to transcriptions, where volume dropped 15.3% from the July level. Live talent business decreased 2.6% and announcements 9.4%.

Transcriptions also experienced the greatest decrease in the local field. In this case the decline was 15.7%. Local live talent advertising declined 6.6%.

Non-network broadcast advertising by type of rendition is found in Table V.

	1936 Gross Time Sales				
	Local		Total		Cumulative Jan.-August
	July	August	July	August	
Electrical transcriptions.....	\$201,300	\$169,700	\$802,400	\$678,700	\$7,205,050
Live talent programs.....	782,160	738,500	1,480,000	1,418,000	13,541,770
Records.....	63,400	57,300	72,240	67,000	562,360
Announcements.....	578,100	619,100	931,560	939,100	7,055,550
Total.....	\$1,625,000	\$1,584,600	\$3,286,200	\$3,102,800	\$28,364,730

rose 45.8%, drug volume 79.7%, and beverage advertising more than tenfold. Tobacco volume decreased 52.2%.

National non-network drug advertising increased 43.5% and cosmetic volume rose 155.1%. Automotive advertising declined 15.6%, confectionery volume 56.0%, and household equipment business 40.8%.

The principal trends of importance in the local broadcast advertising field were a rise of 53.1% in automotive advertising, and an increase of 29.0% in department store volume.

Broadcast advertising during August by various sponsoring groups is found in Table VI.

Detailed information regarding various sponsor groups during the month under consideration is as follows:

1a. **Amusements.** National non-network volume 33.1% and local 35.3% above July. National non-network volume 136.6% and local 20.8% above August 1935. Total volume 35.7% above last August.

1. **Automotive.** General declines occurred from the July level as follows: national networks, 16.5%; national non-network, 25.7%; local 51.6%. Declines from August of preceding year were as follows: national networks, 9.3%; national non-network, 15.6%. Local volume up 53.0%. Total volume down 3.9%.

2. **Gasoline and accessories.** Decreases from the July level as follows: national networks, 3.6%; regional networks, 12.1%; national non-network, 28.3%. Local up 17.3%. National network volume 2.1% below the corresponding month of the preceding month. Gains in other portions of the medium were as follows: regional networks, 45.8%; national non-network, 18.7%; local, 1.2%. Total volume rose 3.1%.

3. **Clothing.** Local volume 25.0% above July. National network business down 20.0% and national non-network 14.8%. Gains as compared with last August as follows: national networks, 373.8%; national non-network, 3.8%; local, 17.4%. Total volume up 8.9%.

TABLE VI
RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS
(August 1936)

Type of Sponsoring Business	National Networks	Regional Networks	Gross Times Sales		Total
			National Non-networks	Local	
1a. Amusements.....	—	—	\$18,080	\$62,360	\$80,440
1-2. Automobiles and accessories:					
1 Automobiles.....	\$125,900	—	162,260	80,570	368,730
2 Accessories, gas and oils.....	341,860	\$19,460	103,510	66,520	531,350
3. Clothing and apparel.....	4,101	—	23,220	217,070	214,391
4-5. Drugs and toilet goods:					
4 Drugs and pharmaceuticals.....	321,520	6,578	199,960	44,160	572,218
5 Toilet goods.....	654,266	5,730	82,960	20,670	763,626
6-8. Food products:					
6 Foodstuffs.....	802,841	28,370	342,920	209,080	1,383,211
7 Beverages.....	306,784	10,228	60,970	106,550	484,532
8 Confections.....	97,350	200	5,150	1,730	104,430
9-10. Household goods:					
9 Household equipment and furnishings.....	35,936	5,447	30,030	156,570	227,983
10 Soap and kitchen supplies.....	282,295	3,032	161,420	5,500	452,247
11. Insurance and financial.....	38,486	643	18,950	64,330	122,409
12. Radios.....	110,260	—	28,530	12,260	151,050
13. Retail establishments.....	—	—	3,870	130,820	134,690
14. Tobacco products.....	396,850	9,950	57,720	9,110	473,630
15. Miscellaneous.....	258,436	25,352	218,650	397,300	899,738
Total.....	\$3,776,885	\$114,990	\$1,518,200	\$1,584,600	\$6,994,675

4. **Drugs and pharmaceuticals.** National network volume unchanged from July. Declines in other portions of the medium were as follows: regional networks, 5.9%; national non-network, 17.7%; local, 14.6%. Increases as compared to August of last year as follows: national networks, 7.4%; regional networks, 79.7%; national non-network, 43.5%; local, 35.8%. Total advertising increased 20.5%.

5. **Toilet goods.** With the exception of local volume, which remained unchanged, various portions of the medium declined from the July level as follows: national networks, 12.0%; regional networks, 28.0%; national non-network, 18.5%. National network advertising 4.5% below August 1935. National non-network business 155.1% above the corresponding period of last year and local up 14.2%. Total volume up 3.8%.

6. **Foodstuffs.** National non-network advertising 5.6% above July. National network volume down 6.5%, regional networks 18.6%, and local 4.6%. Gains compared to the corresponding month of last year as follows: national networks, 13.0%; regional networks, 37.7%; national non-network, 0.8%; local, 10.0%; and total, 9.6%.

7. **Beverages.** Declines from the July level as follows: national networks, 7.7%; regional networks, 35.0%; national non-network, 9.2%; local, 15.1%. National non-network advertising 9.5% below the August of last year. Other gains as follows: national networks, 58.8%; regional networks, 1147.3%; local, 19.4%. Total advertising up 38.2%.

8. **Confectionery.** Decreases from the July level as follows: national networks, 9.3%; national non-network, 10.1%; local, 13.5%. National network advertising 250.2% above last August. National non-network business down 56.0% and local 87.2%. Total volume up 38.2%.

9. **Household equipment.** Declines from the previous month were as follows: national networks, 19.3%; regional networks, 4.8%; national non-network, 42.1%; local, 18.4%. National network advertising 44.3% greater than during the corresponding month of last year. Regional network volume down 13.3%, national non-network business down 40.8%, and local up 0.2%.

10. **Soaps and kitchen supplies.** Regional network and national non-network volume 9.2% and 4.1% above July, respectively. National network business down 8.3% and local 47.6%. National network business 82.3% above last August. Regional network volume down 38.6% and local 15.4%. National non-network up 5.2%. Local up 41.4%.

11. **Insurance and financial.** National network advertising 7.2% above the July level. National non-network down 10.9% and local 3.0%. National network volume 114.6% above August of last year, regional networks 38.6%, and local 43.5%. National non-network down 29.0%.

12. **Radios.** National network volume 6.1% above July. National non-network business up 7.0%. Local down 16.6%. Gains over the previous August as follows: national networks, 156.6%;

national non-network, 16.4%; local, 58.1%. Total volume up 145.5%.

13. **Department and general stores.** National business unchanged from July and local down 8.2%. Compared to August 1935, national volume down 66.7% and local up 29.0%. Total volume up 18.3%.

14. **Tobacco products.** National network and national non-network advertising 5.6% and 25.0% below July, respectively. Regional network business up 91.1% and local 127.7%. Compared to August of the preceding year, national network increased 116.9%, national non-network, 14.7%, and local, 41.2%. Regional network business declined 52.2%.

15. **Miscellaneous.** National network and national non-network advertising 72.4% and 3.6% above July, respectively. Regional network business up 64.7% and local down 6.3%. Gains compared to August of last year as follows: national networks 210.0%; regional networks, 236.8%; national non-network, 58.1%; and local, 57.6%. Total volume up 86.7%.

Retail Broadcast Advertising

Broadcast advertising by retail establishments of various types is set forth in Table VII.

TABLE VII
RETAIL BROADCAST ADVERTISING OVER
INDIVIDUAL STATIONS

Type of Sponsoring Business	1936 Gross Time Sales	
	July	August
Automobiles and accessories:		
Automobile agencies and used car dealers.....	\$128,100	\$80,540
Gasoline stations, garages, etc.....	30,200	37,300
Clothing and apparel shops.....	180,350	222,510
Drugs and toilet goods:		
Drug stores.....	11,210	11,660
Beauty parlors.....	8,050	7,410
Food products:		
Grocery stores, meat markets, etc.....	47,820	40,510
Restaurants, eating places.....	17,500	16,700
Beverage retailers.....	700	1,000
Confectionery stores.....	890	1,030
Household goods:		
Household equipment dealers.....	81,680	60,640
Furniture stores.....	91,900	84,290
Hardware stores.....	13,500	11,510
Radio retailers.....	12,200	12,910
Department and general stores.....	122,800	134,690
Tobacco shops.....	—	—
Miscellaneous.....	97,400	102,240
Total.....	\$844,300	\$824,940

Declines were fairly general during the month, with several notable exceptions. Gasoline filling station and accessory store volume increased 23.0%, clothing and apparel shop volume rose 23.4%, and department store advertising 9.7%. Total retail volume declined 2.3% during the month.

Gains occurred in the majority of the more important retail fields as compared to August of last year. Principal gains were as follows: automotive dealers, 61.1%; filling stations and accessory stores, 21.4%; household equipment dealers, 14.4%; department and general stores, 18.3%. General retail volume gained 16.8% as compared to the corresponding period of last year.

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints against the following firms. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

No. 2540. Unfair competition in the interstate sale of luggage and other leather products is alleged in a complaint issued against **George Landon and Michael Mason Warner, Jr.**, 360 North Michigan Ave., **Chicago**, trading as **Landon and Warner**.

Gladstone hags are said to have been described by the respondents as "genuine cowhide," "made only of choice leathers" and of "A-1 quality leather," when, according to the complaint, they were not made of genuine cowhide or leather.

The complaint also charges the respondents with advertising that initial letters and frames placed on Gladstone hags, and metallic corners and snap buttons on bill folds, were 14-K gold, when in fact the initial letters and frames were 14-K gold-plated and the metallic corners and snap buttons were other than 14-K gold.

No. 2943. Misrepresentations in the sale of liquors are alleged in a complaint issued against the **Fort Clark Distilleries, Inc.**, manufacturer and bottler, 915 Forsythe St., **Peoria, Ill.**

Pointing out that the respondent company does not own or control a place where liquors are made by a process of original distillation from mash, wort or wash, the complaint alleges that its use of the word "Distilleries" in its corporate name has a tendency to deceive dealers and the purchasing public into believing that the company's products are made through a process of distillation.

The respondent company is not a distiller, according to the complaint, although it does operate a still for use in the production of gins by a process of rectification whereby alcohol, purchased but not produced by the company, is redistilled over juniper berries and other aromatics.

No. 2945. A complaint has been issued against **Pascal Company, Inc.**, 1014 American Bank Building, **Seattle, Wash.**, charging unfair competition in the sale of a medicinal preparation for treating asthma, hay fever and kindred diseases.

Manufacturing and selling its product known as "Breatheasy" and of an atomizer or so-called "nebulizer" for administering "Breatheasy," the respondent company, advertising in newspapers, over the radio, and in circulars, is alleged to have represented its product as a great discovery created by a physician to successfully cure his own asthma, and as a treatment for asthma which obviates the necessity of a special diet.

However, the complaint charges that "Breatheasy" is not a remedy for and it does not cure asthma. The complaint points out that in any treatment for asthma the proper diet is essential, as mucus-forming foods are injurious, but that the respondent company has created the erroneous impression that in the use of "Breatheasy" it is not necessary to follow any particular diet.

No. 2946. Charging unfair methods of competition, a complaint has been issued against **Worthmore Sales Promotion Service, Incorporated**, 6256 Champlain Ave., **Chicago**, engaged in selling sales promotion cards said to be so arranged as to involve a lottery scheme when used by retail merchants in promoting the sale of their merchandise.

According to the complaint, merchants, acting upon the suggestion of the respondent corporation, distribute the cards free to customers, and when purchases are made, punches corresponding to the amount of such purchases are made around the margin of the card. The complaint sets out that when all numbers around the margin are punched, a secret panel in the center of the card is opened and the customer is entitled to merchandise in the amount shown by the legend under the panel, the awards ranging from 20 cents to \$10.

Instructions printed on the card, it is said, provide that the merchant shall open the secret panel, and that the card becomes void if

the customer opens it. The legend under the panel is effectively concealed until the panel has been opened, and the amount of merchandise the holder of the card will receive as a prize is thus determined wholly by lot or chance, the complaint alleges.

No. 2950. Allegedly representing that the chinaware it sells is manufactured and decorated in Limoges, France, when such is not a fact, **Tolpin Studios, Inc.**, 2129 West Van Buren St., **Chicago**, is named respondent in a complaint charging unfair methods of competition.

The favorable reputation of "Limoges" china for utility and beauty has been developed over a period of 150 years, according to the complaint, and the word "Limoges," when applied to chinaware, is said to signify a product manufactured at Limoges, France.

The complaint alleges that the respondent corporation imports or purchases from importers plain and undecorated articles of chinaware, known to the trade as "blanks," and which are produced in countries other than France. Before reselling the chinaware to wholesalers and retailers, the respondent is said to stamp the "blanks" with the words "Limoges, French Decoration, Hand-painted" and to decorate them with pictorial representations of French scenes and designs suggestive of Limoges chinaware or characteristic of France.

No. 2952. Charging unfair competition in promoting the sale of mushroom spawn in interstate commerce, a complaint has been issued against **Maurice Willens**, 431 North Clark St., **Chicago**, trading under the name **Mushroom Growers of America**.

Use of the name "Mushroom Growers of America" and of certain assertions in advertising serve to represent to purchasers that Willens' firm is a large and substantial organization or trade association maintaining a staff of experts. This is not true, according to the complaint, as the name is simply a firm name or style adopted by Willens to induce buyers to patronize him under the false impression that they are dealing with a bona fide trade organization.

No. 2953. Alleging false and misleading advertising in the sale of a medicinal preparation called "Biotone," a complaint has been issued against **Biotone Laboratories, Inc.**, and **Rocky Mountain Laboratories, Inc.**, 18 West Second South St., **Salt Lake City, Utah**.

Advertising in newspapers, magazines and over the radio, the respondent company is alleged to have represented that "Biotone" is the natural solution for all health problems; that the average individual is not getting the elements from his food supply to maintain a normal chemical balance in the body, and that "Biotone" supplies these elements; that most common ailments have their origin in the digestive system, and that "Biotone" has healing qualities that correct serious intestinal disorders.

No. 2954. **Central Pattern & Foundry Company**, 3737 South Sacramento Ave., **Chicago**, is named respondent in a complaint charging unfair competition in the sale of aluminum and other castings.

In representing its products to prospective customers, the respondent company is alleged to have offered, through circular letters, clean, smooth, aluminum castings at a price as low as 23 cents a pound, using only "new ingot metals." The complaint points out that the phrase "new ingot metals" means castings made from virgin ingots, and that the respondent company's castings were not made from virgin ingots, and were not "new ingot metals" as understood by the trade. These castings, according to the complaint, were made from secondary or so-called number two grade of No. 12 remelted metals and alloys.

No. 2956. Charged with unfair competition in the interstate sale of baby chicks, **A. L. Hilkemeyer** and **R. J. C. Tricou**, 822 Poydras St., **New Orleans**, trading as **Louisiana Hatcheries**, have been named respondents in a complaint.

In newspapers and other periodicals having interstate circulation, the respondents are alleged to have advertised "Commercial White Leghorns from trapnested pedigreed breeders," when, according to the complaint, the baby chicks so offered were not white leg-horn stock, trapnested and pedigreed as those terms are understood in the trade.

The complaint points out that the trade understands the phrase "chicks from trapnested stock" to mean that they are produced from "dams" that have been trapnested for at least 51 consecutive weeks, and that the "sires" of such chicks are individually pedigreed. Industry members are also said to understand that the term "pedigreed," applied to chicks, designates those individually pedigreed, to the extent that the exact and precise parentage of each chick and egg, and records of ancestors for at least two generations, are known.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

No. 1794. Eldon M. Graves, trading as Graves Laboratories, 524 South Spring St., Los Angeles, and selling "Graves' Home Treatment for Alcoholism," signed a stipulation to cease and desist from representing that his product is a specific treatment or cure for alcoholism; that the product or the advertising matter used in selling it has been submitted to or approved by any department or official of the United States Government; that it is safe in all cases, and that it is prepared in his laboratories, when such is not a fact. He also will cease advertising purported guarantees which are not executed or are effected only upon conditions not made known in the advertisements.

No. 1795. Rubin E. Rapoport, trading as R. E. Rapoport, 1700 West Monroe St., Chicago, agrees to cease branding leather luggage as "Cowhide" so to imply that his products are composed of leather made from the top or grain cut of cowhide. He also stipulates that if his products are composed of leather made from the inner or flesh cut of the hide, and the word "Cowhide" is used as descriptive thereof, then that word shall be accompanied by other words in type equally as conspicuous as that in which the word "Cowhide" is printed, so as to indicate clearly that the products are not of leather made from the top or grain cut.

No. 1796. Nostane Products Corporation, trading as Dr. Brown's Laboratories, 68 Jay St., Brooklyn, stipulates that in the sale of aspirin it will stop representing that aspirin is tasteless, that it will relieve colds or do more than temporarily allay the pain resulting from colds, or that when used for the treatment of headaches, neuralgia or muscular pains, it is anything more than a palliative, or will accomplish more than a temporary allaying of the pain caused by simple cases of such ailments. Nothing in the stipulation shall be construed as preventing Nostane Products Corporation from making proper therapeutic claims based upon reputable medical opinion or recognized medical or pharmaceutical authority, according to the agreement.

No. 1797. Charles and Isadore Levin, trading as Levin Brothers, 39 West 23d St., New York City, and selling two brands of shaving cream, one designated "Elgin" and the other "Stetson," will discontinue marking their products with any fictitious or exaggerated price in excess of that for which the products are sold or intended to be sold in the usual course of trade. They also agree to desist from using on cartons the word "laboratories" so as to tend to create the impression that they manufacture shaving cream or that they own or operate a plant or laboratory in which their products are made, when such is not a fact.

No. 1799. The Forest City Rubber Company, 1276 Ontario St., Cleveland, is engaged in the sale of absorbent cotton, gauze bandages, adhesive tape, and foot aids. The company, which trades as Sentinel Products Corporation and as Sentinel Products Division of The Forest City Rubber Company, agrees to cease using on the containers of its products the word "sterilized" or the phrases, "Guards against infection," "Guards the health," and "Practical for all surgical and household needs," so as to imply that the products are sterile or free from bacteria when purchased by the consuming public, when such is not a fact. The company also will discontinue use of the statement, "This cotton was thoroughly sterilized during process of manufacture," unless accompanied by other words printed in type equally conspicuous, so as to indicate clearly that there is no assurance that the product continues to be or remains sterile at the time of its purchase by the ultimate consumer.

No. 1800. Aspirin Company of America, 525 West 43d St., New York City, and its subsidiary, American Pharmaceutical Company, Inc., will discontinue representing that the aspirin they sell in interstate commerce has been freed from all uncombined salicylic acid, thereby preventing gastric disturbances, and that it is odorless and tasteless, when such is not a fact.

No. 1801. P. Lindhorst, Inc., 49 West 23d St., New York City, engaged in the sale of imported tapestry and tapestry wool under the trade names "Lindhorst's Lady Tapestry Wool" and "Lady's Tapestry Wool," will cease and desist from use of the word "mothproof" as a brand or label on its products, and from use of any similar word which may imply that its products are immune against the ravages of moths, when such is not a fact.

No. 1802. Timothy Wiglesworth, trading as Brawnner Serum Company, 602 West 20th St., Kansas City, Mo., dealing in livestock treatments, will cease and desist from the use on letterheads or in advertisements of the words "Producers Animal Biologics—Pharmaceuticals" in connection with his trade name or in any manner which may imply that Brawnner Serum Company

is the producer of the animal "biologics" and pharmaceuticals sold by Wiglesworth, when such is not a fact; and from making exaggerated statements of the retail selling value of syringes offered as a premium for the purchase of the products, and understating or underestimating to any material extent the cost of the products included in combination deals, so that customers are deceived. According to the stipulation, Wiglesworth deals in anti-hog cholera serum and hog cholera virus produced by the Brawnner Serum Company, of Converse, Mo., and in animal "biologics" and pharmaceuticals produced by companies other than the Brawnner Serum Company.

No. 1803. W. J. and Rose Tibbals, trading as Roselawn Poultry Farm, 620 West 3d St., Dayton, Ohio, agree that in selling baby chicks they will discontinue representations to the effect that competitive hatcheries engaged in the sale of sexed chicks are "unscrupulous racketeers," or that the sale of such chicks is a "racket." They also will stop representing that the mortality rate among sexed chicks has been found to be higher or different from the mortality rate of unsexed chicks; that the average accuracy of persons engaged in segregating chicks according to sex is only 71 per cent and not 90 per cent as claimed by experts; that sexed pullets cost at least 10 per cent more than unsexed chicks, and that such increased costs may run as high as 50 per cent more, when such are not the facts.

No. 1804. Pakula & Co., 5 North Wabash Ave., Chicago, agrees to stop representing that its rings are "cameo," "intaglio" or "hematite" rings; that the mountings of such rings are of gold, chromium or rhodium, and that it is a manufacturers' distributor, when such are not the facts.

No. 1805. Walter Spiegel, trading as Regal Manufacturing Company and Playland Supply Company, 118 East 28th St., New York, signed an agreement to cease use of the word "Majestic" alone or with the word "International," or with any other words, as a brand for radio sets which are not products manufactured by Grigsby-Grunow Company, and from use of the word "Majestic" in any manner implying that his radio sets are manufactured by Grigsby-Grunow Company, when such is not a fact. According to the stipulation, the Grigsby-Grunow Company, makers of "Majestic" radio sets, acquired a valuable good-will in that name, which name, used in connection with radio receiving sets, is now vested in Frank McKey, trustee in bankruptcy for the creditors of Grigsby-Grunow Company.

No. 1806. Algren Manufacturing Co., Inc., 8 Washington Place, New York, will discontinue use of the words and symbols "12 K. Gold Shell" as a stamp or brand on wrist watch buckles or on any of the products it sells, unless they contain a layer or shell of gold of substantial thickness on the outside, and unless the words "12 K. Gold Shell" are preceded by a fraction designating the correct proportion of the weight of the shell to the weight of the entire article.

No. 1807. American Candy Co., of Milwaukee, has been served with an order to cease and desist, requiring the company to discontinue lottery methods in the sale of candy to wholesalers, jobbers and retailers.

Among devices used in the sale of the respondent company's candy, according to findings, were the push card and "break and take," "draw" or "deal" assortments.

An order to cease and desist against this respondent company covering lottery practices was issued by the Commission in 1934. Later, the Commission vacated this order and served upon the respondent company an amended and supplemental complaint charging certain additional practices.

Nos. 1808-1809. Stipulations to discontinue misrepresentations in connection with the sale of headwear, including novelty and baseball caps, have been entered into by four companies. They are **Joe Stovitzky, trading as Capitol Cap and Novelty Co., 1302 South Halsted St., Chicago; American Needle & Novelty Co., 1701 West Superior St., Chicago; Aviation Headwear Manufacturing, Inc., 37 East 21st St., New York City, and Lessing Hat Company, Inc., 11 West 3rd St., New York City.**

The companies agree to cease selling or offering for sale hats or caps manufactured from second-hand, old or discarded felts or other materials, unless there is stamped upon or affixed to such products in a conspicuous place, so as to be easily and readily seen, some words clearly indicating that the hats or caps are not made from new or unused felts or other materials, but from second-hand, old, discarded felts or other materials.

No. 1810. The Hygienic Products Company, 220 7th St., S. E., Canton, Ohio, agrees, in selling a cleansing preparation designated "Hy-Pro," to stop using in advertisements the word "germicide" without qualification, or any other words implying

that by use of the product all micro-organisms can be killed or destroyed. The respondent company also will cease using the words "Disagreeable odors go," to create the impression that by use of the product all disagreeable odors can be destroyed, and the words, "Made by the makers of Sani-Flush," to imply that the product is made by The Hygienic Products Company, when such is not a fact.

No. 1811. Woodward & Lothrop, Washington, D. C., will discontinue representations in advertising or in any other manner which imply that the wood of which its "Philippine mahogany" furniture is manufactured is in fact mahogany and has the same qualities and characteristics as are possessed by wood derived from trees of the genus "swietenia" of the "meliaceae" family, or that such "Philippine mahogany" furniture is made of wood whose qualities and characteristics are other than those possessed by wood of the "dipterocarpaceae" or "lauan" family.

No. 2452. Dominion Distilleries, Inc., Harborside Terminal, Jersey City, N. J., has been ordered to discontinue representing that it distills the alcoholic beverages it sells in interstate commerce, when such is not a fact. An exception is made in the case of gin which the respondent corporation manufactures through a process of rectification whereby alcohol purchased but not produced by it is redistilled over juniper berries and other aromatics.

Specifically, the order prohibits the respondent corporation from representing through use of the word "Distilleries" in its corporate name, in advertising matter or on labels, that it is a distiller of spirituous beverages, that it manufactures such beverages through the process of distillation, or that it owns or operates a place where it manufactures its products by a process of original and continuous distillation, until such is a fact.

No. 2511. A cease and desist order has been issued against **World Library Guild, Inc., 1440 Broadway, New York City,** distributor of the "Twentieth Century Encyclopedia" and of a loose-leaf revision service therefor and memberships in a research bureau. The order prohibits certain misrepresentations concerning the prices charged, editorial matter contained in the books, and the identity of the publisher and editors.

Among misrepresentations of price barred under the order are the following: That the encyclopedia is given free to persons subscribing to the 10-year loose-leaf semi-annual extension service; that the regular price is an amount in excess of that for which the encyclopedia is being regularly offered, and that the total cost of the revision service is a certain stated sum unless, when there is an additional coupon charge for the semi-annual revision supplements, such coupon charge is included in the stated sum.

No. 2568. An order to cease and desist has been issued against **Willard B. Casterline, 1916 Sunnyside Ave., Chicago,** trading as **Casterline Brothers,** and selling candy and chewing gum to the wholesale and jobber trade.

The order directs the respondent to stop selling and distributing candy and chewing gum so packed and assembled that its sales to the public may be made by means of a lottery or gift enterprise.

No. 2742. Under an order to cease and desist, **Louis Fabrikant,** trading as **Louis Fabrikant Company, 450 Seventh Ave., New York,** has been directed to cease representing that textile fabrics, used in the manufacture of dress goods and which contain no wool of the sheep or hair of the camel, are made from wool or from camel's hair. He was also ordered to stop using the word "camel" alone or with other words in advertisements, on labels, or in any manner to designate a textile fabric which does not contain camel's hair or camel's wool.

No. 2798. An order to cease and desist has been issued against **John H. Meyer,** trading as **Med-Dental Systems Company, 1015 Schmidt Building, Cincinnati,** distributor of accounting systems for use of doctors and dentists, requiring discontinuance of the use of blank forms, cards, indexes or other materials closely simulating the forms, cards and other materials of the McCaskey Register Company, Alliance, Ohio, or of any other competitor.

Findings are that for several months the respondent produced record systems for doctors and dentists simulating those of the McCaskey Company, a well-known corporation whose products had become recognized in the trade as having certain distinctive and original features. It was alleged that a former McCaskey employee at one time aided the respondent in producing the record forms sold by him.

No. 2824. An order has been issued directing **Service Products, Inc., 125 Rivington St., New York,** and its officers, **Sam Irving** and **Harry Hagler,** also trading as **West Point Laboratories, Inc.,** to discontinue representing that the hair tonic, bay rum, cosmetics and lotions they sell in interstate commerce have the approval of either the United States Government or the State of New York.

The respondents are ordered to cease representing, directly or by inference, through use of the name "West Point" alone or with other words, or with the picture of a cadet in full military uniform, that their products have been compounded under any specifications authorized by the War Department or adopted for use in the United States Military Academy at West Point, N. Y.

Use of the words "West Point" as part of the trade name, "West Point Laboratories, Inc.," is prohibited unless in every instance the words "West Point" are accompanied in close proximity by a qualifying statement clearly indicating that the respondents' products are not those of the United States Military Academy and have not been authorized by the academy authorities.

No. 2822. An order to cease and desist has been issued against **Martin J. Leyden, 168½ Thomas St., Seattle, Wash.,** distributor of "Leyden's Hair Tonic."

The order directs Leyden to cease representing that this product will remove dandruff, stop hair from falling out, stop itching scalp, and that it will restore gray or faded hair to natural color and give new life to the hair. Admitting the material allegations of the Commission's complaint to be true, the respondent consented to issuance of the findings and order to cease and desist.

No. 2847. Engaged in the manufacture and sale of cosmetics, **Quality Products Company, Inc., 382 Jefferson St., Brooklyn,** has been ordered to discontinue false and misleading representations concerning the nature and effect of certain of its preparations.

The order prohibits the respondent corporation from representing that its cosmetics nourish the skin and cause crows' feet and wrinkles to disappear; give new vigor and elasticity to sagging muscles; eliminate old-looking chin or neck lines; re-activate hormone-producing glands and countless tiny glands underneath the skin's surface, and banish blackheads, whiteheads and enlarged pores.

No. 2856. G. Fred Stayton and the Betty White Corporation, of Des Moines, Ia., distributor of "Betty White" cosmetics has been ordered to discontinue certain misrepresentations, particularly in connection with the use of puzzles in advertisements to obtain sales of the respondents' products.

Among practices prohibited in the order to cease and desist is the representation that a person solving a problem or puzzle presented in an advertisement and sending in the solution will, without being required to make any expenditure or other substantial effort, be entitled to a prize, award, or reward, when such is not the fact.

Such representation, according to findings, usually has appeared in the first or contact advertisement and this has been followed up by a series of advertisements and form letters relating to the prize contest, the primary purpose and effect of which was to encourage contestants to sell Betty White beauty preparations.

No. 2897. The Hewitt Soap Company, Inc., and The Crown Soap Company, also trading as **Dayton Soap Company,** both of **Dayton, Ohio,** have been ordered to stop certain unfair trade practices deemed to be in violation of the Federal Trade Commission Act. These practices include misbranding, fictitious price marking, misrepresentation, and misleading advertising.

The order to cease and desist prohibits the respondent companies from representing by fictitious or exaggerated price markings and labels that their soaps have values in excess of their actual values or in excess of the prices at which they are ordinarily sold.

No. 2928. An order has been entered directing **Helmeo, Inc., 844 West Jackson Boulevard, Chicago,** manufacturing and selling electric fudge warmers and hot cups, to discontinue placing on its products the word "Lacy," which is part of the corporate name of its competitor, **Lacy Products Corporation,** also of Chicago. The respondent corporation's products, as well as those of its competitor, are designed for heating liquid mixtures of chocolate and other ingredients used in making candy and soda fountain drinks.

Fudge warmers and hot cups advertised and sold by **Lacy Products Corporation** under the trade name "Lacy Hot Cups," according to the findings, are widely and favorably known to members of the drug trade who, through long usage and over a long period of time, have identified such products bearing the name "Lacy" as being those of **Lacy Products Corporation.**

FTC DISMISSALS

The Federal Trade Commission has dismissed the following complaint and vacated an order:

No. 2211. The Commission has dismissed its complaint against **Harry and Oscar Markovitch, trading as California Candy Company, 138 Greene St., New York,** because the testimony and

other evidence introduced in the case did not sustain the allegations of the complaint.

The respondents had been charged with unfair competition through alleged use of a lottery scheme in the sale of candy.

No. 2067. The Commission also has vacated and set aside an order to cease and desist issued June 12, 1934, against California Alfalfa Products Co., Pasadena, Calif.

Among practices prohibited in the now vacated order was the advertisement by the respondent company that its food products have therapeutic value or effect and that their use is endorsed by leading physicians or health authorities.

The Commission has now issued an amended and supplemental complaint alleging that California Alfalfa Products Co., trading as Alvita Products Co., is practicing methods of competition substantially similar to those barred under the former order to cease and desist.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

The following broadcast hearings are scheduled at the Commission for the week beginning Monday, November 2:

Thursday, November 5

HEARING BEFORE AN EXAMINER (Broadcast)

NEW—Nolan S. Walker, Canton, Ohio.—C. P., 1200 kc., 100 watts. 250 watts LS, unlimited time (requests facilities of WHBC).

WHBC—Edward P. Graham, Canton, Ohio.—Modification of C. P., 1200 kc., 100 watts. 250 watts LS, specified hours.

WHBC—Edward P. Graham, Canton, Ohio.—Voluntary assignment of license and C. P., 1200 kc., 100 watts, unlimited time (C. P., 250 watts LS, S.H.).

WHBC—Edward P. Graham, Canton, Ohio.—Renewal of license, 1200 kc., 100 watts, unlimited time.

Friday, November 6

HEARING BEFORE AN EXAMINER (Broadcast)

NEW—Asheville Daily News, Harold H. Thoms, Owner, Asheville, N. C.—C. P., 1370 kc., 100 watts, unlimited time.

NEW—W. Hanes Lancaster and J. W. Birdwell, d/b as Johnson City Broadcasting Co., Johnson City, Tenn.—C. P., 1200 kc., 100 watts, 250 watts LS, unlimited time.

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-245:

NEW—Southwest Broadcasting Co., Prescott, Ariz.—C. P., 1500 kc., 100 watts, 250 watts LS, unlimited time.

NEW—W. P. Stuart, Prescott, Ariz.—C. P., 1500 kc., 100 watts, unlimited time.

Examiner's Report No. I-249:

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—Renewal of license, 1240 kc., 500 watts, 1 KW LS, unlimited time.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—Modification of license, 630 kc., 500 watts, 1 KW LS, unlimited time. Present assignment, 1240 kc., 500 watts, 1 KW LS, unlimited time.

Examiner's Report No. I-273:

NEW—Albert Lea Broadcasting Corp., Albert Lea, Minn.—C. P., 1200 kc., 100 watts, unlimited time.

NEW—Winona Radio Service, Winona, Minn.—C. P., 1200 kc., 100 watts, unlimited time.

APPLICATIONS GRANTED

KJR—Fisher's Blend Station, Inc., Seattle, Wash.—Granted C. P. to move auxiliary transmitter of station KOMO to the location of main transmitter of stations KOMO and KJR and use as auxiliary of these stations using the same antenna.

WGBB—Harry H. Caman, Freeport, N. Y.—Granted C. P. to make changes in equipment.

WEBR—WEBR, Inc., Buffalo, N. Y.—Granted C. P. for authority to install new transmitter and vertical radiator.

WDGY—Dr. Geo. W. Young, Minneapolis, Minn.—Granted C. P. for authority to install new equipment.

WFAM—The South Bend Tribune, South Bend, Ind.—Granted C. P. for authority to install new equipment.

WBAX—John H. Stenger, Jr., Wilkes Barre, Pa.—Granted C. P. for authority to install new equipment.

WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Granted C. P. for authority to move station locally and install new equipment.

WROK—Rockford Broadcasters, Inc., Rockford, Ill.—Granted C. P. to increase daytime power from 500 watts to 1 KW and install new equipment.

WNOX—Continental Radio Co., Knoxville, Tenn.—Granted C. P. to install new equipment and increase daytime power to 5 KW, and move station locally; 1010 kc., 1 KW night, unlimited.

WALR—WALR Broadcasting Corp., Zanesville, Ohio.—Granted C. P. approving new equipment.

KVOE—The Voice of the Orange Empire, Inc., Ltd., Santa Ana, Calif.—Granted license to cover C. P. authorizing change in transmitter and studio sites and installation of vertical radiator.

KGy—KGy, Inc., Olympia, Wash.—Granted license to cover C. P. authorizing installation of new equipment.

KRRV—Red River Valley Broadcasting Corp., Sherman, Tex.—Granted license to cover C. P. authorizing erection of new station; 1310 kc., 100 watts, daytime only.

WMIN—Edward Hoffman, St. Paul, Minn.—Granted license to cover C. P. authorizing erection of new station; 1370 kc., 100 watts night, 250 watts day, unlimited time.

WSAY—Brown Radio Service and Lab. (Gordon P. Brown, owner), Rochester, N. Y.—Granted license to cover C. P. authorizing erection of new station; 1210 kc., 100 watts, daytime.

KMED—Mrs. W. J. Virgin, Medford, Ore.—Granted amended C. P. authorizing move of transmitter locally, install vertical radiator, change in composite equipment; change time of operation from specified hours to unlimited; 1310 kc., 100 watts night, 250 watts day, unlimited.

WBLK—The Exponent Co., Clarksburg, W. Va.—Granted modification of C. P. approving transmitter site, equipment and antenna.

WHFC—WHFC, Inc., Cicero, Ill.—Granted modification of C. P. authorizing installation of new equipment.

WGNy—Peter Goelet, Newburg, N. Y.—Granted modification of C. P. for authority to install new equipment and vertical radiator, also to move transmitter and studio locations locally.

KMA—May Seed & Nursery Co., Shenandoah, Iowa.—Granted modification of license to increase day power from 2½ KW to 5 KW; 930 kc., 1 KW night.

WSMB—WSMB, Inc., New Orleans, La.—Granted modification of license to operate unlimited time at present transmitter location with an increase in power from 500 watts to 1 KW, with provisions limiting power radiated in direction of Akron, Ohio, not to be greater than 88 mv/m at distance of 1 mile from transmitter of station WSMB as contained in B3-R-448 be modified so as not to exceed 70.6 per cent of average based on radiation by it in all directions.

KUJ—KUJ, Inc., Walla Walla, Wash.—Granted authority to make changes in automatic frequency control apparatus.

WRGA—Rome Broadcasting Corp., Rome, Ga.—Granted authority to install automatic frequency control.

WILM—Delaware Broadcasting Co., Wilmington, Del.—Granted authority to make changes in automatic frequency control.

KWLC—Luther College, Decorah, Iowa.—Granted authority to make changes in automatic frequency control equipment.

WSMK—WSMK, Inc., Dayton, Ohio.—Granted authority to make changes in automatic frequency control equipment.

KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Granted authority to determine operating power by direct measurement of antenna input in compliance with terms of Rule 137.

WATL—J. W. Woodruff and S. A. Cisler, d/b as Atlanta Broadcasting Co., Atlanta, Ga.—Granted voluntary assignment of license to J. W. Woodruff, d/b as Atlanta Broadcasting Co.; 1370 kc., 100 watts, unlimited.

WATL—J. W. Woodruff and S. A. Cisler, d/b as Atlanta Broadcasting Co., Atlanta, Ga.—Granted renewal of license on the regular basis.

WCHS—Charleston Broadcasting Corp., Charleston, W. Va.—Granted voluntary assignment of license to Charleston Broadcasting Company; 580 kc., 500 watts night, 1 KW day, unlimited.

KGLO—Mason City Globe Gazette Co., Mason City, Iowa.—Granted modification of C. P. approving transmitter and studio sites, new equipment and vertical radiator, also extending commencement date to 30 days after grant and completion date to 90 days thereafter.

WBBR—Peoples Pulpit Assn., Brooklyn, N. Y.—Granted renewal of license for a period of 30 days.

WIOD-WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—Granted renewal of license for a period of 90 days.

WORK—York Broadcasting Co., York, Pa.—Granted renewal of license for the period November 1, 1936, to May 1, 1937; 1320 kc., 1 KW night and day, unlimited, using directional antenna at night and non-directional antenna day.

WCBD—WCBD, Inc., Waukegan, Ill.—Granted renewal of license for the period August 1, 1936, to February 1, 1937. (Since August 1, 1936, station has been operating under temporary extension pending decision on application to transfer control.)

WKBH—WKBH, Inc., La Crosse, Wis.—Granted renewal of license on a temporary basis for a period of 90 days; 1380 kc., 1 KW, unlimited.

NEW—The Baltimore Radio Show, Inc., Baltimore, Md., Portable-Mobile.—Granted C. P. for new relay broadcast station on an experimental basis under provisions of Rules 1001, 1001(b) and 1003(e); frequencies 31100, 34600, 37600, and 40600 kc., 1 watt. Also granted license covering same.

NEW—The Baltimore Radio Show, Inc., Baltimore, Md., Portable-Mobile.—Granted C. P. and license for new relay broadcast station on an experimental basis under provisions of Rules 1000, 1001(b) and 1003(e); frequencies 31100, 34600, 37600 and 40600 kc., experimentally, 1 watt.

NEW—Tulsa Broadcasting Co., Inc., Portable-Mobile (Tulsa, Okla.).—Granted C. P. for new relay broadcast station on an experimental basis under provisions of Rules 1001, 1001(b) and 1003(e); frequencies 31100, 34600, 37600 and 40600 kc., 10.5 watts.

NEW—Broadcasting Service Organization, Inc., Portable, Boston, Mass.—Granted C. P. for new relay broadcast station on experimental basis under provisions of Rules 1001, 1001(b) and 1003(e); frequencies 31100, 34600, 37600 and 40600 kc., 5 watts.

W2XJI—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted modification of C. P. for authority to change equipment, decrease power from 1000 watts to 100 watts, establish a transmitter site, and extend commencement and completion dates to 4-15-36 to 9-15-36, respectively.

SET FOR HEARING

NEW—David J. Mercier and Geo. F. Warren, d/b as Northern Broadcasting Co., Traverse City, Mich.—Application for C. P. for new station to operate on 830 kc., 500 watts, daytime.

NEW—Twin City Broadcasting Corp., Longview, Wash.—Application for C. P. for new station to operate on 1500 kc., 100 watts night, 250 watts day, unlimited, exact transmitter site to be determined with Commission's approval.

NEW—Charles Porter and Edward T. Eversole, Festus, Mo.—Application for C. P. for new station to operate on 1420 kc., 100 watts, day only.

NEW—D. L. Thornton, between Chehalis and Centralia, Wash.—Application for C. P. for new station to operate on 1500 kc., 100 watts night, 250 watts day, unlimited. Exact transmitter and studio sites to be located between the cities of Centralia and Chehalis, Wash., which are separated approximately 4 miles from center to center.

KDON—Monterey Peninsula Broadcasting Co., Monterey, Calif.—Application for C. P. to install new equipment; change frequency from 1210 kc. to 1280 kc.; increase night power from 100 watts to 250 watts and day power from 100 watts to 1 KW.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Application for C. P. to change equipment and frequency from 1120 kc. to 1110 kc.; increase power from 100 watts daytime to 500 watts unlimited; move transmitter site and install vertical radiator (subject to Commission's approval). To be heard before the Broadcast Division.

WTAQ—WHBY, Inc., Green Bay, Wis.—Application for C. P. to install new equipment and increase day power from 1 KW to 5 KW.

WGY—General Electric Co., Schenectady, N. Y.—Application for C. P. to change equipment, increase power to 500 watts, and

move transmitter locally with transmitting equipment site and antenna to be determined subject to Commission approval. To be heard before the Broadcast Division.

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Application for C. P. to install directional antenna system for nighttime operation; increase time of operation from S-WTIC to unlimited. To be heard before the Broadcast Division.

KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Application for C. P. to move transmitter location to McAlmont, Ark., and studio from Hot Springs National Park to site to be determined at Little Rock, Ark.; install new equipment and directional antenna for nighttime operation to operate on 1060 kc., with 10 KW, unlimited time. To be heard by Broadcast Division.

KROY—Royal Miller, Sacramento, Calif.—Application for modification of C. P. for authority to change frequency from 1210 kc. to 1340 kc.; change equipment; increase power and operating time from 100 watts day only to 250 watts night, 1 KW day, unlimited time. Exact transmitter site to be determined subject to Commission approval.

WDBJ—Times-World Corp., Roanoke, Va.—Application for modification of license to increase nighttime power from 1 KW to 5 KW. To be heard before the Broadcast Division.

WSPR—Quincy A. Brackett, Lewis B. Breed and Edmund A. Laport, copartners, d/b as Conn. Valley Broadcasting Co., Springfield, Mass.—Application for modification of license for authority to change operating time to limited to local sunset at KVOO, Tulsa, Okla. To be heard before the Broadcast Division.

WHBB—W. J. Reynolds, Jr., J. C. Hughes and J. S. Allen, d/b as Selma Broadcasting Co., Selma, Ala.—Application for modification of license to change time of operation from 100 watts daytime only to 100 watts unlimited, 1500 kc.

KFXR—Exchange Ave. Baptist Church of Oklahoma City, Okla.—Application for voluntary assignment of license to Plaza Court Broadcasting Co. (1310 kc., 100 watts night, 250 watts day, unlimited).

KSFO—The Asso. Broadcasters, Inc., San Francisco, Calif.—Application for voluntary assignment of license to Columbia Broadcasting System of Calif., Inc. (560 kc., 1 KW, unlimited).

KGDY—Voice of South Dakota, Huron, S. Dak.—Application for renewal of license for the period November 1, 1936, to May 1, 1937; 1340 kc., 250 watts day.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KFH, Wichita, Kans.; KGNF, North Platte, Nebr.; KOY, Phoenix, Ariz.; WBIG, Greensboro, N. C.; WBNX, New York City; WCBA, Allentown, Pa., and auxiliary; WCKY, Covington, Ky.; WCOA, Pensacola, Fla.; WCSC, Charleston, S. C.; WDRC, Hartford, Conn.; WEVD, New York City; WFBC, Greenville, S. C.; WHAZ, Troy, N. Y.; WHIS, Bluefield, W. Va.; WMBD, Peoria, Ill.; WNBC, New Britain, Conn.; WNBR, Memphis, Tenn.; WOKO, Albany, N. Y.; WQBC, Vicksburg, Miss.; WROK, Rockford, Ill.; WSAI, Cincinnati; WSAW, Allentown, Pa., and auxiliary; WSMK, Dayton, Ohio; KFJR, Portland, Ore.; KLRA, Little Rock, Ark.

Licenses for the following stations were extended on a temporary basis only, for the period ending no later than December 1, 1936, pending receipt and/or action on renewal applications:

KGNC, Amarillo, Tex.; KIDO, Boise, Idaho; KSCJ (auxiliary), Sioux City, Iowa; WFAB, New York City; WIRE, Indianapolis, Ind.; WSMB, New Orleans; WTFI, Athens, Ga.

The following stations were granted renewal of licenses on a temporary basis only, subject to such action as the Commission may take on their pending applications for renewal:

WARD, WBBC (and auxiliary), WLTH, and WVFW, all of Brooklyn, N. Y.

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Granted conditional license on a temporary basis only subject to whatever action may be taken upon application for renewal and upon petition of WSPD in opposition to granting renewal of license to WFEA; also subject to the condition that applicant (WFEA) shall not permit nighttime signal intensity without attenuation of station radiated in the direction of station WSPD to be greater than 62.5 milli-

volts per meter at a distance of one mile from transmitter of WFEA.

WWAE—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Present license further extended on a temporary basis only, from November 1 to December 1, 1936, pending receipt and/or action on renewal application.

KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Present license further extended on a temporary basis only, from November 1 to December 1, 1936, subject to such action as may be taken upon application for renewal of license.

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Present license extended on a temporary basis for the period November 1 to December 1, 1936, pending receipt and/or action on application for renewal.

WWL—Loyola University, New Orleans, La.—Special temporary experimental authority further extended on a temporary basis only, for the period ending February 1, 1937, subject to the same conditions as contained in the existing authorities to said station, pending consideration of the pending petition of WLWL and petitions in opposition thereto.

SPECIAL AUTHORIZATIONS

WCAX—Burlington Daily News, Inc., Burlington, Vt.—Granted special temporary authority to operate from 12 midnight, EST, November 3, 1936, to 6 a. m., EST, November 4, 1936, in order to broadcast election returns.

WAGF—John T. Hubbard and Julian C. Smith, d/b as Dothan Broadcasting Co., Dothan, Ala.—Granted special temporary authority to operate station on October 31, 1936, for the duration of the State College football game played in California in order that the game may be broadcast.

WDGY—Dr. George W. Young, Minneapolis, Minn.—Granted special temporary authority to operate from 9 p. m. to 9:30 p. m., CST, October 28, 1936, in order to broadcast Republican program over ABC network.

WELI—City Broadcasting Corp., New Haven, Conn.—Granted special temporary authority to operate unlimited time the evening of Wednesday, October 28, 1936, in order to broadcast a debate between Yale University and Harvard, also an Italian American Democratic League Rally.

WJAC—WJAC, Inc., Johnstown, Pa.—Granted special temporary authority to operate simultaneously with WFBG from 8:30 p. m. to 9 p. m., EST, on October 29, 1936 (instead of from 8:15 p. m. to 8:45 p. m., EST, as granted 10-19-36) in order to broadcast speech of Attorney General Cummings.

WSAY—Brown Radio Service and Laboratory (Gordon F. Brown, Owner), Rochester, N. Y.—Granted special temporary authority to operate from 5:30 p. m. to 7:30 p. m., EST, October 27, 1936, in order to carry a pro-Roosevelt address.

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Granted special temporary authority to operate simultaneously with Radio Station WKOK from 8:30 p. m. to 10 p. m., EST, October 28, 1936, in order to broadcast a Republican rally.

WKZO—WKZO, Inc., Kalamazoo, Mich.—Granted special temporary authority to operate from 8:30 p. m. to 9 p. m., CST, October 28, 1936, with reduced power of 250 watts, in order to broadcast an address by Rabbi Wise sponsored by the Democratic Committee.

WOW—Woodmen of the World Life Ins. Assn., Omaha, Nebr.—Granted extension of special temporary authority to operate with power of 5 KW at night for period beginning October 29, 1936, and ending in no event later than November 27, 1936.

WKOK—Sunbury Broadcasting Corp., Sunbury, Pa.—Granted special temporary authority to operate simultaneously with Radio Station WBAX after 12 midnight on the morning of Nov. 4, 1936, in order to broadcast election returns.

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Same as above only simultaneously with WKOK.

WRAK—WRAK, Inc., Williamsport, Pa.—Granted special temporary authority to operate station without an approved frequency monitor (waiver of Rule 145) for a period beginning Oct. 21, 1936, and ending in no event later than Nov. 3, 1936.

WALR—WALR Broadcasting Corp., Zanesville, Ohio.—Granted special temporary authority to operate station without an approved frequency monitor (waiver of Rule 145) for a period not to exceed 30 days.

KNEL—G. L. Burns, Brady, Texas.—Granted special temporary authority to operate station without plate voltmeter for period not to exceed 10 days.

WCBA—B. Bryan Musselman, Allentown, Pa.—Granted special temporary authority to use a 50 w. portable test transmitter between the hours of 12 midnight and 6 a. m., EST, for a period not to exceed three weeks in order to determine a more favorable transmitter site.

WSAN—WSAN, Inc., Allentown, Pa.—Granted special temporary authority to use a 50 w. portable test transmitter between the hours of 12 midnight and 6 a. m., EST, for a period not to exceed three weeks in order to determine a more favorable transmitter site.

KFNF—KFNF, Inc., Shenandoah, Iowa.—Granted extension of special temporary authority to operate simultaneously with WILL from 8 a. m. to 11 a. m., CST, daily except Sundays, during the month of Nov. 1936.

KEX—The Oregonian Publishing Co., Portland, Ore.—Granted special temporary authority to operate simultaneously with station KOB, unlimited time, the nights of Nov. 2 and 3, 1936, for the purpose of rendering election returns.

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Granted special temporary authority to operate simultaneously with station KEX, unlimited time, the nights of Nov. 2 and 3, 1936, for the purpose of rendering election returns.

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with station WGBF from 8:30 p. m. to 9:30 p. m., CST, Oct. 28, 1936, in order to broadcast Democratic State Rally from Mexico, Mo.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate simultaneously with KFRU from 8:30 to 9:30 p. m., CST, Oct. 28, 1936, with reduced power of 250 watts.

KSOO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—Granted special temporary authority to operate from 5:45 to 7 p. m., CST, for remote control from Rochester, Minn., on Oct. 27; and from 8:15 to 10 p. m., CST, Oct. 30, for remote control from Huron, S. Dak., in order to broadcast political talks.

KADA—C. C. Morris, Ada, Okla.—Granted special temporary authority to operate from local sunset (5:15 p. m., CST), until 12 midnight, Nov. 3, 1936, in order to broadcast state and national election returns.

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted special temporary authority to operate unlimited time the night of Nov. 3, 1936, in order to broadcast election returns.

KCRJ—Charles C. Robinson, Jerome, Ariz.—Granted special temporary authority to operate from 8 p. m., MST, Nov. 3, to 2 a. m., MST, Nov. 4, 1936, in order to broadcast local, state and national election returns.

KOOS—Pacific Radio Corp., Marshfield, Ore.—Granted special temporary authority to operate from local sunset (5:30 p. m.), until 9 p. m., PST, Oct. 31, in order to broadcast description of local Halloween Parade and Children's Festival, also political speeches of Democratic and Republican Central Committees; from local sunset (5 p. m.) to 8 p. m., PST, Nov. 2, in order to broadcast political speeches and rallies of both Democratic and Republican Central Committees.

WGNV—Peter Goelet, Chester Township, N. Y.—Granted special temporary authority to operate simultaneously with WGBB from 7 to 9 p. m., EST, Tuesday, Nov. 3, and to operate simultaneously with WFAS from 9 p. m. to 12 midnight, Nov. 3, in order to broadcast local and national election returns.

KRNR—Southern Oregon Pub. Co., Roseburg, Ore.—Granted special temporary authority to operate from local sunset (4:45 p. m.), until close of football games, Nov. 7, 14, 21 and 28, 1936.

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Granted special temporary authority to operate simultaneously with station WSMK from 7 to 7:15 p. m., EST, Nov. 2, in order to broadcast a state wide political program; also from 10 p. m. to 12 midnight, EST, Nov. 3, and 12 midnight to 6 a. m., EST, Nov. 4, in order to broadcast election returns.

KALB—Alexandria Broadcasting Co., Inc., Alexandria, La.—Granted special temporary authority to operate from 10 p. m. to 12 midnight, CST, Monday, Nov. 2, in order to broadcast paid political talks.

WILL—University of Illinois, Urbana, Ill.—Granted special temporary authority to operate simultaneously with KFNF

from 1:45 p. m. to 4 p. m., CST, Nov. 14 (provided WBAA remains silent), in order to broadcast home football games.

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 2 to 4 p. m., CST, Nov. 2 to 5 incl., 9 to 12 incl., 16 to 19 incl., 23 and 24th, in order to broadcast special educational programs (provided KGGF remains silent); also from 9:15 to 10:30 p. m., CST, Nov. 11, in order to broadcast special Armistice program.

KGGF—Powell & Platz, Coffeyville, Kans.—Granted special temporary authority to operate from 7:15 to 9:15 p. m., CST, Nov. 3, in order to broadcast election returns (provided WNAD remains silent) and from 8:15 to 9:15 p. m., CST, Nov. 25, and 7:15 to 9:15 p. m., CST, Nov. 26, in order that WNAD may remain silent during University Thanksgiving vacation.

WSMK—WSMK, Inc., Dayton, Ohio—Granted special temporary authority to operate simultaneously with KQV from 9:30 to 10 p. m., EST, Sat., Oct. 31, 1936, in order to broadcast political speech.

WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—Granted special temporary authority to remain on the air from 4:30 to 5:30 p. m., EST, the following Sat. afternoons: Nov. 7, 14, 21 and 28, in order to broadcast football games.

KWYO—Big Horn Broadcasting Co., Inc., Sheridan, Wyo.—Granted special temporary authority to operate station without an approved frequency monitor for a period not to exceed 30 days.

WKAR—Mich. State College, E. Lansing, Mich.—Granted special temporary authority to operate without antenna ammeter for the period Oct. 21 to 31, 1936.

KSOO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—Granted special temporary authority to operate from 5:45 to 6:45 p. m., CST, Oct. 29, in order to broadcast political talk.

WBAA—Purdue University, West Lafayette, Ind.—Granted special temporary authority to operate from 4 to 5 p. m., CST, Nov. 21, 1936 (provided WILL remains silent), in order to broadcast football game.

WSVA—Shenandoah Valley Broadcasting Co., Harrisonburg, Va.—Granted special temporary authority to operate from 8 p. m., EST, Nov. 3, to 2 a. m., EST, Nov. 4, 1936, with reduced power of 250 watts, in order to broadcast election returns.

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with station WGBF using reduced power of 250 watts from 5 p. m., CST, Nov. 3, to 6 a. m., CST, Nov. 4, for the purpose of broadcasting election returns.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Same as above simultaneously with station KFRU.

KGIW—Leonard E. Wilson, Alamosa, Colo.—Granted special temporary authority to operate simultaneously with station KIDW from 9:30 p. m. to 12 midnight, MST, Nov. 3, in order to broadcast election returns.

WCAD—St. Lawrence University, Canton, N. Y.—Granted special temporary authority to operate from 4 to 5:15 p. m., EST, Oct. 31, in order to broadcast meeting of Northern Federation Chambers of Commerce.

KGCX—E. E. Krebsbach, Wolf Point, Mont.—Granted special temporary authority to rebroadcast Naval Observatory time signals from NAA at Washington, for the period ending no later than Dec. 1, 1936.

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Granted extension of special temporary authority to operate on 560 kc., with power of 1 KW at night during month of November, 1936, pending filing and action on license application to cover C. P. for this authority.

WHDF—The Upper Mich. Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 6:30 to 7:30 p. m., CST, Nov. 2, 1936, in order to broadcast political address sponsored by Houghton County Democrat Committee.

WCLS—WCLS, Inc., Joliet, Ill.—Granted special temporary authority to operate from 8:30 p. m., CST, Nov. 3, to 6 a. m., CST, Nov. 4, for the purpose of broadcasting election returns.

APPLICATIONS DENIED

KALE—KALE, Inc., Portland, Ore.—Denied special temporary authority to operate unlimited time for the period Nov. 1 to Nov. 30, pending action on formal application for modification of license for unlimited time and pending construction of vertical radiator.

WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Denied special temporary authority to operate from 6 p. m. to 12 midnight, EST, Nov. 3, and from 12 midnight to 6 a. m., EST, Nov. 4, in order to broadcast local, state and national election returns.

WINS—Hearst Radio, Inc., New York City—Denied special temporary authority to operate from 7 p. m., EST, Nov. 3, 1936, until 2 a. m., EST, Nov. 4, 1936, in order to broadcast election returns.

The following applications, heretofore set for hearing, were denied as in cases of default for failure of applicant to file an appearance in accordance with Rule 104.6(e):

NEW—Valley Broadcasting Co., Cleveland, Ohio—Applied for C. P., 890 kc., 1 KW, unlimited.

NEW—James G. Bourus, Everett, Wash.—Applied for C. P., 1500 kc., 100 watts, unlimited.

APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were dismissed at request of applicants:

NEW—C. W. Snider, Wichita Falls, Tex.—Applied for C. P., 1500 kc., 100 watts, 250 watts LS, unlimited time.

WRDW—Augusta Broadcasting Co., Augusta, Ga.—Applied for C. P., 1240 kc., 250 watts, 500 watts LS, unlimited.

NEW—I. T. U. Radio Station, Inc., Indianapolis, Ind.—Applied for C. P., 560 kc., 1 KW, 5 KW-LS, unlimited (Facilities of WIND).

WKZO—WKZO, Inc., Kalamazoo, Mich.—Applied for modification of license, 590 kc., 1 KW, daytime to LS at Omaha, Neb.

KOOS—Pacific Radio Corp., Marshfield, Ore.—Applied for C. P., 1390 kc., 250 watts, unlimited.

RATIFICATIONS

The Commission ratified the following acts authorized on the dates shown:

WBAM—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted authority to conduct tests as set forth under Rules 217 and 218 if construction has been completed under terms of C. P.; also, if transmitter is in satisfactory operating condition, granted authority to operate on Oct. 24 and 27, aboard the USS *Illinois*, USS *Indianapolis*, and a submarine in New York Harbor for broadcasting Naval maneuvers and Navy Day program. (Action taken 10-17.)

KJR—Fisher's Blend Station, Inc., Seattle, Wash.—Granted extension of equipment test period for 10 days from Oct. 22, 1936. (Action taken 10-9.)

KMA—May Seed and Nursery Co., Shenandoah, Iowa—Granted authority to commence equipment tests Oct. 22, 1936, as set forth in Rule 164. (Action taken 10-20.)

W6XKF-W10XGK-W6XLN-KABG—Ben S. McGlashan, Los Angeles, Calif.—Granted authority to operate stations from Oct. 22 to 31, 1936, inclusive, to relay broadcast of birthday program of the Los Angeles *Evening Herald* from Goodyear blimp *Volunteer*; also authority to operate W6XLN and KABG for the same period on program tests. (Action taken 10-21.)

W3XEM-W3XEL—WFIL Broadcasting Co., Philadelphia, Pa.—Granted authority to operate as licensed the night of Nov. 3 and morning of Nov. 4, 1936, for relay broadcast of election returns. (Action taken 10-23.)

WJAC—WJAC, Inc., Johnstown, Pa.—Granted special temporary authority to operate simultaneously with WFBG from 8:15 to 8:45 p. m., EST, Oct. 29, in order to broadcast speech by Attorney General Cummings. (Action taken 10-19.)

W9XNX—WHBY, Inc., Green Bay, Wis.—Granted authority to operate as licensed Oct. 24, 31 and Nov. 7, 1936, for relay broadcast to Station WTAQ of football games from Legion Park. (Action taken 10-22.)

W9XAJ—The Journal Company, Milwaukee, Wis.—Granted authority to operate as licensed the evening of Nov. 3, for relay broadcast of election returns. (Action taken 10-23.)

KIIQ—KMTR Radio Corp., Los Angeles, Calif.—Granted authority to operate as licensed for relay broadcast purposes on Oct. 25, in connection with auto races, and Nov. 2 to 11, 1936, from Rancho Los Amigos. (Action taken 10-23.)

WTBO—Asso. Broadcasting Corp., Cumberland, Md.—Granted special temporary authority to operate from 9:30 to 10 p. m., EST, Tuesday, Oct. 27, in order to broadcast address of Secretary Ickes. (Action taken 10-19.)

WCAX—Burlington Daily News, Inc., Burlington, Vt.—Granted special temporary authority to operate from 7 to 8 p. m., Oct. 26 and 28, and from 7 to 8:30 p. m., EST, Nov. 2, in order to broadcast local and national political speeches. (Action taken 10-19.)

The Baltimore Radio Show, Inc., Baltimore, Md.—Granted special temporary authority to operate two portable-mobile high frequency relay broadcast transmitters for the period Oct. 24 and ending no later than Oct. 31, 1936, for the purpose of picking up programs originating at 5th Regimental Armory, Baltimore, and relay for rebroadcast over WFBR. (Action taken 10-22.)

WCLS—WCLS, Inc., Joliet, Ill.—Granted special temporary authority to operate from 8:30 to 9 p. m., CST, for the period Oct. 22 and ending no later than Nov. 2, 1936, for the purpose of broadcasting programs of the Labor Non-Partisan League. (Action taken 10-22.)

WKBO—Keystone Broadcasting Corp., Harrisburg, Pa.—Granted special temporary authority to operate simultaneously with WEST from 8 p. m., EST, Nov. 3 to 2 a. m., EST, Nov. 4, 1936, in order to broadcast election returns. (Action taken 10-23.)

WDGY—Dr. Geo. W. Young, Minneapolis, Minn.—Granted special temporary authority to operate from 7 to 7:30 p. m., CST, Oct. 27; 8 to 8:30 p. m., CST, Oct. 28; 8:30 to 9 p. m., CST, Oct. 30; 9:30 to 10 p. m., CST, Oct. 31; 8:30 to 9 p. m. and 9:30 to 10 p. m., CST, Nov. 2, 1936, in order to broadcast Republican speeches; 8 to 8:30 p. m., CST, Oct. 26; 7:30 to 8 p. m. and 8:30 to 9 p. m., CST, Oct. 28; 8 to 8:30 p. m., Oct. 29 and 30; 10:30 to 11 p. m., Oct. 31; 10 to 11 p. m., Nov. 2, in order to broadcast Democratic speeches; 8:30 to 9 p. m., Oct. 29, and 9 to 9:30 p. m., Nov. 2, 1936, in order to broadcast Farm Labor speeches. (Action taken 10-22.)

WNLC—Thames Broadcasting Corp., New London, Conn.—Granted special temporary authority to operate from 6 to 7:30 p. m., EST, Nov. 1, in order to broadcast program originating at WICC by Republican Town and State Commission; to operate from 7:30 to 11 p. m., EST, Oct. 29, in order to broadcast addresses of nationally known speakers; and to operate from 4:30 p. m. to 12 midnight on Nov. 2 and 3, in the interest of all political parties. (Action taken 10-23.)

WSPR—Connecticut Valley Broadcasting Co., Springfield, Mass.—Granted special temporary authority to operate from 6:15 to 6:45 p. m., EST, Oct. 26 to 30, 1936, inclusive, in order to broadcast programs of National Democratic Committee. (Action taken 10-24.)

WSMK—WSMK, Inc., Dayton, Ohio.—Granted special temporary authority to operate simultaneously with KQV from 7:30 to 10 p. m., EST, Oct. 26, and from 9:30 to 10 p. m., EST, Oct. 29, for the purpose of broadcasting political talks. (Action taken 10-24.)

WEST—Associated Broadcasters, Inc., Easton, Pa.—Granted special temporary authority to operate simultaneously with WKBO from 9:30 to 10 p. m., EST, Oct. 26; from 9 to 9:30 p. m., Oct. 27, in order to broadcast addresses by Gov. Landon; to operate from 9 to 9:30 EST, Oct. 29, in order to broadcast Republican program featuring Judge McDevitt. (Action taken 10-24.)

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Granted special temporary authority to operate with power of 100 watts on night of Oct. 27, in order to broadcast addresses of Cordell Hull, David Lewis and others. (Action taken 10-24.)

WNBC—State Broadcasting Corp., New Britain, Conn.—Granted special temporary authority to operate from 7 to 7:15 p. m., EST, Oct. 26, through Nov. 2, 1936, incl., in order to

broadcast political talks sponsored by Democratic Town Committee; also from 6 to 6:15 p. m., EST, Oct. 26, through Nov. 2, 1936, incl., in order to broadcast talks by Republican Town Committee. (Action taken 10-24.)

WEST—Asso. Broadcasters, Inc., Easton, Pa.—Granted special temporary authority to operate simultaneously with WKBO from 10 to 10:30 p. m., EST, Oct. 29, 1936, to broadcast Republican State network programs. (Action taken 10-23.)

WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—Granted special temporary authority to operate from 5:15 to 7:30 p. m., EST, Oct. 27, in order to broadcast Democratic Rally featuring Gov. Lehman; also from local sunset (4:30 p. m.) to 11 p. m., EST, Nov. 3, to broadcast election returns, using 100 watts power. (Action taken 10-23.)

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate simultaneously with KFRU with reduced power of 250 watts, from 7:30 to 9 p. m., CST, Oct. 31, for purpose of broadcasting political speeches. (Action taken 10-23.)

KFRU—KFRU Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with WGBF with reduced power of 250 watts, from 7:30 to 9 p. m., CST, Oct. 31, for purpose of broadcasting political speeches. (Action taken 10-23.)

NEW—Walker Jamar, Duluth, Minn.—Denied petition requesting his application for C. P. for new station at Duluth, be withdrawn from Docket without prejudice. (Action taken 10-22.)

MISCELLANEOUS

WNEW—WODAAM Corp., Newark, N. J.—Denied petition asking Commission to reconsider denial of application and grant the same for increase in day power from 2½ KW to 5 KW.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Denied petition asking Commission to reconsider its action in designating for hearing, its application and grant the same, to increase its day power from 500 watts to 1 KW, the application to increase night power from 500 watts to 1 KW to remain on hearing docket.

NEW—Daily News Corp., St. Paul, Minn.—Granted petition asking permission to appear as respondent at hearing scheduled for Nov. 13, 1936, on applications of National Battery Broadcasting Co. for authority to erect two new broadcasting stations at St. Paul, one to operate on 920 kc., 1 KW, unlimited time, the other to use 580 kc., with 1 KW unlimited time. The Daily News Corp., in an amended application, seeks authority to erect a new broadcast station to operate on 580 kc., 1 KW, daytime only.

KIDW—Southwest Broadcasting Co., La Junta, Colo.—Permitted to file answer as respondent, to be made a part of the record, for hearing on Nov. 18, 1936, of the application of Mile High Radio Corp. for permission to erect and operate a new radio station using the frequency of 1210 kc., with 100 watts night, 250 watts day, unlimited time.

NEW—Ferris Hodge, Edward Hodge, Leon C. Rogers, Clifford J. Hood, John S. Michener, Frank Zimmerman and Karl M. Schneider, d/b as Lenawee Broadcasting Co., Adrian, Mich.—Granted request to postpone from Nov. 25, 1936 to Dec. 15, 1936, hearing of application for C. P. to erect new radio broadcast station at Adrian to operate on 1440 kc., 250 watts daytime.

NEW—Richard M. Castro, Johnson City, Tenn.—Denied motion asking Commission to postpone hearing scheduled for Nov. 6, 1936, of application of W. Hanes Lancaster and J. W. Birdwell, d/b as Johnson City Broadcasting Co., for new broadcast station. Castro has previously been permitted to intervene at hearing since he has application for new station on same frequency of 1200 kc., 100 watts night, 250 watts day, in same community.

APPLICATIONS RECEIVED

First Zone

WDEV—Harry C. Whitehill, Waterbury, Vt.—Construction permit to install new equipment and increase power from 500 watts to 1 KW. Amended to change name from Harry C. Whitehill to Mary M. Whitehill, Executrix of the estate of Harry C. Whitehill, and make further changes in equipment.

NEW—Young People's Association for the Propagation of the
640 Gospel, Shark River Bay, N. J.—Construction permit for a
new station to be operated on 640 kc., 5 KW, daytime to
local sunset at Station KFI.

WBEN—WBEN, Inc., Buffalo, N. Y.—License to cover construc-
900 tion permit (B1-P-567) as modified, for new equipment,
increase in power and move of transmitter.

WBEN—WBEN, Inc., Buffalo, N. Y.—Authority to determine
900 operating power by direct measurement of antenna.

NEW—Elmira Star-Gazette, Inc., Elmira, N. Y.—Construction
1200 permit to erect a new station to be operated on 1200 kc.,
250 watts power, daytime operation.

NEW—Eugene Meyer & Co., d/b as The Washington Post, Wash-
1230 ington, D. C.—Construction permit to erect a new broad-
cast station to be operated on 1310 kc., 100 watts night,
250 watts day power, unlimited time. Amended: Request
this application be contingent upon granting of WOL's
application for change in frequency from 1310 kc. to
1230 kc.

NEW—Citizens Broadcasting Corporation, Schenectady, N. Y.—
1240 Construction permit to erect a new broadcast station to be
operated on 1240 kc., 1 KW power night and 5 KW power
day, unlimited time. Directional antenna for night use.

WMBO—WMBO, Inc., Auburn, N. Y.—Construction permit to
1310 install a new transmitter and erect a vertical antenna, in-
crease power from 100 watts to 100 watts night, 250 watts
day; move transmitter from Metcalf Bldg., 141 Genesee
Street, Auburn, N. Y., to York Street, corner No. Dix
Street, Auburn, N. Y.

NEW—Mid-Atlantic Corp., Washington, D. C.—Construction per-
1570 mit for a new special broadcast station to be operated on
1570 kc., 1 KW, unlimited time.

Second Zone

WKZO—WKZO, Inc., Kalamazoo, Mich.—Special experimental
590 authority to operate unlimited time, using 250 watts power
at night, for period to 3-1-37.

WCPO—Continental Radio Co., Cincinnati, Ohio.—Construction
1200 permit to install new transmitter and vertical antenna; move
transmitter from 108-112 Garfield Place, Cincinnati, Ohio,
to 659 E. 6th Street, Cincinnati, Ohio.

WCAE—WCAE, Inc., Pittsburgh, Pa.—Modification of license to
1220 change power from 1 KW night, 5 KW day, to 5 KW day
and night.

WADC—Allen T. Simmons, Village of Tallmadge, Ohio.—Modifi-
1320 cation of license to change power from 1 KW night, 5 KW
daytime, to 5 KW day and night.

WPAY—Vee Bee Corporation, Portsmouth, Ohio.—Construction
1370 permit to make changes in equipment (unnecessary).

NEW—Petersburg Newspaper Corp., Petersburg, Va.—Construc-
1370 tion permit for a new station to be operated on 1370 kc.,
100 watts, daytime.

Third Zone

NEW—Wichita Broadcasting Co., Wichita Falls, Tex.—Construc-
630 tion permit to erect new broadcast station to be operated
on 630 kc., 1 KW power, unlimited time. Directional an-
tenna at night.

WCOC—Mississippi Broadcasting Company, Inc., Meridian, Miss.
880 —Construction permit to make changes in equipment.

NEW—F. M. Gleason, d/b as North Georgia Broadcasting Com-
1200 pany, Rossville, Ga.—Construction permit for a new broad-
cast station to be operated on 1200 kc., 100 watts power,
unlimited time. Amended to change hours of operation from
unlimited to daytime.

WAYX—E. F. Sapp and S. F. Sapp, d/b as Waycross Broadcast-
1200 ing Co., Waycross, Ga.—License to cover construction per-
mit (B3-P-574) as modified for a new station.

WFOY—Fountain of Youth Properties, Inc., St. Augustine, Fla.—
1210 Modification of construction permit (B3-P-466) for a new
station, requesting authority to install a new transmitter.
(Sec. 14 (b) and geographical site.)

WDSU—WDSU, Inc., New Orleans, La.—License to cover con-
1250 struction permit (B3-P-1205) for changes in equipment.

WDSU—WDSU, Inc., New Orleans, La.—Authority to determine
1250 operating power by direct measurement of antenna.

NEW—Associated Arkansas Newspapers, Inc., Hot Springs, Ark.—
1310 Construction permit for a new broadcast station to be op-
erated on 1310 kc., 100 watts power, unlimited time.
Amended to change hours of operation from unlimited to
daytime only.

KFYO—Plains Radio Broadcasting Co., Amarillo, Tex.—Construc-
1310 tion permit to install a new transmitter and antenna.

WSMB—WSMB, Inc., New Orleans, La.—Construction permit to
1320 install a new transmitter and directional antenna for day
and night use.

KGFG—Oklahoma Broadcasting Company, Inc., Oklahoma City,
1370 Okla.—Construction permit to install new transmitter; erect
a vertical antenna; move transmitter from 1110 West 2nd
St., Oklahoma City, Okla., to site to be determined, Okla-
homa City, Okla., and studio from 22nd Floor, Perrine
Bldg., Oklahoma City, Okla., to site to be determined,
Oklahoma City, Okla.

NEW—Ruth W. Adcock and S. E. Adcock, d/b as General Broad-
1370 casters, Johnson City, Tenn.—Construction permit for a
new broadcast station to be operated on 1370 kc., 100 watts
night and 250 watts day power, unlimited time.

KGNC—Plains Radio Broadcasting Company, Amarillo, Tex.—
1410 Construction permit to make changes in equipment.

WGPC—Americus Broadcast Corp., Albany, Ga.—Modification of
1420 construction permit (B3-P-1077) for new equipment; move
of studio and transmitter, further requesting authority to
install new transmitter and make antenna changes, increase
day power from 100 to 250 watts, change studio address
from 127½ N. Jackson to 125½ N. Jackson St., move trans-
mitter from corner Pine and Jackson Sts. to 125½ N. Jack-
son St., Albany, Ga.; extend commencement and completion
dates from 9-17-36 and 3-17-37 to 30 days after grant and
60 days thereafter. Amended: Change type of equipment
and make antenna changes.

KRBC—Reporter Broadcasting Co., Abilene, Tex.—License to
1420 cover construction permit (B3-P-439) as modified for a
new station. Amended re equipment.

WACO—KTSA Broadcasting Co., Waco, Tex.—Construction per-
1420 mit to install a new transmitter and erect vertical antenna.

WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.
1440 —Modification of license to change power from 500 watts,
1 KW day, to 1 KW day and night.

NEW—Richard S. Gozzaldi, d/b as Oak Cliff-Dallas County
1500 Broadcasting Co., Dallas, Tex.—Construction permit for a
new broadcast station to be operated on 1500 kc., 100 watts
power, daytime operation.

NEW—The National Life & Accident Insurance Co., Inc., Nash-
ville, Tenn.—Construction permit for a low frequency relay
station to be operated on 1606, 2022, 2102, 2758 kc., 20
watts.

Fourth Zone

WAAF—Drovers Journal Publishing Co., Chicago, Ill.—Construc-
920 tion permit to install new transmitter, change hours of
operation from day to unlimited time, increase power from
1 KW day and night to 1 KW night and 5 KW day.

WFBM—Indianapolis Power & Light Company, Indianapolis, Ind.
1230 —License to cover construction permit (B4-P-1169) for
changes in equipment.

KGCU—Mandan Radio Association, Mandan, N. Dak.—Authority
1240 to install automatic frequency control.

KOIL—Central States Broadcasting Company, Omaha, Nebr.—
1260 Construction permit to make changes in equipment; install
a vertical antenna; increase power from 1 KW night, 2½
KW day, to 1 KW night, 5 KW day; move transmitter from
600 Huntington Ave., Fairmont Park, Council Bluffs, Iowa,
to Township 74 N., Range 44 W., Pottawattamie County,
Iowa.

WSBT—The South Bend Tribune, South Bend, Ind.—License to
1310 cover construction permit (B4-P-1322) for new equipment.

KFGQ—Boone Biblical College, Boone, Iowa.—Authority to make
1370 changes in automatic frequency control apparatus.

WMBH—Joplin Broadcasting Co., Joplin, Mo.—License to cover
1420 construction permit (B4-P-1272) for new transmitter.

KGNF—Great Plains Broadcasting Co. (a corp.), North Platte,
1430 Nebr.—License to cover construction permit (B4-P-1123)
for changes in equipment.

W9XNX—WHBY, Inc., Portable-Mobile, Green Bay, Wis.—
License to cover construction permit (B-4-PE-178) for high
frequency relay broadcast station on 31100, 34600, 37600,
40600 kc., 10 watts power.

W9XNW—WHBY, Inc., Green Bay, Wis. (Portable-Mobile).—
License to cover construction permit (B-4-PE-177) for new
high frequency relay broadcast station on 31100, 34600,
37600, 40600 kc., 10 watts power.

Fifth Zone

KLZ—KLZ Broadcasting Co., Denver, Colo.—Modification of
560 license to change power from 1 KW night and 5 KW day
to 5 KW day and night.

KHQ—Louis Wasmer, Inc., Spokane, Wash.—Modification of
590 construction permit (B5-P-925) as modified to make changes
in equipment.

KFPY—Symons Broadcasting Co., Spokane, Wash.—License to
890 cover construction permit (B5-P-332) as modified for new
equipment, increase in power, move of transmitter.
Amended: Antenna ammeter.

KHSL—Golden Empire Broadcasting Co., Chico, Calif.—Author-
950 ity to install automatic frequency control apparatus.

KOOS—Pacific Radio Corp., Marshfield, Ore.—Modification of
1200 license to change hours of operation from daytime to un-
limited, using 100 watts power night and 250 watts day.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho—Authority
1240 to install new automatic frequency control equipment.

NEW—The Bend Bulletin, Bend, Ore.—Construction permit to
1310 erect a new broadcast station, operated on 1310 kc., 100
watts night, and 250 watts day power, unlimited time.

KUMA—Albert H. Schermann, Yuma, Ariz.—Authority to in-
1420 stall automatic frequency control apparatus.

NEW—Loyal K. King, d/b as Radio & Television Research Co.,
1570 Los Angeles, Calif.—Construction permit for a new special
broadcast station to be operated on 1530 kc., 1 KW, un-
limited time. Amended: To change frequency from 1530
kc. to 1570 kc.

NEW—Ben S. McGlashan, Los Angeles, Calif. (Portable-Mobile)
—License to cover construction permit (B5-PRY-12) for
low frequency relay broadcast station, on 1622, 2058, 2150,
2790 kc., 100 watts power.

NEW—Nichols & Warinner, Inc., Long Beach, Calif.—License
for a low frequency relay broadcast station to be operated
on 1622, 2058, 2150, 2790 kc., 200 watts.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

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MORNER PRODUCTIONS

And now it's "music and flowers." The Morner Production Company of New York tell you "we are happy to be in a position to offer a limited number of radio stations—without charge—thirteen weekly 15-minute educational programs on 'Music and Flowers,' to be released on a sustaining basis."

The following reply made by a member station seems most appropriate:

"Dear Mr. Morner:

"Thank you for your letter of October 16th, in connection with programs entitled 'Music and Flowers.'

"While we consider it unethical to carry these programs as sustaining, inasmuch as they unquestionably have a commercial aspect in behalf of the flower industry, we are willing to have you supply us with a sample recording for audition to local flower dealers. If local dealers wish to participate in sponsoring the series, we shall be glad to carry them.

"Awaiting your decision,

"Very truly yours."

TELEVISION GRANT RECOMMENDED

The Farnsworth Television Corporation applied to the Federal Communications Commission for a construction permit for the erection in Philadelphia of an experimental television broadcast station to use 1,000 watts power and 42,000-56,000 and 60,000-86,000 kilcycles.

Examiner R. H. Hyde in Report No. I-304 recommended that the application be granted. He found that the corporation "has a program of research and experimentation affording reasonable promise of substantial contributions to the development of the visual broadcast art." Also "that the program of research and experimentation proposed by the applicant is to be conducted by qualified engineers" and that the granting of the application would be in the public interest.

HOTEL CLARK, LOS ANGELES

Members contemplating the acceptance of due bills from the Hotel Clark in Los Angeles, Calif., are advised to first communicate with the Washington State Association of Broadcasters, Seattle.

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

1905 Corporation, New York City (2-2555, Form A-1)
National City Lines, Inc., Chicago, Ill. (2-2556, Form A-1)
Major Metals Corporation, New York City (2-2557, Form A-1)
Bartgis Brothers Company, Ilchester, Md. (2-2558, Form A-2)
Fred P. Hamilton et al., Council Bluffs (2-2559, Form F-1)
Winnebago Distilling Company, Chicago, Ill. (2-2560, Form A-1)
South Umpqua Mining Company, Portland, Ore. (2-2561, Form A-1)
Humboldt, Mines, Inc., Dover, Del. (2-2562, Form A-1)
Tom More Distillery Company, Louisville, Ky. (2-2565, Form A-1)

Solar Manufacturing Corp., New York City (2-2566, Form A-2)
Cummins Distilleries Corporation, Louisville, Ky. (2-2567, Form A-1)
Omaha & Council Bluffs Street Railway Co., Omaha, Nebr. (2-2569, Form A-2)
North Western Refrigerator Line Co., Chicago, Ill. (2-2570, Form A-2)

MANUAL PINKOWITZ AND SON MURRAY

Any member station contemplating doing business with a concern operating under the name of Paramount Studios, conducting a voice and dance studio (the partners' names are understood to be Manual Pinkowitz and his son Murray; the senior has been known as Mr. G. and his son has been known professionally as Murray Allen) is advised to communicate with Radio Station WDAS, Philadelphia, Pa.

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

No. 2597. A complaint alleging use of unfair methods of competition in the sale of a liquid laxative, called "Dr. Caldwell's Syrup Pepsin," has been issued against **Dr. W. B. Caldwell, Inc., Monticello, Ill.**

Advertising in newspapers, magazines and over the radio, the respondent corporation is said to represent that its preparation is a doctor's prescription, that physicians and hospitals prefer a liquid laxative, that it is not habit-forming but will correct the laxative habit caused by taking other laxatives, and that it restores and maintains health by regulating the system and maintaining it in normal working condition.

These representations are false and misleading, according to the complaint, which alleges that the general public understands that a doctor's prescription is his treatment for a diagnosed condition, whereas Dr. Caldwell did not prescribe or administer his preparation in all cases of constipation, under all conditions, or to patients of all ages.

No. 2955. Alleging unfair methods of competition in violation of Section 5 of the Federal Trade Commission Act, a complaint has been issued against **Silver Rod Stores Supply Company, Inc., and Dale Drug Company, Inc.,** 60 Broadway, Brooklyn, engaged in the sale of "Dale's Aspirin."

The respondent corporations' alleged representations in advertising matter and on containers that either of them was the first or original manufacturer of or dealer in aspirin are untrue, the complaint alleges. Retail prices stamped on containers are false and fictitious, according to the complaint, are in excess of the actual selling prices and of the value of the aspirin, and are not the prices at which the product is sold or is intended to be sold.

No. 2958. Thirty-four corporations and their officers, said to constitute substantially all of the country's manufacturers of water gate valves, hydrants, fittings and similar articles used for water supply systems, are charged in a complaint with fixing and maintaining enhanced uniform prices in the sale of their products. The corporations are members of the Water Works Valve and Hydrant Group of the Valve and Fittings Institute, New York City, which, with its governing committee and its officers, George V. Denny, president commissioner, and Sam. G. Moyers, assistant secretary, also is named a respondent.

Selling chiefly to municipalities and to divisions and institutions of State and Federal governments, the respondents allegedly engage in price-fixing practices which prevent price competition and restrain trade, increase prices and create in themselves a monopoly in the sale and resale of their products.

Prior to 1933, the respondents were in competition among themselves, but in December of that year they entered into their price-fixing combination, the complaint alleges. For the purpose of making their combination effective, and pursuant to their alleged agreement, the respondents are said to have divided the United States into zones in which they fix and maintain uniform discounts and enhanced uniform prices, and to have established the prices at which jobbers and distributors buying their products must resell them.

The complaint charges that Denny and Moyers, officers of the Valve and Fittings Institute, acting for the members of the Water Works Valve and Hydrant Group, by intimidation and persuasion induced certain of the other respondents to raise their prices to the enhanced uniform prices fixed under the agreement.

The respondents are:

American Foundry & Manufacturing Company, 11th and Hebert Sts., St. Louis; The Bourbon Copper & Brass Works, Cincinnati; Cambridge Machine & Tool Company, Cambridge, Mass.; The Chapman Valve Manufacturing Company, 203 Hampshire St., Indian Orchard, Mass.; Columbian Iron Works, 2501 Chestnut St., Chattanooga; The Crane Company, 836 S. Michigan Ave., Chicago; The Darling Valve & Manufacturing Company, Williamsport, Pa.; The Eddy Valve Manufacturing Company, Troy, N. Y.; The Fairbanks Company, 393 Lafayette St., New York; The Filer & Stowell Company, Milwaukee, Wis.; Iowa Valve Company, Oskaloosa, Iowa; Jenkins Bros., Bridgeport, Conn.; The Johnson City Foundry & Machine Company, Inc., Johnson City, Tenn.; The Kennedy Valve Manufacturing Company, Elmira, N. Y.; The Ludlow Valve Manufacturing Company, Troy, N. Y.; M. & H. Valve & Fittings Co., Anniston, Ala.; Manistee Iron Works, Manistee, Mich.

The Michigan Valve & Foundry Company, 3631 Parkinson Ave., Detroit; Ohio Injector Co., Wadsworth, Ohio; Pacific States Cast Iron Pipe Company, Provo, Utah; The Pittsburgh Valve and Fittings Company, Philadelphia; The Reading-Pratt & Cady Company, Bridgeport, Conn.; The Rensselaer Valve Company, Troy, N. Y.; The Rich Manufacturing Co., Ltd., Los Angeles; A. P. Smith Manufacturing Company, East Orange, N. J.; South Park Foundry & Machine Company, St. Paul, Minn.; Traverse City Iron Works, Traverse City, Mich.; Walworth Company, 60 E. 42nd St., New York; Waterous Company, St. Paul, Minn.; Western Gas Construction Company, Ft. Wayne, Ind.; R. D. Wood Company, 400 Chestnut St., Philadelphia; W. E. Malpass and Mrs. Frank Bretz, trading as East Jordan Iron Works, East Jordan, Mich.; J. Roy Tanner, receiver for Pittsburgh Valve Foundry & Construction Company, Pittsburgh; and H. M. Kessler, trustee in bankruptcy for The Vogt Brothers Manufacturing Company, Louisville, Ky.

The Rundel Spence Company, Milwaukee, a subsidiary of The Crane Company, and engaged as a jobber and distributor, is named as a respondent but is not a member of the Water Works Valve and Hydrant Group.

No. 2960. Operating under the firm name, **Greenberg & Josefsberg**, and under the trade names, **American Merchandise Company, G. & J. Manufacturing Co., and G. & J. Products, Harry Greenberg and Leo Josefsberg**, 27-33 West 23rd St., New York City, are charged in a complaint with using unfair methods of competition in the sale of imported merchandise.

Quantities of gloves and thumb tacks imported by the respondents from Japan and Germany, respectively, were marked with the words "Made in Japan" or "Japan," and "Made in Germany" or "Germany," the complaint alleges. After the gloves and thumb tacks were received in the United States, the respondents are said to have removed the words indicating their foreign origin and to have sold the products without informing dealers or the public that they were manufactured in foreign countries.

According to the complaint, a substantial number of dealers and the public have a preference for merchandise manufactured in the United States, and the law requires that imported articles shall be legibly labeled so as to show the country of origin.

Nos. 2959-2961. Alleging unfair methods of competition through use of lottery schemes in the sale of candy and peanut confections, complaints have been issued against **The Sweets Company of America, Inc.**, 414 West 45th St., New York City, and **William P. and Charles C. Bennett**, trading as **Peanut Novelty Company**, 1615 North Prairie Ave., Dallas, Tex.

Selling to wholesalers and retailers, the respondents in both cases are said to pack their products in assortments which involve a lottery when the candy and peanuts are sold to consumers. Such sales promotion plans, the complaints charge, are deemed contrary to public policy and tend to divert trade to the respondents from competitors who do not engage in similar methods.

The Sweets Company of America, Inc., according to the complaint, arranges its candy in assortments whereby purchasers of certain pieces may win larger pieces without additional cost. In the other case, the respondents allegedly sell assortments of sealed packages of peanuts, some of which contain coins ranging in denominations of from 5 cents to \$1, but ultimate purchasers cannot ascertain which packages contain money until a selection has been made and the individual package broken open.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

No. 1813. **Susquehanna Silk Mills, 149 Madison Ave., New York**, selling a line of fabrics designated "Gracette," under the trade-mark "The Suskana Silks," agrees to cease using the word "silk" or "silks" as a part of its corporate or trade name in advertising matter so as to imply that the fabrics referred to are silk, when such is not a fact.

No. 1814. **Fanciers' Foods, Inc., 75 East Wacker Drive, Chicago**, selling dry dog food called "Prest O' Meat," agrees to discontinue use of the word "meat" as a part of that trade name or otherwise in advertising, implying that the product is made of meat. The agreement provides that if the food consists substantially of meat, the word "meat," if used to describe the meat content, shall be accompanied by other words in large type clearly indicating that the food is not made wholly of meat, but contains other products.

Assertions that its dog food is a scientifically complete food or a complete food for puppies or dogs of all breeds, will be discontinued unless a standard definition of what constitutes a balanced ration for dogs has been properly determined.

The respondent company agrees to stop representations of 20 years' experience in practical dog breeding and feeding, and use of the word "manufacturers," implying that the company, which is a distributor, manufactures its dog foods, when this is not true.

No. 1815. Operating under the name **Maple Lawn Hatchery, Roy T. Ehrenzeller, McAlisterville, Pa.**, agrees to stop using advertising matter which has been copied and appropriated from advertisements of a competitor or competitors, or the use of any advertising which may have a tendency to cause buyers to believe that Ehrenzeller's business is associated with the business of a competitor or competitors, or that his merchandise is the same as competitors', when such are not the facts. Ehrenzeller also agrees to cease advertising in a manner implying that he maintains and operates the flocks which produce the eggs from which the chicks he advertises are hatched, when this is not true. The stipulation points out that he purchases such eggs from various poultrymen.

No. 1816. **Morays Watch Case Company, 27 Sixth Ave., Brooklyn**, stipulates that it will stop using advertisements or other printed matter containing exaggerated or misleading representations concerning the values or prices at which its products are sold. According to the stipulation, this company sold its wristwatch bracelets under the trade name "Gold Suntan Bracelet," the figures "\$3.00" appearing on the cards on which these articles were mounted. The stipulation points out that the prices on the mounting cards were not the prices at which the products were sold or expected to be sold, but were greatly in excess of the usual prices.

No. 1817. **The Hutchins Pants Company, 408 West 7th St., Cincinnati**, trading as **Dunlap Pants Company**, will discontinue use in advertising matter of the phrases "tailored to fit" or "made to fit" or from otherwise representing that its articles of clothing are tailored to the measure of the individual customers, when such is not a fact. The company also stipulates that it will stop representing that garments are given free, when such purported gifts are in fact bought and paid for by the services performed by the agents in the sale of merchandise for the company, and that it will cease using such statements as "Direct to wearer" or "Buy your garments direct" so as to imply that the Hutchins Pants Company manufactures the products it sells, or owns and operates a factory in which such products are made.

No. 1818. **Harry Kean, Samuel Weisman and William Albaum**, trading as **Mode Novelty Company, 232 13th Ave., Newark, N. J.**, will discontinue selling baseball or novelty caps manufactured from second-hand, old or discarded felt or other materials, unless there is affixed to such products in a conspicuous place, so as to be readily seen, some words clearly indicating that they are not made from new and unused materials, but from second-hand, old or discarded materials.

No. 1819. Luzier's, Inc., 3210 Gillham Plaza, Kansas City, Mo., in the sale of cosmetics, will cease representing on labels affixed to its products that "Hair Tonic" will promote hair growth, that "Muscle Oil," when applied to the outer surface of a double chin, will tighten the muscles, that "Marvelo" and "Lu-Mar" will remove age-lines or wrinkles, or that "Massage Cream" or "Lu-Tone" will nourish and strengthen tissues of the skin, when such are not the facts.

No. 1820. M. A. Willis, whose address is Lumber Exchange Building, Minneapolis, sells coupons and advertising matter for use of retailers in connection with the sale of their merchandise, and redeems such coupons when returned by customers of the retailers through exchanging them for articles of silver-plated ware and chinaware. Coupons sold to retailers under the name of "The Thompson Pottery Co., Advertising Department," are redeemable in chinaware, through an arrangement made between Willis and The C. C. Thompson Pottery Company, of East Liverpool, Ohio. Coupons sold under the name Rogers Redemption Bureau, formerly Rogers Advertising Syndicate, are redeemable in silver-plated ware purchased by Willis from wholesalers.

In this stipulation, the respondent agrees to stop representing that the merchandise he distributes to retailers' customers is free, and to stop concealing from, or failing to disclose to such retailers the fact that such merchandise is not distributed free, but that a charge therefor is exacted from their customers. Willis also agrees to cease the use in retail dealer contracts of misleading clauses respecting the terms and conditions upon which refunds of sums paid by retailers for coupons and advertising will be made.

Use of the name "The Thompson Potter Co., Advertising Department," or of any abbreviation thereof, such as "Advt. Dept.," or of any other similar words implying that the respondent is conducting an advertising campaign for The C. C. Thompson Pottery Company, of East Liverpool, Ohio, or that he is the advertising department of that company, or is connected therewith in any way other than as purchaser, will be discontinued, under the stipulation.

Willis stipulates that he will discontinue exhibiting to retailers merchandise of a different quality than that distributed, as a means of inducing them to subscribe for coupons and advertising matter.

No. 1821. Novel-Wash Company, 4045 Garfield Ave., St. Louis, trading as Biancolava Chemical Company, engaged in the sale of a cleaning fluid under the trade names "Novel-Wash" and "Biancolava," agrees to discontinue advertising that its product is a liquid solution of chlorine and is non-poisonous; that it will sterilize and disinfect at the same time, and will remove all stains, and that it is a deodorizer, antiseptic, and will promote health.

No. 1822. Michael L. Temkin, trading as Temson Spice Company and as Temson Products Company, 1142 South Karlov Avenue, Chicago, agrees that in the sale of spices and flavoring extracts he will cease placing on labels any false or fictitious representations concerning the price or value of his products, and will stop selling products marked with a purported selling price known to be in excess of the price at which the products are intended to be and are sold in the usual course of trade.

No. 1823. Samuel Klein, 1374 39th St., Brooklyn, trading as Pierre Villon and dealing in perfumes, toilet waters and sachets, stipulates that he will discontinue the use on labels of such legends as "Pierre Villon, Roma-Italy," "Pierre Villon, Paris-New York," or "Noel en Paris, Villon," either alone or in connection with phrases or pictorial representations which may signify that the products so labeled are made in or imported from a foreign country, or that he has an office or laboratory in a foreign city, when such is not a fact. Klein will stop using containers imported from Italy and so marked, in which to sell domestic products, unless such containers are plainly and conspicuously stamped with words informing purchasers that the contents are not imported, but are domestic products.

No. 1824. New York Eagle Ink Company, Inc., 611 Broadway, New York, engaged in the sale of powdered ink, stipulates that it will discontinue using the phrase "Established 1902" on letterheads, billheads or in advertising matter, and the words "Manufactured and Distributed by the Eagle Ink Co." on labels or in advertising matter, implying that prior to March, 1936, the corporation manufactured the product which it sold in interstate commerce.

No. 1825. Joseph E. and Lester C. Bush, trading as The Bush Woolen Mills Company, Dresden, O., will cease and desist from use of the words "All Wool" to describe products not composed wholly of wool, and from use of the words "Wool" or "All Wool" in a manner to create the impression that the products referred to are composed wholly of wool, when such is not a fact.

The stipulation provides that in the event the product is composed in substantial part of wool, and the word "Wool" is used to describe it, then that word shall be accompanied by other words in conspicuous type so as to indicate that the product is not composed wholly of wool, but in part of other materials.

No. 1826. Augustine & Kyer, Inc., 815 First Avenue, Seattle, agrees that in the sale of candy in interstate commerce it will cease and desist from the use of any scheme or plan to promote the sale of its product which involves or places in the hands of dealers, for use by them, any gift enterprise or lottery whereby any article is obtained or the value of any article is determined by lot or chance.

No. 1827. The Studebaker Corporation and its subsidiary, **The Studebaker Sales Corporation of America,** both having headquarters in South Bend, Ind., have entered into a stipulation to discontinue certain misleading representations in connection with advertising a financial plan for use by customers in the purchase of automobiles.

In their agreement with the Commission, these companies stipulate that in their advertising matter or in that furnished to authorized dealers, they will stop using representations, pursuant to a financing plan, the effect or tendency of which is to cause purchasers to believe that the plan contemplates the payment of a simple interest rate on deferred and unpaid balances of the purchase price, as, for instance, 6 per cent, when in fact the interest rate involved and actually required is other than a simple interest rate of the amount referred to in such advertising.

According to the stipulation, the respondent companies advertised that "the new Studebaker C.I.T. six per cent plan offers a new low in cost to the time buyer," the initials "C.I.T." referring to Commercial Investment Trust Corporation, New York City, a financing company. Another advertisement was quoted as follows: "New low down payment which may easily be covered by the trade-in value of your present car, delivers this completely equipped 1936 Studebaker sedan in Chicago. Transportation, preparation and new low C.I.T. six per cent financing charges all paid! Then you pay as little as \$29.50 a month."

No. 1828. Fred B. Havens, trading as Puritan Poultry Products, 1002 West Michigan Avenue, Jackson, Mich., engaged in selling an alleged proprietary medicinal product called "Puritan Egg Producer," agrees to cease employing the words "egg producer" alone or in connection with other words to describe the merchandise he sells, when in fact it does not contain ingredients serving as an aid in the egg production of poultry. Havens also agrees to discontinue advertising a "special offer" of \$5 worth of his products for only \$1.95, when in fact, according to the stipulation, \$5 is not the regular price and \$1.95 is not a special offer but the regular price.

No. 1829. Albert Sieb and Frank E. Dumser operate Sieb's Hatchery, for production of baby chicks, at Lincoln, Ill. They have branches at New Holland, Mt. Pulaski, and McLean, Ill. In selling their products, these respondents agree to bar use as a trade name for their baby chicks of the words "Sieb's Oversize Chicks," unless their chicks are definitely larger and heavier than those of competitors. The stipulation points out that under the Illinois "approved hatchery plan" eggs for hatching shall weigh at least 24 ounces to the dozen and the minimum weight for individual eggs shall be 1 11/12 ounces. These standards are observed by other dealers as well as Sieb and Dumser, and, according to the stipulation, there is no good reason for believing that the Sieb's Hatchery chicks are larger and heavier than those produced by others observing the requirements. The respondents also agree to cease using representations implying that increases in the number of their customers are due to the fact that the baby chicks they sell are larger and heavier than those of competitors, when this is not true.

No. 1830. Remedies for dogs are sold by Benjamin S. Bonebrake and William T. Hollifield, trading as S. A. Crisp Canine Company, with headquarters at Blacksburg, S. C. In their stipulation they agree to stop asserting that their product, "Crisp's Hot Shot Nerve Sedative," is a remedy for running fits in dogs; that "Crisp's Expectorant" is a remedy for dog distemper; and agree to cease using exaggerated assertions regarding the curative properties of their "Tun Kone" treatment of black tongue, and of "Crisp's Sarcopic Mange Remedy."

No. 2724. The Commission has vacated its findings of fact and order to cease and desist against **Gustave Goldstein, trading as Humania Hair & Specialty Mfg. Co., 10-12 East 23rd St., New York City,** and entered a new order against the same respondent, who is engaged in the sale of hair goods, cosmetics and toilet preparations.

The new order is substantially the same as the original, and

directs the respondent to discontinue representing that he is a manufacturer of hair and specialty goods and an importer of hair goods, and to cease certain claims as to the benefits to the skin and hair to be derived from the use of his various cosmetics and toilet preparations, unless such representations are true.

FEDERAL COMMUNICATIONS COMMISSION ACTION

There was no meeting of the Broadcast Division of the Commission this week. It is expected that the next meeting of the Division will be held Tuesday, November 10.

HEARING CALENDAR

Monday, November 9

HEARING BEFORE AN EXAMINER

(Broadcast)

- NEW—Memphis Commercial Appeal, Inc., Mobile, Ala.—C. P., 630 kc., 1 KW, 5 KW LS, unlimited time.
- NEW—Isadore Goldwasser, Anniston, Ala.—C. P., 1420 kc., 100 watts, daytime.
- WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Modification of license, 1130 kc., 500 watts, limited until LS at KSL, Salt Lake City.

Tuesday, November 10

HEARING BEFORE AN EXAMINER

(Broadcast)

- NEW—Advertiser Publishing Co., Ltd., Honolulu, T. H.—C. P., 1370 kc., 100 watts, unlimited time.
- NEW—Fred J. Hart, Honolulu, T. H.—C. P., 600 kc., 250 watts, unlimited time.

Wednesday, November 11

HEARING BEFORE AN EXAMINER

(Broadcast)

- NEW—State Capitol Broadcasting Assn., R. B. Anderson, President, Austin, Tex.—C. P., 1120 kc., 500 watts, 1 KW LS, specified hours (all hours not used by WTAW).
- NEW—Dallas Broadcasting Co., Dallas, Tex.—C. P., 1500 kc., 100 watts, daytime.
- NEW—Brownwood Broadcasting Co., Brownwood, Tex.—C. P., 1370 kc., 100 watts, daytime.
- NEW—Sweetwater Broadcasting Co., Sweetwater, Tex.—C. P., 1310 kc., 100 watts, daytime.

Thursday, November 12

HEARING BEFORE AN EXAMINER

(Broadcast)

- NEW—Harriett M. Alleman and Helen W. McLellan, d/b as Cape Cod Broadcasting Co., Barnstable, Mass.—C. P., 1210 kc., 100 watts, 250 watts LS, unlimited time.
- NEW—Philip J. Wiseman, Lewiston, Maine.—C. P., 1210 kc., 100 watts, unlimited time.
- NEW—Arthur E. Seagrave, Lewiston, Maine.—C. P., 1420 kc., 100 watts, 250 watts LS, unlimited time.
- NEW—Twin City Broadcasting Co., Inc., Lewiston, Maine.—C. P., 1210 kc., 100 watts, unlimited time.
- NEW—George M. Haskins, Hyannis, Mass.—C. P., 1210 kc., 100 watts, 250 watts LS, unlimited time.
- WMAS—WMAS, Inc., Springfield, Mass.—C. P., 560 kc., 1 KW, unlimited time.

Friday, November 15

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-243:

- NEW—Nathan N. Bauer, Miami, Fla.—C. P., 1420 kc., 100 watts, unlimited time.

Examiner's Report No. I-253:

- WALR—WALR Broadcasting Corp., Zanesville, Ohio.—C. P. to move to Toledo; 1210 kc., 100 watts, unlimited time.

Examiner's Report No. I-254:

- NEW—Community Broadcasting Co., Toledo, Ohio.—C. P., 1200 kc., 100 watts, daytime.

Examiner's Report No. I-261:

- NEW—Earl Weir, St. Petersburg, Fla.—C. P., 1370 kc., 100 watts, unlimited time.

Examiner's Report No. I-221:

- KLO—Interstate Broadcasting Corp., Ogden, Utah.—C. P., 1400 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 1400 kc., 500 watts, unlimited time.

HEARING BEFORE AN EXAMINER

(Broadcast)

- NEW—National Battery Broadcasting Co., St. Paul, Minn.—C. P., 920 kc., 1 KW, unlimited time.
- NEW—National Battery Broadcasting Co., St. Paul, Minn.—C. P., 580 kc., 1 KW, unlimited time.
- NEW—Hildreth & Rogers Co., Lawrence, Mass.—C. P., 680 kc., 1 KW, daytime.
- NEW—Old Colony Broadcasting Corp., Brockton, Mass.—C. P., 680 kc., 250 watts, daytime.

APPLICATIONS RECEIVED

First Zone

- WNYC—City of New York, Dept. of Plant & Structures, New York, N. Y.—Modification of construction permit (B1-P-678) as modified, for equipment changes, antenna changes, move of transmitter and to extend completion date from 11-28-36 for 180 days.
- WLWL—Missionary Society of St. Paul the Apostle, New York, N. Y.—Modification of license to change hours of operation from specified hours to unlimited time, requesting facilities of WOV. Also requesting that WPG be assigned to 1130 kc., unlimited time.
- NEW—Charles Greenblatt, Waterbury, Conn.—Construction permit to erect a new station to be operated on 1190 kc., 250 watts daytime. Amended: Change hours of operation from day to limited time, using 250 watts power day and night. Request frequency and time of WATR.
- WBNY—Roy L. Albertson, Buffalo, N. Y.—Modification of license 1370 to operate 2 to 3 p. m., 10-31-36 and 11-14-36; 8:30 to 10 a. m. and 2 to 3 p. m., 11-1-36, 11-8-36 and 11-15-36; all hours on 11-3-36, 11-6-36, 11-7-36 and 11-11-36.
- WAAB—Bay State Broadcasting Corp., Boston, Mass.—License 1410 to use present licensed transmitter (W.E. 106-B) as an auxiliary transmitter.
- WNNY—Black River Valley Broadcasts, Inc., Watertown, N. Y.—1420 Modification of construction permit (B1-P-1088) for a new station, requesting authority to make changes in authorized equipment.
- WSAR—Doughty & Welch Electric Co., Inc., Fall River, Mass.—1450 Modification of construction permit (B1-P-225) for changes in equipment, increase in power, requesting extension of completion date from 10-31-36 to 12-1-36.
- WHOM—New Jersey Broadcasting Corporation, Jersey City, N. J.—1450—Construction permit to install a new transmitter and increase power from 250 watts to 250 watts night, 1 KW day.
- NEW—General Electric Co., near Belmont, Calif.—Construction permit for international broadcasting station on 9530, 15330, 21480 kc., power 20 KW.
- W2XAD—General Electric Co., Schenectady, N. Y.—Construction permit to make changes in equipment and add frequency 21480 kc.

Second Zone

- WIP—Pennsylvania Broadcasting Company, Inc., Philadelphia, Pa.—610 Construction permit to install new transmitter and vertical antenna, increase night power from 500 watts to 1 KW, move transmitter from 35 S. Ninth St., Philadelphia, Pa., to 21st and Hamilton Sts., Philadelphia, Pa.
- NEW—Allen T. Simmons, Mansfield, Ohio.—Construction permit 780 to erect a new broadcast station to be operated on 780 kc., 1 KW power, daytime.
- NEW—Statistical Research Laboratories, Inc., Cleveland, Ohio.—1200 Construction permit for a new broadcast station to be operated on 1200 kc., 100 watts nighttime, 250 watts day, unlimited time; studio, 1501 Euclid Ave., Cleveland, Ohio; transmitter, to be determined, Cuyahoga County, Ohio. Amended to install directional antenna and for approval of transmitter site at Distribution Terminal Warehouse, W. 14th and University Rd., Cleveland, Ohio.

NEW—Frazier Reams, Mansfield, Ohio.—Construction permit to 1370 erect a new broadcast station to be operated on 1370 kc., 100 watts, daytime.

WHK—Radio Air Service Corp., Cleveland, Ohio.—Authority to 1390 determine operating power by direct measurement of antenna power.

WBCM—James E. Davidson, Bay City, Mich.—Authority to determine 1410 operating power by direct measurement of antenna power.

WCKY—L. B. Wilson, Inc., Covington, Ky.—Construction permit 1490 to install new transmitter.

NEW—Leo J. Omelian, Erie, Pa.—Construction permit for new high 1900 frequency relay broadcast station on 31100, 34600, 37600, 40600 kc., 8 watts power.

W3XAU—WCAU Broadcasting Co., Newtown Square, Pa.—License to cover construction permit for international broadcast station, for increase in power to 10 KW.

Third Zone

NEW—H. O. Davis, Mobile, Ala.—Construction permit for a new 610 station to be operated on 610 kc., 250 watts night and 500 watts day power, unlimited time.

WOAI—Southland Industries, Inc., San Antonio, Tex.—Authority 1190 to transfer control of corporation from G. A. C. Half to Columbia Broadcasting System, Inc., 2,000 shares of common stock.

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—License 1200 to cover construction permit (B3-P-872) for changes in equipment and increase in power (move covered by license B3-L-319).

WJRD—James R. Doss, Jr., Tuscaloosa, Ala.—License to cover 1200 construction permit (B3-P-694) as modified for a new station.

WFOY—Fountain of Youth Properties, Inc., St. Augustine, Fla.— 1210 Modification of construction permit (B3-P-466) for a new station to install new transmitter and extend commencement and completion dates from 8-12-36 and 2-12-37 to 30 days after grant and 120 days thereafter.

KTAT—Tarrant Broadcasting Company, Fort Worth, Tex.—Construction 1240 permit to install new transmitter and vertical antenna (contingent upon granting of B3-AL-136).

NEW—Red Lands Broadcasting Assn., Ben. T. Wilson, President, 1310 Lufkin, Tex.—Construction permit to erect a new broadcast station to be operated on 1310 kc., 100 watts power, daytime. Amended: Change transmitter site from 3 miles north-east of Lufkin, Tex., to site to be determined, Lufkin, Tex.

KFXR—Exchange Ave. Baptist Church of Oklahoma City, Okla.— 1310 Modification of construction permit (B3-P-1141) to change type of equipment.

WALA—Pape Broadcasting Corporation, Inc., Mobile, Ala.— 1380 Authority to make changes in automatic frequency control equipment.

WGPC—Americus Broadcast Corp., Albany, Ga.—Modification of 1420 construction permit (B3-P-1077) for new equipment; move studio and transmitter, further requesting authority to install new transmitter and make antenna changes; increase day power from 100 to 250 watts; change studio address from 127½ N. Jackson St. to 125½ N. Jackson St., Albany, Ga.; move transmitter from corner Pine and Jackson Sts. to 125½ N. Jackson St., Albany, Ga.; extend commencement and completion dates from 9-17-36 and 3-17-37 to 30 days after grant and 60 days thereafter. Amended: Omit request for increase in day power.

WHBB—W. J. Reynolds, Jr., J. C. Hughes, and J. S. Allen, d/b 1500 as Selma Broadcasting Co., Selma, Ala.—Voluntary assignment of license from W. J. Reynolds, Jr., J. C. Hughes, and J. S. Allen, d/b as Selma Broadcasting Co., to Selma Broadcasting Co., Inc.

KGKB—East Texas Broadcasting Co., Tyler, Tex.—Construction 1500 permit to make changes in equipment, increase power from 100 watts to 100 watts night and 250 watts day, change hours of operation from unlimited day, specified hours night, to unlimited.

Fourth Zone

KFYR—Meyer Broadcasting Co., Bismarck, N. Dak.—Modification 550 of license to change power from 1 KW nighttime, 5 KW daytime, to 5 KW day and night.

WIBW—Topeka Broadcasting Association, Inc., Topeka, Kans.— 580 Modification of license to change power from 1 KW night, 5 KW day, to 5 KW day and night.

WMT—Iowa Broadcasting Co., Cedar Rapids, Iowa.—Modification 600 of license to increase power from 1 KW night, 5 KW day, to 5 KW day and night, using directional antenna at night.

KMA—May Seed & Nursery Co., Shenandoah, Iowa.—Authority 930 to determine operating power by direct measurement of antenna.

KMA—May Seed & Nursery Co., Shenandoah, Iowa.—License to 930 cover construction permit (B4-P-764) for new equipment and move of transmitter.

WWAE—Hammond-Calumet Broadcasting Corp., Hammond, Ind. 1200 —Construction permit to install new transmitter.

KSCJ—Perkins Bros. Co. (Sioux City Journal), Sioux City, Iowa. 1330 —Construction permit to move auxiliary transmitter from 1st and Bluff Sts., Sioux City, Iowa, to McLaughlin Farm, southeast quarter of northeast quarter, Section 1, Sioux City, Iowa.

WGRC—Northside Broadcasting Corporation, New Albany, Ind.— 1370 License to cover construction permit (B4-P-494) as modified for new station.

WMIN—Edward Hoffman, St. Paul, Minn.—Modification of 1370 license to change name from Edward Hoffman to Edward Hoffman, tr/as WMIN Broadcasting Co.

NEW—Abraham Plotkin, Chicago, Ill.—Construction permit for 1600 a new broadcast station to be operated on 1600 kc., 100 watts nighttime, 250 watts day, unlimited time; studio, Ashland and Van Buren Ave., Chicago, Ill., transmitter to be determined, Cook County, Ill.

W9XLP—Mississippi Valley Broadcasting Co., Portable-Mobile.— License to cover construction permit for high frequency relay broadcast station on 31100, 34600, 37600, 40600 kc., 5 watts.

W9XAZ—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Modification of license to change frequencies from 31600, 35600, 38600, 41000 kc. to 26400 kc.

Fifth Zone

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.— 780 License to cover construction permit (B5-P-984) for increase in power and move of transmitter.

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.— 780 Authority to determine operating power by direct measurement of antenna.

KFPY—Symons Broadcasting Co., Spokane, Wash.—Authority to 890 determine operating power by direct measurement of antenna power.

KG CX—E. E. Krebsbach, Wolf Point, Mont.—License to cover 1310 construction permit (B5-P-444) as modified for new equipment, move of transmitter, change in frequency, power, and hours of operation.

NEW—Ellwood Warwick Lippincott, Bend, Ore.—Construction 1310 permit for new station to be operated on 1310 kc., 100 watts power, unlimited time.

KMO—KMO, Inc., Tacoma, Wash.—Modification of construction 1330 permit (B5-P-1235) for increase in power, move of transmitter and new antenna, requesting new equipment and approval of transmitter site at Main Tacoma-Seattle Highway, 1½ miles north of city of Tacoma, Wash.

KGER—Consolidated Broadcasting Corporation, Ltd., Long Beach, 1360 Calif.—Construction permit to make changes in equipment.

KSLM—Oregon Radio, Inc., Salem, Ore.—Modification of construction 1370 permit (B5-P-1182) for a new transmitter, requesting changes in authorized equipment. Amended to make further changes in equipment.

KGAR—Tucson Motor Service Company, Tucson, Ariz.—Modification 1370 of license to change frequency from 1370 kc. to 890 kc., power from 100 watts night, 250 watts day, to 250 watts day and night.

NEW—Central Broadcasting Corporation, Centralia, Wash.—Construction 1440 permit for new station on 1440 kc., 1 KW power, unlimited time.

NEW—Dr. A. H. Schermann, Mobile, Flagstaff, Ariz.—Construction permit for a low frequency relay station on 2190, 1646, 2090, 2830 kc., 10 watts power.

NEW—Radio Service Corp. of Utah (Mobile), Salt Lake City, Utah.—Construction permit for a high frequency relay broadcast station on 39700, 39900, 40800, 41400 kc., 5 watts power.

NEW—Radio Service Corp. of Utah (Mobile), Salt Lake City, Utah.—Construction permit for high frequency relay broadcast station on 39700, 39900, 40800, 41400 kc., 5 watts power.

The National Association of Broadcasters

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RECOMMENDS NEW PENNSYLVANIA STATION

The Pottsville Broadcasting Company has filed an application with the Federal Communications Commission asking for a construction permit for the erection of a new broadcasting station at Pottsville, Pa., to use 580 kilocycles, 250 watts and daytime operation.

Examiner Melvin H. Dalberg in Report No. I-305 recommended that the application be granted. The Examiner found that there is need for daytime broadcast service in the area proposed to be served. He found that there would be no interference with any existing facilities or conflict with any of the pending applications before the Commission.

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

- Minneapolis-Honeywell Regulator Co., Minneapolis, Minn. (2-2571, Form A-2)
- Florence Stove Company, Gardner, Mass. (2-2572, Form A-2)
- Duquesne Brewing Co. of Pittsburgh, Pittsburgh, Pa. (2-2573, Form A-2)
- Checker Cab Manufacturing Corp., Kalamazoo, Mich. (2-2574, Form A-2)
- Greenwich Gas System, Inc., Greenwich, Conn. (2-2575, Form A-1)
- Kentucky Springs Distillery, Louisville, Ky. (2-2576, Form A-1)
- Eaton & Howard Management Fund, Boston, Mass. (2-2577, Form A-1)
- H. A. Montgomery Company, Detroit, Mich. (2-2578, Form A-2)
- Shenango Valley Water Co., Sharon, Pa. (2-2580, Form A-2)
- Comstock-Dexter Mines, Inc., Prescott, Ariz. (2-2580, Form A-1)
- Peaslee-Gaulbert Corp., Louisville, Ky. (2-2582, Form A-2)
- Beaunit Mills, Inc., New York City (2-2583, Form A-2)
- Michigan Bumper Corp., Grand Rapids, Mich. (2-2584, Form A-1)
- Que-On Mines, Ltd., Toronto, Canada (2-2586, Form A-1)
- Kline Brothers Company, New York City. (2-2587, Form D-1)
- Kline Brothers Company, New York City (2-2588, Form A-2)
- Preferred Stockholders Indianapolis Chain Store, Indianapolis, Ind. (2-2589, Form D-1)
- United States Casualty Company, New York City. (2-2590, Form A-2)
- Canusa Gold Mines, Ltd., Toronto, Canada. (2-2591, Form A-1)
- Rickard Ramore Gold Mines, Ltd., Toronto, Canada. (2-2592, Form A-1)
- Reliance Electric & Engineering Co., Cleveland, Ohio. (2-2593, Form A-2)
- Store Kraft Manufacturing Co., Beatrice, Nebr. (2-2594, Form A-2)
- Petrie Stores Corp., New York City. (2-2595, Form A-2)
- James Talcott, Inc., New York City. (2-2596, Form A-2)
- Ohio Associated Telephone Company, Erie, Pa. (2-2597, Form A-2)

CHANGES RECOMMENDED FOR WKZO

Broadcasting station WKZO, Kalamazoo, Mich., applied to the Federal Communications Commission for authority to move its

transmitter to a new site, to install a directional antenna and to operate on 590 kilocycles, with power of 250 watts night and one kilowatt unlimited time. The station now operates on 590 kilocycles, with 1,000 watts power daytime only.

Examiner George H. Hill in Report No. I-306 recommended that the application be granted. He found that "there is a definite need for this additional service as this area does not have any acceptable nighttime service." The Examiner states that the operation of the station with a directional antenna "would not result in any objectionable interference to the normally protected service area of any existing station."

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints against the following firms. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

No. 2809. An order to cease and desist has been issued against **G. Lindholm Company, Inc.**, 316 Flatbush Ave., Brooklyn, dealer in a comb product for use in treating the hair and scalp.

The order directs the respondent company, in the sale of the "Evans Dermectro Electric Comb", to discontinue representing through employment of phrases such as "amazing invention", "it does wonders for your hair", and "it strokes new life and vigor into your hair", that use of this device will check dandruff and falling hair, impart new life to dry, dull hair and cause it to become lustrous, thick and wavy, and other representations.

The order also prohibits representations, directly or indirectly, that each of the respondent's products carries with it a guarantee for the benefit of the purchaser in the event of dissatisfaction. In connection with such purported guarantee, the order prohibits the use of language such as "A thousand-dollar guarantee goes with every comb. If, after seven days' usage you are not satisfied, just return the comb and your money will be cheerfully refunded."

No. 2962. Suppression of competition in the women's wearing apparel trade through a merchandising plan said to have been entered into by more than 50 retail dealers in more than 50 of the larger cities of the United States, with two New York corporations and an individual, is alleged in a complaint.

Respondents named in the complaint are National Modes, Inc., National Modes Holding Corporation, Inc., and John Block, all of 130 W. 31st St., New York City. Block is president, treasurer and majority stockholder of the holding corporation, and secretary of National Modes, Inc. The more than 50 retailers are stockholders in National Modes, Inc.

The plan involved, as alleged, the creation and development of trade-marks and trade names in connection with certain lines of wearing apparel and other merchandise, for popularizing certain styles through the channels of the respondent organizations and their retail subscribers. It is charged that the respondent corporations entered into contracts with the retailers to feature and promote these styles at prices to be fixed by National Modes, Inc., and with certain manufacturers to supply the garments advertised.

According to the complaint, National Modes, Inc., created the trade-mark or trade name "Carolyn" to be applied to garments costing \$10.75, or more, each, and the name "Jeanne Barrie" for garments costing less than \$10.75. These names were nationally advertised by the respondents, according to the complaint, so that a widespread public preference for them, and the garments they designated, was created.

No. 2963. A complaint has been issued against **Zion Holy Spiritual Mission and Eustace N. French**, trading as **Zion Holy Spiritual Mission Laboratories**, 3338 S. State St., Chicago, alleging unfair trade practices and false advertising in the sale of correspondence courses in spiritual development, magic and mysticism; "success seals", good luck coins, and books.

French allegedly represents that he is an ordained minister of the Spiritualist Church, being a graduate of, and holding degrees from a seminary of that church, when, according to the complaint, such are not the facts, and he is not entitled to use ecclesiastical titles.

Other representations which the respondents are said to make, and which the complaint alleges are untrue, are that their "success seals" enable one to have power and influence over all things, and that their correspondence lessons and books are complete courses of instruction in magical spiritual arts and in educational and spiritual development, equipping purchasers with the power to make money immediately upon beginning the course and to accomplish the many results claimed for their products.

No. 2964. Alleging use of unfair methods of competition in connection with the sale of a poultry medicine designated "Pratt's 'Split-Action' N-K Capsules," a complaint has been issued against **Pratt Food Company, 126 Walnut St., Philadelphia.**

Advertising in newspapers, on labels and in other ways, the respondent company allegedly makes representations to the effect that its product will destroy all worms, including tapeworm heads. According to the complaint, such representations are false and misleading, and tend to deceive purchasers and to divert trade unfairly to the respondent company from competitors who truthfully advertise their products.

No. 2965. Labeling hosiery in a manner tending to cause purchasers to believe it is composed substantially of silk when such is not a fact, is the basis of a complaint issued against **Shuford Hosiery Mills, Inc., Hickory, N. C.**

The respondent corporation allegedly stamps certain of its hosiery with the words "Pure Thread Silk," in large type, while the accompanying words "Reinforced with Rayon" are in smaller and less conspicuous type. Such a brand is alleged to create the false impression that the rayon content constitutes a relatively small part of the hosiery, when, according to the complaint, the hosiery is not composed principally of silk but is made chiefly of a material or materials other than silk. In many instances, the complaint points out, the hosiery referred to is constructed from 80 per cent rayon thread and 20 per cent silk thread.

No. 2966. Unfair competition through excessive price marking of soap is alleged in a complaint issued against **Indianapolis Soap Co., 1249 Roosevelt Ave., Indianapolis**, trading also as **Sanisoap Co. and W. W. Soap Manufacturing Co.**

Cardboard boxes containing soap sold by the respondent company principally through house-to-house canvassers, were marked "3 bars—combination price, 75 cents", when in fact, according to the complaint, these prices were many times in excess of the actual selling price. This practice is alleged to have tended toward deception of purchasers into believing that they were receiving a soap of much greater value than the price charged would indicate. Such representations were in violation of Section 5 of the Federal Trade Commission Act, according to the complaint.

No. 2967. Fourteen companies manufacturing school supplies and the trade association of which they are the principal members are respondents in a complaint charging violation of the Federal Trade Commission Act. The respondents are alleged to have entered into a combination or conspiracy among themselves and through the association to restrain competition in the sale of their products by agreeing to fix and maintain uniform prices, terms and discounts.

Selling a large proportion of the total volume of chalk, wax crayons, water-colors, tempera colors and other school supplies distributed in interstate commerce, the following companies are named respondents in the Commission's complaint: **American Crayon Company, Sandusky, O.; Binney & Smith Co., 41 East 42nd St., New York; Milton Bradley Co., Springfield, Mass.; Talens School Products, Inc., 36 West 24th St., New York; Joseph Dixon Crucible Company, Jersey City, N. J.; Standard Crayon Manufacturing Co., Danvers, Mass.; National Crayon Company, West Chester, Pa.; New Jersey Crayon Company, Paterson, N. J.; Pennart Crayon Company, Easton, Pa.; Creston Crayon Company, New York; Weber Costello Co., Chicago Heights, Ill.; American Art Clay Company, 4717 West 16th St., Indianapolis; Globe Crayon Company, Brooklyn, N. Y.; and Art Crayon Company, 253 36th St., Brooklyn, N. Y.**

The trade association is the Crayon, Water-Color and Craft Institute, 386 Fourth Ave., New York City, formerly known as Paint and Crayon Industry.

Since December, 1934, the fourteen companies and the association are alleged to have cooperated in enforcing and maintaining fixed prices, terms and discounts by exchange of information through the association serving as a clearing house for exchange of price and sale information furnished by the corporate respondents. Regular meetings of the association members are alleged to have

been held for discussion of trade and competitive conditions and for agreement upon trade policies to be followed and prices to be charged.

The result, it is alleged, has been the enhancement of school supply prices above the levels prevailing in times of normal, open competition between the respondents, and a tendency to create in them a monopoly in the manufacture and sale of their class of products.

No. 2968. A complaint has been issued against **Alpha Laboratory, Inc., 5908 North Clark St., Chicago**, charging unfair competition in the interstate sale of hygienic products for use by women.

Among advertising assertions used were alleged misleading representations regarding the efficacy of the respondent company's products, and that they were approved by the American Medical Association, also language implying cooperation and close connection between the respondent company and the American Birth Control League.

The complaint charges that the respondent's products were not of the effectiveness advertised and that the representations concerning the medical and birth control organizations were not founded on fact. These advertising assertions are alleged to be in violation of the Federal Trade Commission Act, constituting unfair competition.

Nos. 2969-2970-2971. Complaints have been issued against **Consolidated Candy Co., 826 Exposition Ave., Dallas, Tex.; Charles Elisco, trading as Maywood Candy Co., 415 Lake St., Maywood Ill.; and Chocolate Products Co., Inc., Amber and Westmoreland Sts., Philadelphia**, charging them with unfair competition through use of lottery methods in the sale of candy.

Assortments of candy were arranged so that purchasers drawing larger pieces than the customary sizes would receive prizes, and in other assortments the push card device was used, according to the complaints. In another type of assortment were packages of candy in which were concealed either articles of merchandise or coins, one complaint alleged.

Nos. 2972-2975. Four additional complaints charging violations of Robinson-Patman anti-price discrimination amendments to the Clayton Act have been issued. The complaints also allege violations of Section 5 of the Federal Trade Commission Act prohibiting unfair competition.

Twelve respondents are named in the complaints. They are:

Bourjois, Inc., of New York City, and Bourjois Sales Corporation and Barbara Gould Sales Corporation, subsidiaries of Bourjois, Inc.

Richard Hudnut, of New York City, and Richard Hudnut Sales Company, a subsidiary;

Coty, Inc., of New York City, and Coty Corporation, Ltd., incorporated in Maryland; Coty Corporation, Ltd., incorporated in Tennessee; Coty California Corporation, and Coty New Jersey Corporation;

Elmo, Inc., of Philadelphia, and Elmo Sales Corporation, a subsidiary.

The complaints charge violations of Sections 2(a), 2(d) and 2(e) of the Robinson-Patman Act, as well as Section 5 of the Federal Trade Commission Act.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

No. 01488. **Frank S. Perlins, Omaha, Nebr., an individual operating under the trade name of National Detective System**, selling a correspondence course in detective instruction, agrees to stop various representations of his course, typical among which are the assertions that men and women are in demand everywhere for secret investigation and confidential work; that experience is unnecessary to be a successful detective, and that detectives who graduate from this course are never poor.

No. 01490. **Frank R. Jelleff, Inc., 1214 F St., N. W., Washington, D. C.**, dealing in fur coats and fur-trimmed coats, agrees to cease describing furs in any other way than by use of the correct name of the fur as the last word of the description, and when any dye or blend is used in simulating another fur, the true name of the fur appearing as the last word of the description is to be immediately preceded by the word "dyed", or "blended" compounded with the name of the simulated fur. The Jelleff company agrees to stop representing that vicuna fur dyed or dressed to resemble the fur of the fox is "Vicuna Fox"; that kid or young goat dyed or dressed to resemble caracul is "Kid Caracul", and like representations.

No. 01491. **Rudolph Blank, trading as Golden Youth, 1860 Broadway, New York**, agrees to cease representing that "Stimu-

lax" is a natural system cleanser and a digestant; that "Glantonix" is a gland tonic or builds resistance against disease; that "Vegetonic" preserves and restores clear complexion and general health; and that certain other of his products correct or remove wrinkles, or recreate the natural beauty of the skin. The respondent also will stop using such names as "Glantonix" or "Tonic Cleanser" to designate his products.

No. 01492. I. M. Silverberg, trading as The Roxol Company, 123 S. 8th St., St. Louis, will cease and desist from representing in advertising matter that "Roxol" is a competent remedy for eczema or psoriasis and kindred irritating skin ailments; that it will give "sure relief" in cases of long standing where all other remedies have failed; and that athlete's foot and ringworm yield quickly to "Roxol." The respondent also will stop advertising that he makes a special offer of \$3.00 for his product for a limited time.

No. 01493. The Elizabeth Towne Company, Inc., 247 Cabot St., Holyoke, Mass., engaged in selling a "Regeneration Series," including 12 Yogi developing exercises, will discontinue advertising that use of its course of lessons will retard old age, bring radiant health and new life to students of the course, and produce vital changes in chronic invalids.

No. 01494. V. E. Thompson, of Aurora, Ill., an individual trading as Thompson Bros. Balloon and Parachute Co., in selling parachutes, agrees to stop advertising that they have been approved by any governmental agency, or that the parachutes are of Navy surplus.

No. 01495. Randolph A. Menefee, trading as Khylex Chemical Co., Chevy Chase, Md., agrees to stop advertising that "Khylex", when followed by an application of vinegar, will remove all kinds of ink spots; will "renew" old painted woodwork and floors, and will act as a germicide or deodorant, unless, in connection with this last representation, the direction for the use of the product indicates that the room or article first must be thoroughly cleansed before "Khylex" is applied.

No. 01496. The Malone Oil Co., 2197 E. 18th St., Cleveland, in the sale of "Vitachix", will no longer assert that its "Vitachix Cod Liver Oil" is the richest known source of vitamins A and D, and that feeding "Vitachix Cod Liver Oil" to chickens builds up resistance against disease, eliminates thin-shelled eggs, and improved hatchability. Other like representations will be discontinued.

No. 01497. W. T. Grinstead, Edwardsville, Ill., trading as Rapid Marbleizing Service, engaged in selling instructions and a formula for the manufacture of imitation marble, agrees to cease representing that the composition "Liquid Marble", made by use of his instructions, "excels almost any other material for the reproduction of statuary", and to stop asserting that such composition "may be used wherever marble is used in building," or that "no experience is needed in the manufacture of imitation marble by the use of his instructions and formula."

No. 01498. The Empire Regenerator Co., Inc., 605 6th Ave., New York City, in selling a hair dye designated "The Empire Hair Regenerator", will cease representing that the product will remove gray hair or restore the original color to hair, or that it will prevent hair from turning gray. The corporation also agrees to cease using the words "Hair Regenerator" in connection with the sale of its product.

No. 01499. S. L. Doster, trading as Doster & Co., 4835 Rice St., Chicago, stipulates that in the sale of "Doster's Ointment" he will cease representations that the product is healing or antiseptic; that it causes red blotches to disappear and the skin to regain its normal texture, unless these assertions are qualified by statements that it cannot be relied upon to accomplish these results in all cases. The respondent also agrees to stop asserting that psoriasis, eczema, and other skin diseases yield quickly to the product, and that its results are guaranteed.

No. 01500. Charles F. Slade Co., Inc., 102 Clinton St., Buffalo, engaged in selling a preparation designated "S-K-O Slade's Solution", stipulates that it will discontinue representations that the product will sterilize bathroom equipment or any other articles.

No. 01501. J. J. Preo, trading as J. J. Preo & Co., Blaine, Wash., will stop advertising that his "Magic Skin Remedy" is competent in the treatment of insect bites, eczema, and all skin disorders; that it is a new discovery, giving instant relief, and that its use prevents the return of skin ailments.

No. 01502. Fred S. and William W. Hirsch, operating as Innerclean Manufacturing Co., 346 E. 6th St., Los Angeles, engaged in selling "Innerclean Intestinal Laxative", agrees to discontinue claims that the product, among other things, is a competent treatment for constipation, unless the representation is limited in reference to the relief of a simple or temporary condition. The respondents also agree to stop representing that their

product will purify the blood, relieve catarrhal conditions, or have any action on the kidneys, except that of a mild diuretic; that it will prevent ulcers, diabetes, Bright's disease, or other serious ailments; and that it will overcome irritations of the entire digestive and intestinal tract. The representation that the product does not contain drugs also will be stopped.

No. 2899. An order to cease and desist has been issued against G. Lindholm Company, Inc., 316 Flatbush Ave., Brooklyn, dealer in a comb product for use in treating the hair and scalp.

The order directs the respondent company, in the sale of the "Evans Dermectro Electric Comb", to discontinue representing through employment of phrases such as "amazing invention", "it does wonders for your hair", and "it strokes new life and vigor into your hair", that use of this device will check dandruff and falling hair, impart new life to dry, dull hair and cause it to become lustrous, thick and wavy, and other representations.

The order also prohibits representations, directly or indirectly, that each of the respondent's products carries with it a guarantee for the benefit of the purchaser in the event of dissatisfaction. In connection with such purported guarantee, the order prohibits the use of language such as "A thousand-dollar guarantee goes with every comb. If, after seven days' usage you are not satisfied, just return the comb and your money will be cheerfully refunded."

No. 2846. An order has been issued requiring Frances Brown, trading as American Bank Machinery Co., 4626 Lancaster Ave., Philadelphia, to discontinue unfair representations in the business of repairing and rebuilding perforating and check endorsing machines, and in selling new parts therefor.

The respondent is directed to cease asserting that she represents either the American Perforator Company or the Cummins Perforator Company, old line companies of Chicago; that she does all repair work for these companies; that the American company and the respondent are one and the same concern, and that the American and Cummins companies were, or are, out of business.

Representation that the respondent is a member of the National Association of Manufacturers of the United States of America is to be discontinued unless and until she becomes such a member, and she is directed to stop asserting that she has places of business in Chicago or Atlanta, unless and until this is the fact.

No. 2883. False and misleading representations in the sale of tonics, cosmetics and toilet preparations are prohibited under an order to cease and desist issued against Charles of the Ritz Distributors Corporation, 9-11 University Place, New York City.

The respondent corporation is directed to cease asserting that "Eye Lotion Ritz" strengthens the eye nerves or relieves eye strain due to any functional defect; that "Scalp Food Ritz" promotes growth of hair, and that "Eye Cream Ritz" nourishes the delicate underlying tissues about the eyes, so as to prevent crow's feet or banish face lines.

Another representation prohibited is that "Rejuvenescence Cream Ritz" is a compound of substances extracted from living tissues, or that it supplies the skin with the precious youth-giving element essential to young skin. Under the order, "Eyelash Grower Ritz" will no longer be represented as promoting the growth of the lashes.

No. 2886. Misrepresentation of the value and quality of imitation diamonds and rings is prohibited under an order to cease and desist entered against J. R. Stone, Wheeling, W. Va., trading as Spanish Diamond Co., Chinese Ring Co., and National Jewelry Co.

Stone is directed to discontinue advertising that the imitation diamonds he sells in interstate commerce are flawless; that they deceive experts, and cannot be told from genuine diamonds costing many hundreds of dollars; that they are "Spanish Diamonds", imported from Spain, and are "Laboratory made."

As to the ring mountings he sells, the respondent is ordered to stop representing that they have a platinum effect finish, are "white gold-appearing chromium" reproductions of a diamond ring worth \$300, or any substantial amount of money, or that they are 18-carat white gold.

No. 2896. Utilities Engineering Institute, Inc., 404 North Wells St., Chicago, has been ordered to discontinue certain unfair methods of competition, including the advertising of its correspondence courses in air conditioning and electric refrigeration under the guise of offering employment to persons answering its ads.

The Commission directed the respondent corporation to cease representing in the "Help Wanted" columns of newspapers, or otherwise, that it has positions at its disposal or that employment is being offered when, in reality these so-called "blind ads" are contact advertisements used in connection with the sale of the correspondence courses.

Under the order, the respondent corporation is directed to dis-

continue representing that it has made arrangements with various firms to employ and give permanent positions to students who have completed any course, or that the respondent will do so, and that so-called "job tickets" will be furnished applicants or students whereby they can earn money installing and servicing electric ice boxes while they are training.

No. 2926. The John J. McCann Co., 454 Lawrence St., Burlington, N. J., manufacturer of artificial limb appliances, has been ordered to cease and desist from false and misleading representations in the interstate sale of one of its products, namely, "stump socks", which are used to ease the pressure or friction caused by attachment of an artificial appliance in cases of amputation of a limb.

The order directs the respondent to cease and desist, directly or by implication, from representing through use of the phrase, "literally never wear out", or other words of similar import or effect, that the life of its stump socks is indefinite and that they are impervious to ordinary wear and tear, or are moth-proof or impervious to damage by moths.

FTC CLOSES CASE

No. 2886. The Federal Trade Commission has issued an order closing its case against Nolan Atz, of Milltown, Ind., trading under the names Atz's Hatchery, Atz's Blue Mound Hatchery, and Atz's Mammoth Hatchery.

In a Commission complaint issued August 3, 1936, Nolan Atz and other respondents were charged with unfair competition in the sale of baby chicks.

Closing of the case as to Nolan Atz was ordered following the signing by him of a stipulation in which he agreed to cease and desist from the use in advertisements of representations that the chicks he sells are hatched from the eggs of old hens, when such is not the definitely known fact, and that the chicks are hatched from eggs of flocks which have been "blood tested" for a term of years.

Atz agrees also to cease the substitution of sex or breeds different from those called for and specified in the orders, and to stop unduly delaying shipments without immediate advice to the purchaser of inability to fill orders at a given time, accompanied by offer of immediate refund.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, November 16

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Eau Claire Broadcasting Co., Eau Claire, Wis.—C. P., 1210 kc., 100 watts, unlimited time.

Tuesday, November 17

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—George Harm, Fresno, Calif.—C. P., 1310 kc., 100 watts, unlimited time.

KHSL—Golden Empire Broadcasting Co., Chico, Calif.—Modification of license, 1260 kc., 250 watts, unlimited time. Present assignment: 950 kc., 250 watts, daytime.

NEW—Golden Empire Broadcasting Co., Marysville, Calif.—C. P., 1140 kc., 250 watts, daytime.

NEW—Luther E. Gibson, d/b as Times-Herald Publishing Co., Vallejo, Calif.—C. P., 1320 kc., 250 watts, daytime.

NEW—Loyal K. King, Pasadena, Calif.—C. P., 1480 kc., 250 watts, daytime.

Wednesday, November 18

HEARING BEFORE AN EXAMINER

(Broadcast)

KTHS—Hot Springs Chamber of Commerce, Hot Springs, Ark.—Voluntary assignment of license, 1040 kc., 10 KW, shares-KRLD.

NEW—Radio Enterprises, Inc., Hot Springs, Ark.—C. P., 1310 kc., 100 watts, daytime.

Thursday, November 19

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-244:

WTJS—The Sun Publishing Co., Inc., Jackson, Tenn.—C. P., 920 kc., 250 watts, 500 watts LS, unlimited time. Present assignment: 1310 kc., 100 watts, 250 watts LS, unlimited time.

Examiner's Report No. I-248:

WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—C. P., 630 kc., 500 watts, 1 KW LS, unlimited time.

Examiner's Report No. I-252:

NEW—J. R. Maddox and Dr. W. B. Hair, d/b as Chattanooga Broadcasting Co., Chattanooga, Tenn.—C. P., 590 kc., 1 KW, unlimited time.

Examiner's Report No. I-256:

NEW—Dorrance D. Roderick, El Paso, Tex.—C. P., 1500 kc., 100 watts, unlimited time.

HEARING BEFORE AN EXAMINER (Broadcast)

NEW—Geo. P. Allison and T. R. Waters, Jr., d/b as Skagit Broadcasting Assn., Whitney, Wash.—C. P., 1420 kc., 100 watts, unlimited time.

NEW—H. Wimpy, Albany, Ga.—C. P., 1420 kc., 100 watts, 250 watts LS, unlimited time (requests facilities WGPC).

WGPC—Americus Broadcast Corp., Albany, Ga.—Renewal of license, 1420 kc., 100 watts, unlimited time.

Friday, November 20

HEARING BEFORE AN EXAMINER (Broadcast)

J. L. Statler, M.D., d/b as Baker Hospital, Muscatine, Iowa.—Authority to transmit programs to stations in Canada and Mexico.

NEW—A. Frank Katzentine, Miami Beach, Fla.—C. P., 1500 kc., 100 watts, unlimited time.

FURTHER HEARING BEFORE AN EXAMINER

NEW—Continental Radio Company, Columbus, Ohio.—C. P., 1310 kc., 100 watts, unlimited time.

NEW—Continental Radio Company, Toledo, Ohio.—C. P., 1200 kc., 100 watts, daytime.

APPLICATIONS GRANTED

KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Granted C. P. to move transmitter and studio, install new equipment and vertical radiator.

WSAN—WSAN, Inc., Allentown, Pa.—Granted C. P. to install new equipment and vertical radiator.

WCOC—Mississippi Broadcasting Co., Inc., Meridian, Miss.—Granted C. P. to change equipment.

WCBA—B. Bryan Musselman, Allentown, Pa.—Granted C. P. to install new equipment and vertical radiator.

WCAZ—Superior Broadcasting Service, Inc., Carthage, Ill.—Granted C. P. to make changes in equipment and increase day power from 100 watts to 250 watts; 1070 kc.

WFBG—The Gable Broadcasting Co. (Lessee), Altoona, Pa.—Granted C. P. to install new equipment, vertical radiator, and increase day power from 100 to 250 watts; 1310 kc., 100 watts night, S-WJAC.

WAYX—E. F. Sapp and S. F. Sapp, d/b as Waycross Broadcasting Co., Waycross, Ga.—Granted license to cover C. P. for new station to operate on 1200 kc., 100 watts, unlimited time.

KFPY—Symons Broadcasting Co., Spokane, Wash.—Granted license to cover C. P. authorizing changes in transmitter site and equipment; change frequency from 1340 kc. to 890 kc., and increase day power from 1 KW to 5 KW (unlimited).

KYOS—Merced Star Pub. Co., Inc., Merced, Calif.—Granted license to cover C. P. authorizing new station to operate on 1040 kc., 250 watts, daytime only.

KHQ—Louis Wasmer, Inc., Spokane, Wash.—Granted modification of C. P. approving new equipment.

- WTAD—Illinois Broadcasting Co., Quincy, Ill.—Granted modification of C. P. to increase power from 500 watts to 1 KW, daytime only.
- KHSL—Golden Empire Broadcasting Co., Chico, Calif.—Granted authority to install automatic frequency control.
- KUMA—Albert H. Schermann, Yuma, Ariz.—Granted authority to install automatic frequency control.
- WOC—Tri-City Broadcasting Co., Davenport, Iowa.—Granted authority to transfer control of corporation from Palmer School of Chiropractic to B. J. Palmer and D. D. Palmer (as individuals); 1370 kc., 250 watts day, unlimited.
- KMAC—W. W. McAllister, San Antonio, Tex.—Granted amended C. P. authorizing move of transmitter site locally, installation of new equipment and vertical radiator, and increase in day power from 100 watts to 250 watts.
- KLS—S. W. Warner, E. N. Warner, d/b as Warner Bros., Oakland, Calif.—Granted C. P. to move transmitter and studio sites locally and install vertical radiator.
- WIBX—WIBX, Inc., Utica, N. Y.—Granted C. P. authorizing local move of transmitter, installation of new equipment and vertical radiator and reduction in day power from 300 watts to 250 watts.
- WBEN—WBEN, Inc., Buffalo, N. Y.—Granted license to cover C. P. authorizing move of transmitter site locally, installation of new equipment and vertical radiator, and increase in day power from 1 to 5 KW; 900 kc., 1 KW night, unlimited. Also granted authority to determine operating power by direct measurement of antenna input in compliance with Rule 137.
- KRBC—Reporter Broadcasting Co., Abilene, Tex.—Granted license to cover C. P. authorizing new station to operate on 1420 kc., 100 watts, unlimited time.
- WMBH—Joplin Broadcasting Co., Joplin, Mo.—Granted license to cover C. P. authorizing installation of new equipment.
- WSBT—The South Bend Tribune, South Bend, Ind.—Granted license to cover C. P. authorizing installation of new equipment.
- KWYO—Big Horn Broadcasting Co., Inc., Sheridan, Wyo.—Granted license to cover C. P. authorizing change in transmitter location, installation of new equipment and vertical radiator, and increase in day power from 100 to 250 watts; 1370 kc., 100 watts night, unlimited.
- WDSU—WDSU, Inc., New Orleans, La.—Granted license to cover C. P. authorizing changes in equipment. Also granted authority to determine operating power by direct measurement of antenna input, in compliance with Rule 137.
- KGNF—Great Plains Broadcasting Co., North Platte, Nebr.—Granted license to cover C. P. authorizing changes in equipment.
- KCMC—KCMC, Inc., Texarkana, Ark.—Granted modification of C. P. approving transmitter and studio sites and vertical radiator.
- WBCM—James E. Davidson, Bay City, Mich.—Granted modification of license to increase day power from 500 watts to 1 KW; 1410 kc., unlimited time.
- KFGQ—Boone Biblical College, Boone, Iowa.—Granted authority to install automatic frequency control.
- KGCU—Mandan Radio Assn., Mandan, N. Dak.—Granted authority to install automatic frequency control.
- KUJ—KUJ, Inc., Walla Walla, Wash.—Granted C. P. to change equipment.
- KGKB—East Texas Broadcasting Co., Tyler, Tex.—Granted C. P. to change equipment, increase day power from 100 to 250 watts, and time of operation from unlimited day, specified hours night, to unlimited; 1500 kc.
- WACO—KTSA Broadcasting Co., Waco, Tex.—Granted C. P. to install new equipment and vertical radiator.
- KSCJ—Perkins Bros. Co. (The Sioux City Journal), Sioux City, Iowa.—Granted C. P. to move auxiliary transmitter to present license site of main transmitter.
- WDAF—The Kansas City Star Co., Kansas City, Mo.—Granted C. P. to move transmitter site locally, install new equipment and vertical radiator.
- WCKY—L. B. Wilson, Inc., Covington, Ky.—Granted C. P. to install new equipment.
- KRNR—Southern Oregon Pub. Co., Roseburg, Ore.—Granted C. P. to change equipment, increase power and operating time from 100 watts day only to 100 watts night, 250 watts day, unlimited time; 1500 kc.
- WBTM—Piedmont Broadcasting Corp., Danville, Va.—Granted C. P. to change equipment.
- WATL—J. W. Woodruff and S. A. Cisler, d/b as Atlanta Broadcasting Co., Atlanta, Ga.—Granted C. P. to move transmitter and studio to 26 Cain St., Atlanta; install new equipment, and increase day power from 100 watts to 250 watts, 1370 kc., unlimited.
- KFVD—Standard Broadcasting Co., Los Angeles, Calif.—Granted C. P. to install new equipment and vertical radiator; increase power from 250 watts night and day, limited time, to 1 KW night and day, limited time; 1000 kc.
- WGRC—Northside Broadcasting Corp., New Albany, Ind.—Granted license to cover C. P. authorizing new station; 1370 kc., 250 watts, daytime only.
- KSLM—Oregon Radio, Inc., Salem, Ore.—Granted modification of C. P. to make changes in equipment.
- WFOY—Fountain of Youth Properties, Inc., St. Augustine, Fla.—Granted modification of C. P. authorizing installation of new equipment; extend commencement date to 30 days after grant and completion date to 120 days thereafter.
- KTAT—Raymond E. Buck, Birdville, Tex.—Granted voluntary assignment of license to Tarrant Broadcasting Co.; 1240 kc., 1 KW, unlimited.
- KOY—Nielsen Radio & Sporting Goods Co., Phoenix, Ariz.—Granted voluntary assignment of license to Salt River Valley Broadcasting Co.; 1390 kc., 500 watts night, 1 KW day, unlimited.
- WWAE—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Granted C. P. to install new equipment.
- KOVC—George B. Bairey, Valley City, N. Dak.—Granted license to cover C. P. authorizing new station; 1500 kc., 100 watts, unlimited time.
- WHK—Radio Air Service Corp., Cleveland, Ohio.—Granted authority to determine operating power by direct measurement of antenna power.
- WGST—Georgia School of Technology, Atlanta, Ga.—Granted modification of C. P. approving vertical radiator and transmitter site.
- KRSC—Radio Sales Corp., Seattle, Wash.—Granted modification of C. P. to move transmitter site locally, install vertical radiator and make changes in equipment.
- WCPO—Continental Radio Co., Cincinnati, Ohio.—Granted C. P. to move transmitter locally; install new equipment and vertical radiator.
- KTSM—Tri-State Broadcasting Co., Inc., El Paso, Tex.—Granted C. P. to move transmitter site locally; install new equipment and vertical radiator; increase day power from 100 to 250 watts and share time with WDAH, with permanent authority to carry WDAH's schedule on KTSM's transmitter.
- KSUN—Copper Electric Co., Inc., Lowell, Ariz.—Granted license to cover C. P., 1200 kc., 100 watts night, 250 watts day, unlimited.
- KMA—May Seed and Nursery Co., Shenandoah, Iowa.—Granted license to cover C. P. for 930 kc., 1 KW night, 5 KW day, unlimited time. Also authority to determine operating power by direct measurement of antenna input in compliance with Rule 137.
- KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—Granted license to cover C. P. to operate on 780 kc., 1 KW night, 5 KW day, unlimited time. Also granted authority to determine operating power by direct measurement of antenna input in compliance with Rule 137.
- KG CX—E. E. Krebsbach, Wolf Point, Mont.—Granted license to cover C. P. and modifications thereof; 1450 kc., 1 KW, unlimited time.
- WSAR—Doughty & Welch Electric Co., Fall River, Mass.—Granted modification of C. P. to extend completion date from 10-31-36 to 12-1-36.
- WEAU—Central Broadcasting Co., Eau Claire, Wis.—Granted modification of C. P. to make changes in equipment and increase day power from 250 watts to 1 KW.
- KROY—Royal Miller, Sacramento, Calif.—Granted modification of C. P. to move transmitter and studio sites locally, install new equipment and vertical radiator.
- WGPC—Americus Broadcast Corp., Albany, Ga.—Granted modification of C. P. authorizing move of station locally; change equipment and install vertical radiator; extend commencement date to 30 days after grant and completion date to 60 days thereafter.
- WJRD—James R. Doss, Jr., Tuscaloosa, Ala.—Granted license to cover C. P. for 1200 kc., 100 watts, daytime only.
- KGER—Consolidated Broadcasting Corp., Ltd., Long Beach, Cal.—Granted C. P. to make changes in equipment.

WALA—Pape Broadcasting Corp. Inc., Mobile, Ala.—Granted authority to make changes in automatic frequency control equipment.

WAAB—Bay State Broadcasting Corp., Boston, Mass.—Granted license to use former transmitter of station WNAC as an auxiliary transmitter.

KSCJ—Perkins Bros. Co. (The Sioux City Journal), Sioux City, Iowa—Granted C. P. to make changes in equipment, increase day power to 5 KW LS; 1330 kc., 1 KW night.

WHFC—WHFC, Inc., Cicero, Ill.—Granted modification of license to change time of operation from specified to unlimited, facilities of WEHS and WKBI. (This merely combines these three call letters to WHFC with unlimited time.)

W9XIW—WCBF, Inc., Portable-Mobile (Ill.)—Granted license to cover C. P. for new relay broadcast station; frequencies 31100, 34600, 37600 and 40600 kc., 5 watts. To be used as general experimental pickup station.

W9XLP—Miss. Valley Broadcasting Co., Inc. (E. St. Louis, Ill.), Portable-Mobile (Ill.)—Granted license to cover C. P. for experimental relay station to operate on frequencies in Group D, Rule 1003.

W9XNW—WHBY, Inc. (Green Bay, Wis.), Portable-Mobile—Granted license to cover C. P. for new experimental relay broadcast station; frequencies 31100, 34600, 37600 and 40600 kc., 10 watts.

W9XNX—WHBY, Inc. (Green Bay, Wis.), Portable-Mobile—Granted license to cover C. P. for new experimental relay broadcast station; frequencies 31100, 34600, 37600 and 40600 kc., 10 watts.

W9XAZ—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Granted modification of license of high frequency broadcast station to change frequencies now assigned in Group C to 26,400 kc. under Group B.

NEW—National Life & Accident Ins. Co., Inc., Nashville, Tenn., Portable-Mobile—Granted C. P. for new relay broadcast station; frequencies 1606, 2022, 2102, 2758 kc., 20 watts.

NEW—Nichols & Warinner Inc., Long Beach, Cal., Portable-Mobile—Granted license to cover C. P. for new relay broadcast station; frequencies 1622, 2058, 2150, 2790 kc., 200 watts.

NEW—Radio Air Service Corp., Cleveland, Ohio, Portable-Mobile—Granted C. P. for new relay broadcast station; frequencies 31100, 34600, 37600 and 40600 kc. on an experimental basis, 10 watts.

NEW—Dr. A. H. Schermann, Flagstaff, Ariz., Mobile—Granted C. P. for new relay broadcast station; frequencies 1646, 2090, 2190 and 2830 kc., 10 watts.

NEW—Leo J. Omelian, Mobile (Erie, Pa.)—Granted C. P. for new experimental relay broadcast station; frequencies of 31100, 34600, 37600 and 40600 kc., 8 watts.

NEW—Radio Service Corp. of Utah, Mobile, Salt Lake City—Granted C. P. for experimental relay high frequency broadcast station; frequencies of 39700, 39900, 40800 and 41400 kc., 5 watts.

NEW—Radio Service Corp. of Utah, Mobile, Salt Lake City—Granted C. P. for experimental relay high frequency broadcast station; frequencies of 39700, 39900, 40800 and 41400 kc., 5 watts.

NEW—Fort Worth Broadcasters, Inc., Portable-Mobile, Fort Worth, Tex.—Granted C. P. for high frequency relay experimental b/c station; frequencies of 31100, 34600, 37600 and 40600 kc., 5 watts.

NEW—Intermountain Broadcastnig Corp., Portable, Salt Lake City, Utah—Granted C. P. for new high frequency relay b/c experimental station; frequencies of 31100, 34600, 37600 and 40600 kc., 2 watts.

SET FOR HEARING

KGFI—Eagle Broadcasting Co. Inc., Corpus Christi, Tex.—Application for modification of C. P. to change assignment to 1330 kc., 500 watts, unlimited time.

KPRC—Houston Printing Corp., Houston, Tex.—Application for modification of license to increase night power from 1 to 5 KW (920 kc., 5 KW day, unlimited time). To be heard before Broadcast Division.

KFNF—KFNF, Inc., Shenandoah, Ia.—Application for C. P. to install new equipment (transmitter) and increase night power from 500 watts to 1 KW, day power from 1 to 5 KW.

WSAY—Brown Radio Service & Lab., Gordon P. Brown, Owner, Rochester, N. Y.—Application for modification of license

to increase hours of operation from daytime only to unlimited using 100 watts power, requesting night time facilities of WOCL.

NEW—Earle Yates, Las Cruces, New Mex.—Amended application for C. P. for new broadcast station at Las Cruces, N. Mex. to operate on 1500 kc., 100 watts night, 250 day, unlimited time. Site to be approved.

NEW—Valley Broadcasting Co., Youngstown, Ohio—Amended application for C. P. for new broadcast station at Youngstown, Ohio, to operate on 1370 kc., 100 watts night, 250 watts day, unlimited. Site to be approved.

WOWO—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—Application for C. P. to install new equipment, increase night power from 10 KW to 25 KW, and install new antenna system.

NEW—Birmingham News Co., Birmingham, Ala.—Amended application for C. P. for new broadcast station at Birmingham, Alabama, to operate on 590 kc., 500 watts night, 1 KW day, unlimited time, using directional antenna for night time operation only.

NEW—T. E. Kirksey, Waco, Tex.—Application for C. P. for new broadcast station at Waco, Texas, to operate on 1330 kc., 500 watts, unlimited time. Transmitter and studio sites to be determined.

NEW—George H. Payne, San Jose, Calif.—Application for C. P. for new broadcast station at San Jose, Calif., to operate on 1010 kc., 1 KW, unlimited time. Transmitter site to be determined. Requests facilities of KQW.

NEW—Dr. William States Jacobs Broadcasting Co., Houston, Tex.—Application for C. P. for new broadcast station at Houston, Texas, to operate on 1220 kc., 1 KW, unlimited time.

KRKO—Lee E. Mudgett, Everett, Wash.—Application for C. P. for authority to change frequency from 1370 kc. to 1420 kc., increase power to 100 watts night, 250 watts day, increase hours of operation to unlimited, install new equipment, and move station locally, site to be approved.

KABR—Aberdeen Broadcast Co., Aberdeen, S. Dak.—Application for C. P. to make changes in equipment, change frequency from 1420 kc. to 1390 kc., and increase night and day power to 1 KW from 100 watts.

WAAF—Drovers Journal Publishing Co., Chicago, Ill.—Application for C. P. to install new equipment and to operate with 1 KW night, 5 KW day, unlimited time.

NEW—St. Petersburg Chamber of Commerce, St. Petersburg, Fla.—Application for C. P. for new station at St. Petersburg, Fla., to authorize operation on 1050 kc., 5 KW, limited time with KNX, Los Angeles, Calif. Site to be approved.

NEW—The Central Michigan Radio Co. (James Bourland, John Tebbel, Gerald J. Cotter and Ray D. Markel), Mt. Pleasant, Mich.—Amended application for C. P. for new broadcast station at Mt. Pleasant, Mich., to authorize operation on 570 kc., 250 watts, unlimited time.

NEW—Lou Poller, Scranton, Pa.—Application for C. P. for new station at Scranton, Pa., to authorize operation on 930 kc., 250 watts daytime only. Site to be approved.

NEW—James D. Scannell, Lewiston, Me.—Amended application for C. P. for new broadcast station at Lewiston, Me., to authorize operation on 1420 kc., 100 watts, unlimited time.

WJJD—WJJD, Inc., Chicago, Ill.—Hearing before Broadcast Division on application for C. P. to authorize installation of directional antenna for nighttime operation and change time of operation from limited to unlimited.

WCOA—Pensacola Broadcasting Co., Pensacola, Fla.—Application for C. P. to install new equipment, increase power from 500 watts to 1 KW, unlimited time, and move station locally to a site to be approved.

KVVO—Southwestern Sales Corp., Tulsa, Okla.—Application for C. P. to authorize changes in equipment and increase power from 25 KW to 50 KW.

KYW—Westinghouse Elec. & Mfg. Co., Philadelphia, Pa.—Application for C. P. to authorize changes in equipment and increase power from 10 KW to 50 KW.

NEW—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Amended application for C. P. for new special broadcast station to be located at Milwaukee, Wis., to operate on 1570 kc., 1 KW, unlimited time. Site and antenna system to be approved.

NEW—Carolina Advertising Corp., Florence, S. C.—Application for C. P. for new station at Florence, S. C., to operate on 1200 kc., 100 watts, unlimited time. Site to be approved.

NEW—Carolina Advertising Corp., Columbia, S. C.—Application for C. P. for new broadcast station at Columbia, S. C., to operate on 1370 kc., 100 watts night, 250 watts daytime, unlimited time. Site to be approved.

KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—Application for modification of C. P. to increase nighttime power to 1 KW.

NEW—Allen T. Simmons, Mansfield, Ohio—Application for C. P. for new broadcast station at Mansfield, Ohio, to operate on 780 kc., 1 KW daytime only. Transmitter and studio sites to be determined with Commission's approval.

WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—Application for C. P. to install new equipment and increase day power from 250 watts to 1 KW.

KVOD—Colorado Radio Corp., Denver, Colo.—Application for modification of license to change assignment from 920 kc., 500 watts sharing time equally with station KFEL to 630 kc., 500 watts, unlimited time.

KFEL—Eugene P. O'Fallon, Inc., Denver, Colo.—Application for modification of license to increase hours of operation from sharing time equally with KVOD to unlimited time.

KGA—Louis Wasmer, Spokane, Wash.—Application for modification of license to change frequency from 1470 kc. to 950 kc. and decrease night power from 5 KW to 1 KW.

KLZ—KLZ Broadcasting Co., Denver, Colo.—Hearing before Broadcast Division on application for modification of license to change power from 1 KW night, 5 KW day, to 5 KW night and day.

KGBX—Springfield Broadcasting Co., Springfield, Mo.—Application for C. P. to move studio site locally, make changes in equipment, and change power and time of operation from 500 watts, unlimited time, using directional antenna, for nighttime operation to 1 KW, unlimited time, using directional antenna for nighttime operation.

NEW—John R. & Joe L. Peryatel & Richard K. Beauchamp, d/b as Peryatel Bros. & Richard K. Beauchamp, Raton, N. Mex.—Application for C. P. for new broadcast station at Raton, New Mexico, to operate on 1210 kc., 100 watts, unlimited time.

WADC—Allen T. Simmons, Tallmadge, Ohio—Application for modification of license to increase night power from 1 to 5 KW. To be heard before the Broadcast Division.

WKBV—Knox Radio Corp., Richmond, Ind.—Application for modification of license to change hours of operation from specified to unlimited time.

APPLICATIONS DENIED

KBTM—W. J. Beard, Beard's Temple of Music, Jonesboro, Ark.—Denied special authority to operate from local sunset to 6:30 p. m. during month of November.

WJAX—City of Jacksonville, Fla.—Denied special temporary authority to operate from 1 to 2:30 a. m., EST, November 10, 17, 24, December 1 and 8, with 5 KW power to broadcast series informative programs about Jacksonville, Fla.

WMFR—Hart & Nelson, High Point, N. C.—Denied special temporary authority to operate from local sunset to 10 p. m., EST, for the period Nov. 7 to Dec. 6, 1936, to carry programs of outstanding interest to listeners.

WJTN—James Broadcasting Co. Inc., Jamestown, N. Y.—Denied special temporary authority to conduct program tests in accordance with C. P. granted Sept. 22, 1936, to A. E. Newton for period Nov. 5 to Dec. 4, 1936, pending action on license to cover C. P. and receipt and action on application for voluntary assignment of C. P.

NEW—Harry C. Lowe & Clara A. Lowe, DuBois, Pa.—Denied as in cases of default, application for C. P., 1210 kc., 100 watts daytime, heretofore set for hearing, for failure to file an appearance in accordance with Rule 104.6.

NEW—Homer D. Banta, Burlington, Ia.—Denied as in cases of default, application for C. P. for new station, 1310 kc., 100 watts, unlimited, heretofore set for hearing, for failure to file an appearance and statement of facts in accordance with Rule 104.6.

APPLICATION DISMISSED

The following application, heretofore set for hearing, was dismissed at request of applicant:

NEW—Memphis Commercial Appeal, Inc., C. P., 630 kc., 1 KW, 5 KW-LS, unlimited time, Mobile, Ala.

ACTION ON EXAMINERS' REPORTS

WPRO—Ex. Rep. No. 1-248: Cherry & Webb Broadcasting Co., Providence, R. I.—Granted C. P. to install new equipment (directional antenna); and increase power from 250 watts to 500 watts night, 1 KW day, 630 kc.; unlimited time. Examiner P. W. Seward sustained. Order effective Dec. 15, 1936.

KRNT—Ex. Rep. No. 1-281: Iowa Broadcasting Co., Des Moines, Ia.—Granted C. P. to install new equipment (directional antenna) and increase power from 500 watts night, 1 KW day to 1 KW night, 5 KW day, 1320 kc.; unlimited time. Examiner Geo. H. Hill sustained. Order effective Dec. 22, 1936.

MISCELLANEOUS

WIL—Missouri Broadcasting Corp. & The Star Times Pub. Co., St. Louis, Mo.—Ordered that C. P. heretofore and on Oct. 10, 1936, issued to the Star-Times Pub. Co. for new station at St. Louis, be recalled and suspended during pendency and until determination of Stay Order issuing out of U. S. Court of Appeals for D. C. in causes No. 6866, Pulitzer Pub. Co. v. FCC and No. 6869, Missouri Broadcasting Co. v. FCC, staying the Division's action of Sept. 22, 1936, effective 3 a. m., EST, Oct. 6, in granting application of Star-Times Pub. Co., and denying application of Missouri Broadcasting Co. for C. P.

Central Broadcasting Co., Eau Claire, Wis.—Granted petition to intervene in hearing of application of Eau Claire Broadcasting Co. of application for C. P. to erect new station at Eau Claire to operate on 1210 kc., 100 watts, unlimited.

WIND—Johnson Kennedy Radio Corp., Gary, Ind.—Granted regular renewal of license for period ending March 1, 1937, since application of I. T. N. Radio Station Inc., for its facilities has been withdrawn and rebroadcasting of transmissions of W9XXP was not done deliberately but was due to mechanical difficulties which WIND is attempting to remedy.

WRR—City of Dallas, Dallas, Tex.—Granted petition to intervene in hearing of application of Dallas Broadcasting Co. for C. P. to erect new broadcast station at Dallas to operate on 1500 kc., 100 watts, daytime only.

KROW—Educational Broadcasting Corp., Oakland, Cal.—Granted petition to intervene and be made a party to proceedings on application of Chauncey W. Hammond for C. P. for new broadcasting station at Oakland, to operate on 1280 kc., 1 KW, unlimited.

WTAD—Ill. Broadcasting Corp., Quincy, Ill.—Granted petition to intervene and be made a party to the hearing on applications of Courier-Post Pub. Co. and Hannibal Broadcasting Co., both of which seek C. P.'s to construct and operate stations on 1310 kc., 100 watts, unlimited.

Voice of Greenville, Greenville, Tex.—Granted petition to intervene at hearing of application of Hunt Broadcasting Assn. for permit to erect and operate a radio broadcasting station at Greenville on 1200 kc., 100 watts daytime only.

WBBZ—Howard Johnson & Mrs. Adelaide Lillian Carroll, Ponca City, Okla.—Granted petition requesting authority to modify special temporary authority now outstanding in favor of Howard Johnson to operate station WBBZ as special representative of estate of C. L. Carroll, deceased, and to grant Mrs. Carroll the same authority pending disposition of the estate of C. L. Carroll. The modification is granted subject to same conditions and limitations as now exist.

KMPC—Pacific Southwest Discount Corp., Beverly Hills, Cal.—Denied petition for reconsideration of the Commission's action of Oct. 20, 1936, in designating for hearing application for Commission's consent to transfer of control of KMPC from Pacific Southwest Discount Corp. to George A. Richards, and to grant same without hearing.

WCHV—W. B. and Katherine V. Brown, Charlottesville, Va.—Denied petition requesting that Commission reconsider its action of Sept. 22, 1936, in granting application for transfer of control of Community Broadcasting Corp., licensee of WCHV, from W. B. Brown to present stockholders of said licensee corporation, and grant hearing on aforesaid application.

WLWL—The Missionary Society of St. Paul the Apostle, New York City, N. Y.—Denied petition to withdraw without prejudice its application for modification of license. International Broadcasting Corp. (WVO) opposed the granting of the petition on grounds that it would be in violation of Par. 103.8 of the Rules of Practice of the Commission.

Knox Broadcasting Co., Schenectady, N. Y.—Denied petition asking Commission to waive rule governing filing of petition for reconsideration and to grant application for new broadcast station at Schenectady, N. Y., to operate on 1240 kc., 1 KW, unlimited time.

WLWL—Missionary Society of St. Paul the Apostle, New York, N. Y.—Granted petition to withdraw without prejudice its "Petition for Relief", filed Jan. 20, 1936. This petition requests Commission to grant petitioner relief from "curtailment of its existing service area" by cancelling certain special experimental authorizations and denying certain pending applications for continuance of such authorizations.

APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were dismissed at request of applicants:

WCHS—Charleston Broadcasting Corp., Charleston, W. Va.—Special experimental authority; 580 kc., 1 KW, unlimited time.

NEW—The Tribune, Great Falls, Mont.—C. P., 950 kc., 1 KW, 5 KW LS, unlimited.

NEW—John C. Looney, d/b as High Fidelity Broadcasting Service, Milton, Mass.—C. P., 1570 kc., 1 KW, unlimited and variable.

WAPO—W. A. Patterson, Chattanooga, Tenn.—Modification of C. P., 1200 kc., 100 watts, 250 watts LS, unlimited.

APPLICATION RETIRED TO CLOSED FILES

KOOS—H. H. Hanseth, Inc., Marshfield, Ore.—Application for modification of C. P. to change frequency to 1390 kc., 250 watts, daytime operation, granted on September 3, 1936, was retired to closed files.

SPECIAL AUTHORIZATIONS

KSAC—Kansas State College of Agriculture and Applied Science, Manhattan, Kans.—Granted special temporary authority to operate station without an antenna ammeter for period beginning November 3, 1936, and ending in no event later than November 5, 1936, pending recalibration of antenna ampere.

WKAR—Michigan State College, East Lansing, Mich.—Granted extension of special temporary authority to rebroadcast Naval Observatory time signals over station WKAR, provided station complies with requirements of Naval Observatory station, for period beginning November 6, 1936, and ending in no event later than February 1, 1937.

WCPO—Continental Radio Co., Cincinnati, Ohio.—Granted extension of special temporary authority to operate station without an approved frequency monitor (waiver of Rule 145) for period beginning November 7, 1936, and ending in no event later than November 21, 1936.

WOW—Woodmen of the World Life Ins. Assn., Omaha, Nebr.—Granted extension of special temporary authority to operate with power of 5 KW at night for period beginning November 28, 1936, and ending in no event later than December 27, 1936.

WSYB—Philip Weiss, t/s Philip Weiss Music Co., Rutland, Vt.—Granted special temporary authority to operate from 9 a. m. to 10 a. m. every week day from November 15 through December 15, 1936, in order to broadcast Rutland County Community programs; also to operate from 9 p. m. to 10 p. m., EST, November 24, 1936, in order to broadcast a special community musical concert.

KTSM—Tri-State Broadcasting Co., Inc., El Paso, Tex.—Granted extension of special temporary authority to carry programs of station WDAH for period beginning November 11, 1936, and ending in no event later than December 10, 1936.

KGKB—East Texas Broadcasting Co., Tyler, Tex.—Granted special temporary authority to operate from 8 p. m. to 10 p. m., CST, November 7, 1936, to December 7, 1936, in order to broadcast special holiday features, football games, etc.

KGFL—KGFL, Inc., Roswell, N. Mex.—Granted special temporary authority to operate simultaneously with KICA from 1 p. m. to 4 p. m., MST, November 6, 1936, in order to broadcast football game.

WRBL—WRBL Radio Station, Inc., Columbus, Ga.—Granted special temporary authority to operate 100-watt portable test transmitter on 1200 kc., in vicinity of Columbus, Ga., between the hours of 12 midnight to 6 a. m., CST, for period

not to exceed 30 days, in order to determine proper and efficient location for new transmitter site.

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted special temporary authority to operate from 1 p. m. to 3 p. m., EST, November 26, 1936 (provided WOSU remains silent), in order to broadcast annual local Thanksgiving Day football game.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate from 4:15 p. m. to 5 p. m., PST, November 11 and 26, 1936, in order to complete broadcast of football games.

WLBC—Donald A. Burton, Muncie, Ind.—Granted special temporary authority to operate simultaneously with WTRC from 6 p. m. to 7:30 p. m., CST, November 25, 27 and 30, 1936, in order to broadcast basketball games.

Transcontinental & Western Air, Inc., Washington, D. C.—Granted special temporary authority to operate already licensed aircraft radio transmitter aboard the plane owned by TWA as a low frequency relay broadcast transmitter on frequency 2790 kc., November 12, 1936, for transmission of program in connection with opening of San Francisco Bridge and to be rebroadcast over KFRC.

Isle of Dreams Broadcasting Corp., Miami, Fla.—Granted special temporary authority to use relay broadcast mobile transmitter on frequencies 31100, 34600, 37600, 40600 kc. for relay broadcast on November 11, 1936, program in connection with Armistice Day ceremonies and dedication of War Memorial in Miami.

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Granted special temporary authority to operate simultaneously with WSMK from 10 p. m. to 12 midnight, EST, Tuesday, November 10, 1936, in order to broadcast a program in connection with the Community Fund.

WHBB—W. J. Reynolds, Jr., J. C. Hughes, and J. S. Allen, d/b as Selma Broadcasting Co., Selma, Ala.—Granted special temporary authority to operate nighttime hours November 10, 11, 12, 13, 14 and 15, 1936, in order to celebrate first anniversary and automobile show sponsored by Selma Chamber of Commerce.

WTAD—Illinois Broadcasting Corp., Quincy, Ill.—Granted special temporary authority to operate without an approved frequency monitor (waiver of Rule 145) for a period ending in no event later than November 14, 1936.

WSYR—WSYU—Central New York Broadcasting Corp., Syracuse, N. Y.—Granted extension of special temporary authority to use auxiliary transmitter as the main transmitter for period beginning November 6, 1936, and ending in no event later than December 5, 1936.

WPRP—Julio M. Conesa, Ponce, P. R.—Granted extension of special temporary authority to operate without an approved frequency monitor (waiver of Rule 145) for period beginning November 6, 1936, and ending in no event later than November 15, 1936.

KGGF—Hugh J. Powell and Stanley Platz, d/b as Powell & Platz, Coffeyville, Kans.—Granted special temporary authority to operate without plate ammeter for period beginning November 3, 1936, and ending in no event later than November 12, 1936, pending repair of that apparatus.

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Granted special temporary authority to operate a 50-watt portable test transmitter between hours of 12 midnight and 6 a. m., CST, for period beginning November 10, 1936, and ending in no event later than December 9, 1936, for purpose of selecting a transmitter site in Fort Worth area.

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 8:30 p. m. to 9:30 p. m., CST, November 20, 1936 (provided KGGF remains silent), in order to broadcast the regional educational conference.

WHDF—The Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 12:30 p. m. to 2:30 p. m., CST, November 11, 1936, in order to broadcast Armistice Day banquet of Ira Penberthy Post of American Legion, Calumet; also to operate from 12:30 p. m. to 1 p. m., CST, November 18, 25, December 7, 1936, in order to broadcast programs of Calvary Northland Missions of Ontonagon, Mich.

The Associated Broadcasters, Inc., San Francisco, Calif.—Granted special temporary authority to operate portable-mobile relay transmitter on board plane RC-12118 belonging to Consolidated Airlines in connection with dedication ceremonies

of San Francisco Bay Bridge opening, for period November 11 and 12, 1936, and to be broadcast over KSFO.

RATIFICATIONS

The Commission ratified the following acts authorized on the dates shown:

KVOE—The Voice of the Orange Empire, Ltd., Santa Ana, Calif.—Granted extension for period of 30 days from October 30, 1936, for program test period.

KRBC—Reporter Broadcasting Co., Abilene, Tex.—Granted extension for period of 30 days from October 30, 1936, for program test period.

WSAY—Brown Radio Service & Lab., Rochester, N. Y.—Granted temporary extension of program test period for 30 days from October 25.

KRKO—Lee E. Mudgett, Everett, Wash.—Granted extension of equipment test period for 10 days from October 29th.

WHBF—Rock Island Broadcasting Co., Rock Island, Ill.—Granted extension of temporary authority to maintain main studio in Moline instead of Rock Island, for a period November 3 to December 2, 1936.

WTRC—The Truth Pub. Co., Inc., Elkhart, Ind.—Granted temporary authorization to operate simultaneously with station WLBC from 7:30 to 10 p. m., CST, on November 6, 13, 20 and 27, in order to broadcast football games; and from 7:30 to 9 p. m., CST, on November 10, 11, 12, 14, 16, 17, 18, 19 and 21, in order to broadcast evangelistic services.

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted temporary authority to operate station without an approved frequency monitor for a period 10-29-36 to 11-27-36.

KFAC—Los Angeles Broadcasting Co., Inc., Los Angeles, Calif.—Granted temporary renewal of license for period 11-1-36 to 5-1-36 (temporary basis), 1300 kc., 1 KW, unlimited time, subject to decision by U. S. Court of Appeals for D. C. in the case of W. H. Kindiv v. FCC, and subject to whatever order may be entered by the Commission pursuant thereto.

KNEL—G. L. Burns, Brady, Tex.—Granted special temporary authority to operate unlimited time on nights of November 6, 13, and 20, to broadcast football games only.

KGFL—KGFL, Inc., Roswell, N. M.—Granted special temporary authority to operate simultaneously with KICA from 7:30 to 10 p. m., MST, November 7, 14, 21 and 26, to broadcast football games.

KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to operate from 2 to 3:30 p. m., CST, November 10, and from 2 to 3 p. m., CST, November 11 and 12 to broadcast Farm and Home Week program; also from 8 to 9:45 p. m., CST, November 12, in order to broadcast banquet program honoring eminent farmers and homemakers.

WOSU—Ohio State University, Columbus, Ohio.—Granted special temporary authority to operate from 12:30 p. m. to 1 p. m., EST, November 10 (provided WKBN remains silent), to broadcast account of National Corn Husking Contest.

WNLC—Thames Broadcasting Corp., New London, Conn.—Granted special temporary authority to operate from 4:30 to 5:15 p. m., EST, November 7, 14, 21 and 28, in order to broadcast football games, only on condition that the consents of WMEX, WSYB and WCNW are received by Commission.

W3XAU—WCAU Broadcasting Co., Philadelphia, Pa.—Program tests extended for period of 30 days from November 6.

W4XBT—Radio Station WSOC, Charlotte, N. C.—Granted authority to operate as licensed November 7 to broadcast football game; also November 11 to 21, inclusive, to broadcast Charlotte Food Exposition.

WIEF—Miami Broadcasting Co., Miami, Fla.—Granted authority to operate as licensed November 11, relay broadcast Armistice Day Parade.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 2 to 3 p. m., EST, November 7, to broadcast football game; November 8 to broadcast Catholic program, and November 14 to broadcast football game (provided WSVS remains silent), and to operate unlimited time November 11 to broadcast Armistice Day program, and November 15 to broadcast Catholic programs (provided WSVS remains silent).

National Broadcasting Co., Inc., New York City.—Granted authority to operate as licensed November 8 to 13, inclusive, to broadcast dedication of San Francisco Bay Bridge.

KMA—May Seed and Nursery Co., Shenandoah, Ia.—Issued Modification of License to increase daytime power to 5 KW, in conformity with action of October 27, 1936, inasmuch as applicant has complied with proviso contained therein.

WMCA—Knickerbocker Broadcasting Co., New York City.—Waived Rule 104.6 and permitted WMCA to file answer in the matter of the application of WMAS, Inc., Springfield, Mass., for C. P. (Docket 4106).

The Broadcast Division granted petition of James D. Scannell to intervene in the hearing upon application of Arthur E. Seagrave for C. P. to establish a new station in Lewiston, Me.

The Broadcast Division granted the motion of the Tribune Co., Tampa Fla., for extension of time for filing exceptions to Ex. Rep. No. 1-301, and gave all parties interested in the event of the proceeding had upon this application until November 14, 1936, to file exceptions thereto.

The Broadcast Division granted motion filed by Niagara Falls Gazette Publishing Co. (Docket 3903), requesting extension of time for filing exceptions and making request for oral argument on Ex. Rep. No. 1-291, from October 14 to October 17, 1936, and granted extension of five days from the grant thereof within which the Power City Broadcasting Corp. (Docket 3839) might make request for oral argument and answer said exceptions.

The Broadcast Division granted petition of Quincy A. Brackett, Lewis B. Breed and Edmund A. LaPort, d/b as Connecticut Valley Broadcasting Co. (WSPR) to intervene in hearing on application of WMAS, Inc., for C. P. (Docket 4106)

The Broadcast Division upon its own motion postponed effective date of its decision upon application of H. E. Studebaker, KRLC, Docket 3494, and Oklahoma Broadcasting Co., KGFG, Dockets 3106 and 3918, from November 3, 1936, until one week after next meeting of Broadcast Division.

The Broadcast Division granted petition filed in behalf of James D. Scannell to intervene in hearing upon application of Philip J. Wiseman, to establish a new station in Lewiston, Me. Docket 3203.

The Broadcast Division granted petition filed in behalf of James D. Scannell to intervene in hearing upon application of Twin City Broadcasting Co., Inc., to establish a new station in Lewiston, Me.

The Broadcast Division upon its own motion postponed effective date of its decision upon application of WCBD, for Modification of License to move studio to 128 N. Pulaski Road, Chicago, and for authority to transfer control of corporation from Wilbur Glenn Voliva, Ernest E. Harwood and M. J. Mintern to L. E. Moulds, W. F. Moss, Gene T. Dyer, and E. N. Ringwald, from November 2 until November 16, 1936.

The Broadcast Division denied petition of W. P. Stuart, Prescott, Ariz., requesting that application of Southwest Broadcasting Co., Prescott, Ariz., for C. P., Docket 3797, and application of W. P. Stuart, for C. P., Docket 3906, be remanded to docket for further testimony, and that oral argument on said applications now scheduled for November 6 be cancelled.

The Broadcast Division granted petition filed by Twin City Broadcasting Co., Inc., to waive Rule 104.6(b) and to permit it to file its answer as a respondent and to participate in the hearing on the application of George M. Haskins for C. P. (Docket 4129).

The Broadcast Division denied the request of the Iowa Broadcasting Co., respondent, that the Commission issue a number of subpoenas, *in blank*, to be filled out by the presiding Notary Public, for the purpose of summoning witnesses to take depositions in the hearing on application of Stanley Reid and Chas. Witnell Bogel, Jr., d/b as The Rapids Broadcasting Co., for C. P., Docket No. 3922.

The Broadcast Division granted request of H. Wimpy, Thomasville, Ga., for an order to take depositions in support of his application for C. P., Docket 3995, provided the applicant furnishes the name of an officer embraced within the provisions of Sec. 409(e).

The Broadcast Division denied request of H. Wimpy, Thomasville, Ga., for Subpena Duces Tacum requiring Americus Broadcasting Corp., WGPC, to produce certain evidence in connection with hearing in re application for C. P., Docket 3995.

APPLICATIONS RECEIVED

First Zone

WSYR-WSYU—Central New York Broadcasting Corp., Syracuse, 570 N. Y.—Modification of construction permit (B1-P-109) for changes in equipment, move transmitter and increase in power, requesting extension of completion date from 11-3-36 to 1-1-37.

WJAR—The Outlet Co., Providence, R. I.—License to cover construction permit (B1-P-1290) to move old Western Electric 94994 transmitter to present site of transmitter for auxiliary purposes only.

W1XBS—American-Republican, Inc., Waterbury, Conn.—Authority to make changes in automatic frequency control.

Second Zone

WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Authority to transfer control of corporation from Marion K. Gilliam to Floyd Williams (50 shares common stock).

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Authority to make changes in automatic frequency control apparatus.

WCMI—The Ashland Broadcasting Co. Inc., Ashland, Ky.—License to cover construction permit (B2-P-1099) as modified, for equipment changes, increase in power, move of studio and transmitter locally.

NEW—Ann Arbor Broadcasting Co. Inc., Ann Arbor, Mich.—Construction permit for special broadcast station on 1570 ke., 1 KW power, unlimited time. Amended: Change frequency requested from 1570 to 1550 ke., and change name from Waldo Abbot, to Ann Arbor Broadcasting Co., Inc.

W3XE—Philco Radio & Television Corp., Philadelphia, Penna.—Modification of license to increase power from 1500 watts (visual), 250 watts (aural) to 10 KW, visual and aural.

Third Zone

WGST—Georgia School of Technology, Atlanta, Ga.—Modification of construction permit (B3-P-1296) for new equipment, increase in power and move of transmitter, requesting approval of transmitter site at Seaboard Railway Cheshire Bridge, Road, Atlanta, Georgia, and approval of antenna.

WFTC—Jonas Weiland, Kinston, N. C.—Modification of construction permit (B3-P-944) for a new broadcast station, requesting changes in authorized equipment, approval of transmitter and studio sites at South Queen Street, Kinston, North Carolina, and approval of antenna.

NEW—The Metropolis Co., Jacksonville, Fla.—Construction permit to erect a new broadcast station to be operated on 1290 ke., 250 watts power, unlimited time. Amended: Equipment changes.

NEW—B. H. Hopson, Birmingham, Ala.—Construction permit for a new station to be operated on 1310 ke., 100 watts night, 250 watts day, unlimited time. Request facilities of WSGN, contingent upon B3-P-997 being granted to The Birmingham News Company.

KELD—Radio Enterprises, Inc., El Dorado, Ark.—License to 1370 cover construction permit (B3-P-1347) for new transmitter.

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Authority 1390 to install new automatic frequency control equipment.

WBIG—North Carolina Broadcasting Co. Inc., Greensboro, N. C. 1440 —Modification of license to change power from 500 watts, 1 KW day to 1 KW day and night. Amended: Antenna changes.

NEW—Centennial Broadcasting Corp., Dallas, Tex.—Construction permit to erect a new broadcast station to be operated on 1500 ke., 100 watts, daytime.

W4XBW—WDOD Broadcasting Corp., Chattanooga, Tenn.—Construction permit to move transmitter from Brainerd Community to Hotel Patten.

NEW—Stuart Broadcasting Corp., Knoxville, Tenn.—Construction permit for high frequency relay broadcast station to be operated on 38900, 39100, 39300, 39500 ke., 2 watts power.

NEW—Stuart Broadcasting Corp., Knoxville, Tenn.—Construction permit for high frequency relay broadcast station same frequency as above, 10½ watts.

KTVL—Voice of Longview, Longview, Tex.—Modification of construction permit to extend commencement and completion dates from 5-10-36 and 11-10-36 to 11-1-36 and 6 months thereafter.

Fourth Zone

KGFX—Ida A. McNeil, Pierre, S. Dak.—Involuntary assignment 630 of license from Dana McNeil to Ida A. McNeil.

KOBH—Black Hills Broadcast Company (Robert Lee Dean), 1370 Rapid City, S. Dak.—Modification of construction permit (B4-P-231) as modified for changes in type of equipment from RCA. 4240 to RCA. 100 E.

KOVC—George B. Bairey, Valley City, N. Dak.—License to cover 1500 construction permit (B4-P-224) as modified for a new station.

Mutual Broadcasting System, Inc., Chicago, Ill.—Extension of authority to transmit sustaining programs to a foreign country, CKLW, and the Canadian Radio Commission or its successor (Western Ontario Broadcasting Co., Ltd.), Windsor, Ontario, Canada (B4-FP-22), for period from 12-1-36 to 6-1-37.

NEW—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—Construction permit for international broadcasting station on 6140, 9570, 11870, 15210 and 17780, 21540 ke., 50,000 watts power.

W9XPV—WDZ Broadcasting Co., Portable-Mobile.—License to cover construction permit for high frequency relay broadcast station for 31100, 34600, 37600, 40600 ke., 2 watts power.

Fifth Zone

KGO—National Broadcasting Company, Inc., San Francisco, Calif. 790 —Construction permit to install new equipment; increase power from 7½ KW to 50 KW; and move transmitter from 5555 East Fourteenth Street, Oakland, Calif., to near Belmont, Calif. Amended: Omit request for directional antenna.

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Authority 920 to determine operating power by direct measurement of antenna power.

KJR—Fisher's Blend Station, Inc., Seattle, Wash.—License to 970 cover construction permit (B5-P-1113) for new transmitter and erect a new antenna, and move transmitter.

KJR—Fisher's Blend Station, Inc., Seattle, Wash.—Authority to 970 determine operating power by direct measurement of antenna power.

KFBB—Buttrety Broadcast, Inc., Great Falls, Mont.—License to 1280 cover construction permit (B5-P-1146) for new transmitter and antenna and move of transmitter.

KFBB—Buttrety Broadcast, Inc., Great Falls, Mont.—Authority 1280 to determine operating power by direct measurement of antenna power.

KGB—Don Lee Broadcasting System, San Diego, Calif.—Construction permit to install new transmitter; erect a vertical antenna; increase power from 1 KW to 1 KW night, 5 KW day; move transmitter from Pickwick Terminal Hotel, 132-152 Broadway, San Diego, Calif., to site to be determined, San Diego, Calif.

KEUB—Eastern Utah Broadcasting Co. (Sam G. Weiss), Price, 1420 Utah.—License to cover construction permit (B5-P-648) as modified for new station on 1420 ke., 100 watts power, unlimited time.

KDB—Santa Barbara Broadcasters, Ltd., Santa Barbara, Calif.—1500 Construction permit to make changes in equipment, erect vertical antenna, change frequency from 1500 ke. to 1220 ke., increase power from 100 to 500 watts, and move transmitter from 17 E. Haley St., Santa Barbara, Calif., to site to be determined, near Santa Barbara, Calif.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

NAB REPORTS

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RECOMMENDS AGAINST NEW JERSEY STATION

The North Jersey Broadcasting Company, Inc., filed an application with the Federal Communications Commission asking for a construction permit for the erection of a new broadcasting station at Paterson, N. J., to use 620 kilocycles, 250 watts and daytime operation.

Examiner John P. Bramhall in Report No. I-307 recommended that the application be denied. The Examiner found that the applicant failed to show need for additional daytime service in the area proposed to be served "but on the contrary the evidence shows that the Paterson area is now receiving primary service from eight stations." It is also found in the Report by the Examiner that the interests of WEAf may be adversely affected by reason of the granting of the application and stations WICC and WIP would "sustain slight interference in the service area of the proposed station."

AWAIT KVOs DECISION

The broadcasting industry of the United States is awaiting with interest a decision of the United States Supreme Court in the case of the Associated Press against KVOs, Bellingham, Wash. Argument was heard by the Court in this case on November 11. There is no way of guessing when the Court will render any of its decisions but inasmuch as not many undecided cases have been heard it is reasonable to assume that it will not be long.

In this case, it will be recalled, the Circuit Court of Appeals held that KVOs had pirated news despatches of the Associated Press thereby reversing a decision of Federal Judge John C. Bowen of Seattle, Wash., who previously held that broadcasting stations had the right to broadcast news despatches after the papers are available for sale.

BROADCAST MEASUREMENTS

During the month of October, the Federal Communications Commission has announced that 615 broadcast station measurements were taken while 50 were not measured.

Of the number of stations measured, the maximum deviation within 0-10 cycles, was 453; a deviation within 11-25 cycles, 128 stations; deviation within 26-50 cycles, 23 stations and deviation within 50 cycles, 11 stations.

AAAA RADIO COMMITTEE

Chester J. LaRoche of Young & Rubicam, Inc., New York, has been appointed Chairman of the Committee on Radio Broadcasting of the American Association of Advertising Agencies.

BROADCAST STATION CHANGES

The Federal Communications Commission has issued the following list containing alterations and corrections (italicized) to the edition dated January 1, for the month of October.

Call Letters	Main Studio Location	Name of Licensee	Power	Frequency (kc)	Time Designation
KANS	Wichita, Kans.	Charles C. Theis	100w	1210	U
<i>C. P. Covered by license</i>					
<i>Strike out Effective 7-21-36</i>					
KAST	Astoria, Oregon	Astoria Broadcasting Co.	100w	1370	D
KCKN	Kansas City, Kans.	The WLBF Broadcasting Co.	100w	1420	U
<i>Formerly WLBF</i>				**1310	

Members of the Committee include: G. R. Dunham, The Greenleaf Company, Boston; H. H. Kynett, The Aitkin-Kynett Co., Philadelphia; Richard G. Marvin, J. Walter Thompson Company, Chicago; and John U. Reber, J. Walter Thompson Company, New York.

Added Members are: Charles F. Gannon, Arthur Kudner, Inc., New York; Arthur Pryor, Jr., Batten, Barton, Durstine & Osborn, Inc., New York; and Donald S. Shaw, McCann-Erickson, Inc., New York.

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

Interstate Bond Company, Atlanta, Ga. (2-2599, Form A-2)
Medical & Surgical Underwriters, Inc., Houston, Texas (2-2600, Form A-1)
The Mengel Company, Louisville, Ky. (2-2601, Form D-1A)
Hein-Werner Motor Parts Corp., Waukesha, Wis. (2-2602, Form A-2)
A. Hollander & Son., Inc., Newark, N. J. (2-2604, Form A-2)
The Fairmont Creamery Company, Omaha, Nebr. (2-2606, Form A-2)
Atlas Plywood Corporation, Boston, Mass. (2-2607, Form A-2)
George P. Coleman et al., Richmond, Va. (2-2608, Form D-1)
Somoa Products Company, Inc., Chicago, Ill. (2-2609, Form A-1)
Black & Decker Mfg. Company, Towson, Md. (2-2611, Form A-2)
Same (2-2612, Form A-2)
Medical Arts Building Corp., Baltimore, Md. (2-2613, Form A-2)
George Kline, New York City. (2-2614, Form E-1)
Jacob Kline, Chicago, Ill. (2-2615, Form E-1)
International Mining Corp., Jersey City, N. J. (2-2616, Form E-1)
Oliver Farm Equipment Co., Chicago, Ill. (2-2617, Form A-1)
Atlantic Realty Company, Atlanta, Ga. (2-2618, Form A-1)
Bardstown Distillery, Inc., Bourbon Springs, Ky. (2-2619, Form A-1)
Insurance Investors Fund, Inc., Seattle, Wash. (2-2621, Form A-1)
Breese Corporations, Inc., Newark, N. J. (2-2622, Form A-1)
Lerner Stores Corporation, New York City. (2-2624, Form A-2)
General Finance Corporation, Detroit, Mich. (2-2626, Form A-2)
Graton & Knight Company, Worcester, Mass. (2-2627, Form A-2)

RECOMMENDS DISMISSAL OF APPLICATION

Carl C. Struble, Curtis T. Strong and Jane M. Fagan applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at The Dalles, Texas, to use 1200 kilocycles, 100 watts and unlimited time on the air.

Examiner John P. Bramhall in Report No. I-308 recommended that the application be dismissed with prejudice. At the hearing the attorney for the applicants asked that the application be dismissed without prejudice. However, the Examiner states that the respondent station had incurred considerable expense and he recommended that it be dismissed with prejudice.

<i>Call Letters</i>	<i>Main Studio Location</i>	<i>Name of Licensee</i>	<i>Power</i>	<i>Frequency (kc)</i>	<i>Time Designation</i>
KFJR	Portland, Oregon	KALE, Incorporated	500w	1300	S. H.
KFRO	Longview, Texas	Voice of Longview	100w	1370	D
KGFF	Shawnee, Okla.	KGFF Broadcasting Co., Inc.	C. P. 250w 100w	1420	U
KGGM	Albuquerque, N. Mex.	New Mexico Broadcasting Co.	250w-LS 250w 500w-LS	1230	U
KGKB	Tyler, Texas	East Texas Broadcasting Co.	C. P. 1kw 100w	1500	U-D S. H. night
KMA	Shenandoah, Iowa	May Seed and Nursery Co.	1kw 5kw-LS	930	S-KGBZ **U S. A. U C. P. U
KMED	Medford, Oregon	Mrs. W. J. Virgin	100w 250w-LS	1310	U
KMO	Tacoma, Wash.	KMO, Incorporated	**250w..... C. P. 250w..... 250w	1410..... 1410..... 1330	S. H. U U
KNX	Los Angeles, Calif.	Columbia Broadcasting System of California, Inc.	C. P. 1kw 50kw	1050	U
KRMC	Jamestown, N. Dak.	Roberts MacNab Co. (Arthur L. Roberts, R. B. MacNab and A. J. Breitbach, Gen. Mgr.)	100w	1310	Simultaneous D. S-KVOX night (C. P. only)
<i>Effective 11-24-36</i>					
KRMD	Shreveport La.	Radio Station KRMD, Inc.	100w C. P. 250w-LS	1310	U
KRRV	Sherman, Texas	Red River Valley Broadcasting Corp.	100w C. P. covered by license	1310	D
KVOR	Colorado Springs, Colo.	Out West Broadcasting Co.	1kw	1270	U
KVOX	Moorhead, Minn.	Robert K. Herbst	100w	1310	Simultaneous D. S-KRMC night (C. P. only)
<i>Effective 11-24-36</i>					
KVSC	San Diego, Calif.	Strike out all particulars			
KXOK	St. Louis, Mo.	Strike out all particulars			
	T-nr. Venice	Issues being determined by Court of Appeals, District of Columbia			
WATL	Atlanta, Ga.	J. W. Woodruff tr. as Atlanta Broadcasting Co.	100w	1370	U
WBNX	New York, N. Y.	Standard Cahill Co., Inc.	1kw	1350	S-WAWZ
	T-Cliffside Park, N. J.	Strike out Effective 6-20-36			
WCAL	Northfield, Minn.	St. Olaf College	1kw 2½kw-LS	1250	S H.
		C. P. 5kw.....	760.....	D-S-WLB	
WCHS	Charleston, W. Va.	Charleston Broadcasting Co.	500w 1kw-LS	580	U
WDBJ	Roanoke, Va.	Times World Corp.	1kw 5kw-LS	930	U
WDBO	Orlando, Fla.	Orlando Broadcasting Co., Inc.	250w S. A. 1kw-LS-Exp. S. A. 1kw-night **1kw	580	U
	C. P. T-nr. Orlando.....		1kw		
WFTC	Kinston, N. C.	Jonas Weiland	100w 250w-LS	1200	U (C. P. only)
<i>Formerly WBJW</i>					
		<i>Effective 10-20-36</i>			
WHA	Madison, Wis.	University of Wisconsin	5kw	940	D
WHLB	Virginia, Minn.	Head of the Lakes Broadcasting Co.	100w	1370	U
		C. P. covered by license			
WIOD-	Miami, Fla.	Isle of Dreams Broadcasting Corp.	1kw	1300	U
WMBF	T-Miami Beach				
	C. P. T-Miami				
WJAC	Johnstown, Pa.	WJAC, Incorporated	100w C. P. 250w-LS	1310	S-WFBG
WJAY	Cleveland, Ohio	Cleveland Radio Broadcasting Corp.	500w	610	D
WJIM	C. P. T-Village of Seven Hills Lansing, Mich.	Harold F. Gross	100w 250w-LS	1210	U
WJTN	Jamestown, N. Y.	James Broadcasting Co., Inc.	50w	1210	U
<i>Formerly WOCL</i>					
WLB	Minneapolis, Minn.	University of Minnesota	1kw	1250	S. H.
	T-St. Paul		C. P. 5kw.....	760.....	D-S-WCAL
WMC	Memphis, Tenn.	Memphis Commercial Appeal, Inc.	1kw 5kw-LS	780	U
	T-nr. Memphis				

Call Letters	Main Studio Location	Name of Licensee	Power	Frequency (kc)	Time Designation
WMIN	St. Paul, Minn.	Edward Hoffman	100w 250w-LS	1370	U
<i>C. P. covered by license</i> <i>Strike out effective 4-7-36</i>					
WMMN	Fairmont, W. Va.	Monongahela Valley Broadcasting Co.	500w 1kw-LS	890	U
WNEW	New York, N. Y.	WODAAM Corp.	1kw	1250	S-WHBI
WNLC	T-nr. Carlstadt, N. J. New London, Conn.	Thames Broadcasting Corp.	2½kw-LS 100w	1500	D
<i>C. P. covered by license</i> <i>Strike out Effective 7-21-36</i>					
WNOX	Knoxville, Tenn.	Continental Radio Co.	1kw 2kw-LS	1010	U
<i>C. P. T-nr. Knoxville.....</i>					
WOL	Washington, D. C.	American Broadcasting Co.	5kw-LS 100w	1310	U
<i>C. P. T-Maryland.....</i>					
WQDM	St. Albans, Vermont	E. J. Regan and F. Arthur Bostwick, d/b as Regan and Bostwick	1kw..... 100w	1230 1370	S. H.
WRBL	Columbus, Ga.	WRBL Radio Station, Inc.	C. P. 1kw..... 100w	1390 1200	U
WROK	Rockford, Ill.	Rockford Broadcasters, Inc.	C. P. 250w-LS 500w	1410	U
WSAU	Wausau, Wisc.	Northern Broadcasting Co., Inc.	C. P. 1kw-LS 100w	1370	D (C. P. Only)
<i>Formerly WDRB</i> <i>Effective 11-10-36</i>					
WSAY	Rochester, N. Y.	Brown Radio Service and Laboratory (Gordon P. Brown, Owner)	100w	1210	D
<i>C. P. covered by license</i>					
WSIX	Nashville, Tenn.	Jack M. and Louis R. Draughon, d/b as 638 Tire and Vulcanizing Co.	100w	1210	U
WTCN	Minneapolis, Minn.	Minnesota Broadcasting Corp.	1kw 5kw-LS	1250	S. H.
WTMV	T-Rose Twp. E. St. Louis, Ill.	Mississippi Valley Broadcasting Co.	100w C. P. 250w-LS	1500	**U U
WTRC	Elkhart, Ind.	The Truth Publishing Co. Inc.	100w 250w-LS	1310	Simul. D & S-WLBC night
WWNC	Asheville, N. Car.	Asheville Citizen-Times Co., Inc.	1kw	570	U

** See Abbreviations—Lists of January 1, 1936

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints against the following firms. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

No. 2976. Olson Rug Company, 2800 North Crawford Ave., Chicago, is named respondent in a complaint alleging unfair methods of competition in connection with the sale of rugs which it manufactures from old materials such as rugs, carpets and clothing.

Catalogues, sample books and other advertising matter of the company are alleged to contain representations that the rugs sold by it are made on the special order of the customer, and from identical materials sent to it by such customer, together with other materials furnished by the respondent company, such as new wool.

The complaint charges that one of the company's advertised assertions is that "Within a week we will weave Olson rugs in any of the fashionable, new, plain or two-tone colors, or exquisite oriental or early American patterns shown in this book, regardless of the color of your materials."

No. 2977. Alleging misrepresentation of the therapeutic value of a medicinal preparation designated "Pepsotalis," a complaint has been issued against **C. G. Hyre**, trading as the **Pepsotalis Company**, Morgantown, West Virginia, charging violation of Section 5 of the Federal Trade Commission Act.

The respondent is said to represent on containers that "Pepsotalis" is an intestinal antiseptic, very helpful in the treatment of acidity, heartburn and stomach disorders in general, and that it is a quick relief for indigestion. For the purpose and with the effect of creating consumer demand and to induce wholesalers and retailers to purchase the preparation for resale to the public, the respondent, in radio broadcasts, allegedly made representations to the effect that the product has brought relief to countless numbers suffering from stomach disorders, and in such broadcasts, the complaint charges, he read letters from purported users of "Pepsotalis" whom he represented as asserting that it had cured them of, or given permanent relief from different forms of stomach trouble.

No. 2978. Charged with maintaining a price-fixing combination, the purpose of which is to restrain, monopolize and eliminate competition in the sale of metal window products, 19 corporations and their trade association and its officers are named respondents in a complaint alleging violation of Section 5 of the Federal Trade Commission Act.

The respondent corporations are said to constitute substantially all of the manufacturers of metal window products in the United States, and to sell a considerable amount of their output to Federal, state and municipal governments. Prior to January, 1934, certain of the respondent corporations organized a trade association designated as the Solid Section Steel Window Industry, but since that time it has been known as **Metal Window Institute**, with headquarters at 1427 Eye St., Washington, D. C.

The respondent corporations are:

The William Bayley Company, Springfield, O.; Bliss Steel Products Corporation, 617 West Manlius St., East Syracuse, N. Y.; The Bougert and Carlough Company, 28 Peach St., Paterson, N. J.; Campbell Metal Window Corporation, Bush & Humburg Sts., Baltimore; Concrete Engineering Company, 1141 North 11th St., Omaha, Nebr.; Crittall Manufacturing Company, Inc., 1224 24th St., N. W., Washington, D. C.; Detroit Steel Products Company, 2250 East Grand Boulevard, Detroit; Druwhit Metal Products Company, Los Angeles; Federal Steel Sash Company, Inc., Waukegan, Wis.; Michael Flynn Manufacturing Company, Allegheny Ave. and Tulip St., Philadelphia; Hope's Windows, Inc., 84 Hopkins Ave., Jamestown, N. Y.; Kewanee Manufacturing Company, Kewanee, Ill.; Mesker Brothers Iron Company, 424 South 7th St., St. Louis; Michel & Pfeffer Iron Works, Inc., 1415 Harrison St., San Francisco; S. H. Pomeroy Company, Inc., 282 East 134th St., New York; Soule Steel Company, 1750 Army St., San Francisco; J. S. Thorn Company, 20th St. and Allegheny Ave., Philadelphia; Truscon Steel Company, Youngstown, O.; and Vento Steel Sash Company, Inc., Sherman Boulevard, Muskegon Heights, Mich.

Respondent officers of the trade association, and the corporations with which they are affiliated are: Carl R. Raquet, Detroit Steel Products Company; Grever J. Meyer, Truscon Steel Company; James Allinson, J. S. Thorn Company; Guy D. Bayley, William Bayley Company; Frank Garratt, Hope's Windows, Inc., and C. J. McIntosh, Federal Steel Sash Company, Inc.

Ralph H. Sartor, who is not an officer of Metal Window Institute but is employed by it as its commissioner, also is a respondent.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

No. 1812. A. Goldman, trading as **Lord Baltimore Tailoring Co.**, 106 West Baltimore St., **Baltimore**, and selling tailored-to-order men's suits, has entered into a stipulation to discontinue on display tags or in other advertising matter use of the words "fine woolens" to describe garments not composed wholly of wool, and to cease using the word "wool" in any manner tending to misguide purchasers respecting the wool content of his products.

According to the stipulation, not all of the respondent's garments labeled "fine woolens" were made wholly of wool, but some were composed in substantial part of another material.

No. 1831. Alaska Fur Trappers, Inc., 36 West 35th St., **New York**, agrees that in the sale of fur garments it will cease using in its trade name, or in any other manner, the word "Trappers", alone or with the words "Alaska Fur", to imply that it is engaged in business as a producer of furs or in trapping Alaskan or other animals, when such is not a fact. The corporation also will stop using the word "wholesale" in printed matter to create the impression that it is a wholesaler, when this is not true, and the word "manufacturing" to imply that it makes the products it sells or that it owns a plant for that purpose.

No. 1832. Reliance Manufacturing Company, 212 West Monroe St., **Chicago**, stipulates that it will discontinue labeling men's jackets, not composed wholly of wool, with the phrases "All Wool Melton" and "Genuine Wool Melton", and will refrain from use of the word "Wool", independently or with other words, to imply that jackets are composed entirely of wool, when such is not a fact. If the jackets are composed in substantial part of wool and the word "Wool" is used to describe them, then that word shall be prominently accompanied by other words in type equally conspicuous so as to indicate clearly that the jackets are composed in part of materials other than wool.

Nos. 1840 and 1844. Sigmunds, Inc., 7th and H Sts., **N. W.**, and **H. Zirkin and Sons, Inc.**, 821 14th St., **N. W.**, **Washington, D. C.**, signed separate stipulations, agreeing to stop describing the fur garments they sell in any other manner than by using the correct name of the fur as the last word of the description. The stipulation provides that when any dye or blend is used simulating another fur, the true name of the fur appearing as the last word of the description shall be immediately preceded by the word "dyed" or "blended", compounded with the name of the simulated fur, as, for example, "Beaver-dyed coney."

No. 1841. Arthur Siegman, Inc., 16 East 34th St., **New York**, engaged in the manufacture and sale of neckwear, agrees to cease using the words "Silk Craft Cravats" to describe its products not composed of silk, and the word "Silk", alone or with any other words on tags or labels, implying that the neckwear so branded is made of silk, when such is not a fact. When the neckwear is composed in substantial part of silk and the word "silk" is used to describe it, then that word shall be accompanied by other words printed in type sufficiently conspicuous to indicate that the products are not made wholly of silk but in part of other materials.

No. 2319. An order to cease and desist from false representations has been entered against **Chesapeake Distilling & Distributing Co.**, 9 South Howard St., **Baltimore**, engaged in selling whiskies, brandies and other spirituous beverages.

The order directs the respondent company to discontinue representing, through the use of the word "Distilling" in its corporate name, in advertising matter or on labels, that it is a distiller of whiskies, brandies or any other spirituous beverages, that such products are manufactured by it through the process of distillation, or that it owns or operates a place where it manufactures such products by a process of distillation, until it does own or control such a place.

No. 2631. Trading as **Boyd Business University** and selling courses of business instruction and textbooks, **Jefferson Educational Company**, **Washington, D. C.**, has been ordered to discontinue representing through use of the word "University" in its trade name, or in any manner, that it conducts a university or institution of higher learning.

The order also prohibits use of the name "Robert Boyd", his portrait, or his signature on diplomas as president, to represent that he is president of the respondent educational institution. Likewise, the phrase "F. P. Baker & Company, London, England", is not to be used in conjunction with the name of the respondent corporation so as to represent that the two are affiliated business or educational institutions.

No. 2670. M. and A. Berger, trading as **Wearwell Knitting Mills**, 82 Orchard St., **New York**, have been ordered to cease and desist from representing, through use of the words "knitting" or "mills" alone or with other words in their trade name, or in any manner, that they own or operate a mill or factory in which are manufactured the knitted products they sell in interstate commerce.

The respondents were charged in the Commission's complaint with falsely advertising their products by means of the phrase "Manufacturers of high-grade sweaters, bathing suits and knitted novelties."

No. 2885. False representations as to the merits and effectiveness of "Youthray," offered as a hair color restorer, are prohibited under an order to cease and desist entered against **Erna Saffan, Inc.**, and **Roy M. Kirtland**, 646 North Michigan Ave., **Chicago**.

The respondents are directed to discontinue representing in catalogues, on labels, by radio broadcasting, or in any manner, that "Youthray" is not a dye, can be used to restore the color of hair without the aid of harmful dyes, and is not injurious to the scalp and hair; that it will restore hair to its natural or original color, and is a fine germicide and antiseptic and beneficial to users.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, November 23

HEARING BEFORE AN EXAMINER (Broadcast)

- NEW—Owensboro Broadcasting Co., Owensboro, Ky.—C. P., 1500 kc., 100 watts, unlimited time.
NEW—Clarence C. Dill, Washington, D. C.—C. P., 1390 kc., 1 KW, unlimited time.
NEW—Continental Radio Co., Washington, D. C.—C. P., 1230 kc., 1 KW, unlimited time.

Tuesday, November 24

HEARING BEFORE AN EXAMINER (Broadcast)

- KINY—Edwin A. Kraft, Juneau, Alaska.—C. P., 1430 kc., 250 watts, unlimited time. Present assignment: 1310 kc., 100 watts, unlimited time.
NEW—Edwin A. Kraft, Petersburg, Alaska.—C. P., 1430 kc., 100 watts, unlimited time.

Wednesday, November 25

FURTHER HEARING BEFORE AN EXAMINER

- NEW—State Capitol Broadcasting Assn., R. B. Anderson, Pres., Austin, Tex.—C. P., 1120 kc., 500 watts, 1 KW LS, specified hours (all hours not used by WTAW).

APPLICATIONS GRANTED

- KEUB—Eastern Utah Broadcasting Co. (Sam G. Weiss), Price, Utah.—Granted license to cover C. P. authorizing erection of new station; 1420 kc., 100 watts, unlimited time.
WJAR—The Outlet Co., Providence, R. I.—Granted license to cover C. P. authorizing move of transmitter to E. Providence, for auxiliary purposes only; 890 kc., 1 KW.
WCMJ—The Ashland Broadcasting Co., Inc., Ashland, Ky.—Granted license to cover C. P. authorizing changes in equipment, increase in day power from 100 to 250 watts, and move of studio and transmitter locally to 20th and Greenup St., Ashland, Ky.; 1310 kc., 100 watts night, unlimited.
KFXX—Exchange Ave. Baptist Church of Oklahoma City, Oklahoma City, Okla.—Granted Modification of C. P. to change type of equipment to be installed.
KMO—KMO, Inc., Tacoma, Wash.—Granted Modification of C. P. approving vertical radiator; transmitter site at 1½ mile north of Tacoma, and new equipment.
KWJJ—KWJJ Broadcast Co., Inc., Portland, Ore.—Granted Modification of C. P. extending completion date to December 8, 1936, for change in transmitter and studio locations, installation of vertical radiator.
KTVL—Voice of Longview, Mobile, Longview, Tex.—Granted Modification of C. P. extending completion date from 11/10/36 to 6 months thereafter, for relay broadcast station.

KALE—KALE, Inc., Portland, Ore.—Granted modification of license, subject to Rule 131, to increase hours of operation from specified to unlimited; 1300 kc., 500 watts.

KIRO—Station KIRO, Seattle, Wash.—Granted special temporary authority to make changes in antenna system employed during regular broadcast day to make measurements to determine whether modified antenna will comply with Rule 131.

WAGF—John T. Hubbard and Julian C. Smith, d/b as Dothan Broadcasting Co., Dothan, Ala.—Granted assignment of license to John T. Hubbard, Julian C. Smith and Fred C. Mosley, d/b as Dothan Broadcasting Co.; 1370 kc., 250 watts, daytime only.

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Granted authority to install new automatic frequency control equipment.

KPLC—Calcasieu Broadcasting Co. (T. B. Lanford, R. M. Dean, L. M. Sepaugh), Lake Charles, La.—Granted C. P. to move transmitter site locally, install vertical radiator, make changes in equipment, and increase day power from 100 to 250 watts; 1500 kc., unlimited.

KELD—Radio Enterprises, Inc., El Dorado, Ark.—Granted license to cover C. P. for new station; 1370 kc., 100 watts, unlimited.

WNYC—City of New York, Department of Plant and Structures, New York City.—Granted Modification of C. P. extending completion date from 11/28/36 to 180 days thereafter.

WAML—New Laurel Radio Station, Inc., Laurel, Miss.—Granted modification of license to change operation from specified hours to unlimited; 1310 kc., 100 watts, night-day.

WAAE—Hammond Calumet Broadcasting Corp., Hammond, Ind.—Granted renewal of license for the term December 1, 1936, to June 1, 1937.

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Granted authority to make changes in automatic frequency control apparatus.

NEW—Stuart Broadcasting Corp., Mobile (Knoxville, Tenn.)—Granted C. P. for experimental relay broadcast station; frequencies 38900, 39100, 39300, 39500 kc., 2 watts. Also granted license covering same.

W9XPV—WDZ Broadcasting Co., Mobile, Tuscola, Ill.—Granted license to cover C. P. for relay broadcast station on an experimental basis; frequencies 31100, 34600, 37600 and 40600 kc., 2 watts.

W3XE—Philco Radio and Television Corp., Philadelphia, Pa.—Granted Modification of license to make changes in equipment and increase power of visual transmitter from 1.5 KW to 10 KW and aural transmitter from 250 w. to 10 KW.

W3XAU—WCAU Broadcasting Co., Newton Square, Pa.—Granted license to cover C. P. for changes in equipment and increase in power to 10 KW.

SET FOR HEARING

NEW—The Ogdensburg Publishing Co., Inc., Ogdensburg, N. Y.—Application for C. P. to erect new broadcast station in Ogdensburg, N. Y., to operate on 1500 kc., 100 watts, unlimited time. Exact transmitter site and type of antenna to be determined with Commission's approval. Granted petition of Ogdensburg Advance Co., Inc., to intervene in hearing.

NEW—Wm. C. Grove and S. H. Patterson, a partnership, Cheyenne, Wyo.—Application for C. P. for new broadcast station at Cheyenne, Wyoming, to operate on 1420 kc., 100 watts night, 250 watts day, unlimited time. Exact transmitter and studio sites to be determined with Commission's approval.

NEW—Aberdeen News Co., Aberdeen, S. Dak.—Application for C. P. for new broadcast station at Aberdeen, S. Dak., to operate on 1390 kc., 1 KW, unlimited time. Site to be determined with Commission's approval.

NEW—H. O. Davis, Mobile, Ala.—Application for C. P. for new broadcast station at Mobile, Ala., to operate on 610 kc., 250 watts night, 500 watts day, unlimited time. Exact transmitter and studio sites to be determined subject to Commission approval.

NEW—R. W. Page Corp., Columbus, Ga.—Application for C. P. for new broadcast station at Columbus, Ga., to operate on 950 kc., 250 watts, unlimited time. Exact transmitter site and type of antenna to be determined with Commission's approval.

NEW—Charles Greenblatt, Bridgeport, Conn.—Application for C. P. for new broadcast station at Bridgeport, Conn., to

operate on 1190 kc., 250 watts night and day, unlimited time. Applicant is requesting facilities of WATR. Exact transmitter and studio sites to be determined with Commission's approval.

NEW—Red Lands Broadcasting Assn., Ben T. Wilson, president, Lufkin, Tex.—Amended application for C. P. for new broadcast station at Lufkin, Tex., to operate on 1310 kc., 100 watts, daytime only. Amended to change transmitter location to site to be determined.

NEW—H. A. Hamilton, Spartanburg, S. C.—Application for C. P. for new broadcast station at Spartanburg, S. C., to authorize operation on 1420 kc., 100 watts night, 250 watts day, unlimited time.

NEW—Edgar L. Bill, Peoria, Ill.—Application for C. P. for new broadcast station at Peoria, Ill., to operate on 1040 kc., 250 watts daytime only. Transmitter and studio sites are to be determined with Commission's approval.

NEW—Troy Broadcasting Co., Inc., Troy, N. Y.—Application for C. P. for new broadcast station at Troy, N. Y., to operate on 950 kc., 1 KW, daytime only. Transmitter site to be determined subject to Commission's approval.

NEW—Ellwood Warwick Lippincott, Bend, Ore.—Application for C. P. for new broadcast station at Bend, Ore., to operate on 1310 kc., 100 watts, unlimited time. Transmitter site to be determined with Commission's approval.

NEW—Richard S. Gozzaldi, d/b as Oak Cliff-Dallas County Broadcasting Co., Dallas, Tex.—Application for C. P. for new broadcast station at Dallas, Tex., to operate on 1500 kc., 100 watts, daytime only. Transmitter site to be determined with Commission's approval.

NEW—The Hebrew Evangelization Soc., Inc., Los Angeles, Calif.—Application for C. P. for new broadcast station at Los Angeles, Calif., to operate on 570 kc., 1 KW, unlimited time.

NEW—Frazier Reams, Mansfield, Ohio.—Application for C. P. for new broadcast station at Mansfield, Ohio, to operate on 1370 kc., 100 watts, daytime only. Transmitter and studio sites and type of antenna are to be determined with Commission's approval.

NEW—Juan Piza, San Juan, P. R.—Application for C. P. for new broadcast station at San Juan to operate on 1500 kc., 100 watts night, 250 watts day, unlimited time, using same vertical radiating system as Station WNEL.

NEW—H. E. Studebaker, La Grande, Ore.—Application for C. P. for new broadcast station at La Grande, Ore., to operate on 1420 kc., 100 watts night, 250 watts day, unlimited time. Transmitter and studio sites are to be determined with Commission's approval.

KFYR—Meyer Broadcasting Co., Bismarck, N. Dak.—Hearing before Broadcast Division on application for modification of license to increase night power from 1 KW to 5 KW.

KGAR—Tucson Motor Service Co., Tucson, Ariz.—Application for modification of license to change frequency from 1370 kc. to 890 kc.; increase power from 100 watts night, 250 watts day, unlimited time, to 250 watts, unlimited time.

WWRL—Long Island Broadcasting Corp., Woodside, L. I., N. Y.—Application for modification of license to make changes in specified hours, requesting the hours now used by station WMBQ.

NEW—Abraham Plotkin, Chicago, Ill.—Hearing before Broadcast Division on application for C. P. for new broadcast station at Chicago, Ill., to operate on 1600 kc., 100 watts night, 250 watts day, unlimited time, exact location to be determined subject to Commission approval (transmitter location).

NEW—Elmira Star-Gazette, Inc., Elmira, N. Y.—Application for C. P. for new broadcast station at Elmira, N. Y., to operate on 1200 kc., 250 watts, daytime only. Transmitter site to be determined with Commission's approval.

NEW—Mid-Atlantic Corp., Washington, D. C.—Application for C. P. for new special broadcast station at Washington, D. C., to operate on 1570 kc., 1 KW, unlimited time. Transmitter site to be determined subject to Commission's approval.

WJAR—The Outlet Co., Providence, R. I.—Application for C. P. to install new equipment, increase day power from 1 KW to 5 KW.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Application for modification of license to increase time of operation so as to include and embrace certain hours which are now assigned to, but not regularly used by WSVS, namely, 2 to 3 p. m. on Saturdays, 8:30 to 10 a. m. and 2 to 3 p. m. on legal holidays,

Thanksgiving, Christmas and Easter, and all hours on Sunday if WSVS is silent.

NEW—F. M. Gleason, d/b as North Georgia Broadcasting Co., Rossville, Ga.—Amended application for C. P. for new broadcast station at Rossville, Ga., to operate on 1200 kc., 100 watts, daytime only.

NEW—Associated Arkansas Newspapers, Inc., Hot Springs, Ark.—Amended application for C. P. for new broadcast station at Hot Springs, Ark., to operate on 1310 kc., 100 watts, day time only.

WCAD—St. Lawrence University, Canton, N. Y.—Application for Commission's consent for voluntary assignment of license of Station WCAD, from St. Lawrence University to the Brockway Company.

WCAD—The Brockway Co. (Lessee), Canton, N. Y.—Amended application for C. P. to move transmitter and studio from Canton, N. Y., to Watertown, N. Y.; to install new equipment; change frequency from 1220 kc. to 1270 kc.; and change time of operation from 500 watts, specified hours, to 500 watts, daytime only. Site and type of antenna are to be approved. This application is contingent upon granting of pending application for assignment of license from St. Lawrence University to The Brockway Co.

APPLICATIONS DISMISSED

The following applications heretofore designated for hearing were dismissed at the request of the applicants:

NEW—John E. Fetzer, Benton Harbor, Mich.—Application for C. P. for new station to operate on 1500 kc., 100 watts, daytime.

WSPR—Quincy A. Brackett, Lewis B. Breed, and Edmund A. Laport, co-partners, Springfield, Mass.—Application for modification of license to operate on 1140 kc., 500 watts, limited to LS at KVOO.

NEW—Eau Claire Broadcasting Co., Eau Claire, Wis.—Application for C. P. for new station to operate on 1210 kc., 100 watts, unlimited.

NEW—Ed Klies, Helena, Mont.—Application for C. P. for new station to operate on 1280 kc., 1 KW night, 5 KW day, unlimited time. Requested facilities of KFBB.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KADA, Ada Okla.; KASA, Elk City, Okla.; KDON, Del Monte, Calif.; KFJB, Marshalltown, Ia.; KFJI, Klamath Falls, Ore.; KFPW, Fort Smith, Ark.; KFVS, Cape Girardeau, Mo.; KFXD, South Nampa, Idaho; KFXJ, Grand Junction, Colo.; KFXM, San Bernardino, Calif.; KGFJ, Los Angeles; KGFV, Kearney, Neb.; KGEK, Sterling, Colo.; KGGH, Little Rock, Ark.; KIUL, Garden City, Kans.; KOOS, Marshallfield, Ore.; KPPC, Pasadena, Calif.; KRQA, Santa Fe, New Mexico; KRMD, Shreveport, La.; KTSM, El Paso, Tex.; KWG, Stockton, Calif.; KXRO, Aberdeen, Wash.; WALR, Zanesville, Ohio; WBL, Richmond, Va.; WBEO, Marquette, Mich.; WBRB, Red Bank, N. J.; WBRE, Wilkes-Barre, Pa.; WCAT, Rapid City, S. Dak.; WCMI, Ashland, Ky.; WCOL, Columbus, Ohio; WDAH, El Paso, Tex.; WEBQ, Harrisburg, Ill.; WEMP, Milwaukee, Wis.; WEST, Easton, Pa.; WFBG, Altoona, Pa.; WFDF, Flint, Mich.; WGBB, Freeport, N. Y.; WGH, Newport News, Va.; WHAT, Philadelphia, Pa.; WHBU, Anderson, Ind.; WJAC, Johnstown, Pa.; WJEJ, Hagerstown, Md.; WJBY, Gadsden, Ala.; WJW, Akron, Ohio; WKBO, Harrisburg, Pa.; WMFG, Hibbing, Minn.; WMPC, Lapeer, Mich.; WNBH, New Bedford, Mass.; WPAX, Thomasville, Ga.; WRAW, Reading, Pa.; WRBL, Columbus, Ga.; WSBC, Chicago; WSOC, Charlotte, N. C.; WTAX, Springfield, Ill.; WTHI, Hartford, Conn.; WTJS, Jackson, Tenn.

SPECIAL AUTHORIZATIONS

KFOX—Nichols & Warinner, Inc., Long Beach, Cal.—Granted special temporary authority to operate a 30-watt portable test transmitter between the hours of 12 midnight and 6 a. m., for the period November 20 to December 19, 1936, in order to locate new transmitter site.

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Granted extension of special temporary authority to operate on 560 kc., with power of 1 KW at night, during the month of December, 1936, pending filing of and action on license application to cover C. P. for this authority.

WTRC—The Truth Publishing Co., Inc., Elkhart, Ind.—Granted special temporary authority to operate simultaneously with station WLEG from 7:30 to 10 p. m., CST, December 4, 5, 11, 12, 18, 23 and 26 and 20, 1936, for the purpose of broadcasting High-school basketball games.

KOY—Nielsen Radio & Sporting Goods Co., Phoenix, Ariz.—Granted extension of special temporary authority to operate with former antenna system for period November 19 to December 18, 1936, pending application for new antenna and site.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted special temporary authority to take auxiliary transmitter out of service while low temperature coefficient crystals are being installed in main and auxiliary automatic frequency control equipment by Western Electric Co., for period not to exceed 30 days.

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Granted extension of special temporary authority to operate with additional power of 750 watts for period November 27 to December 26, 1936.

KSAC—Kansas State College of Agriculture and Applied Sciences, Manhattan, Kans.—Granted special temporary authority to operate station without antenna ammeter for a period not to exceed three days.

WBTM—Piedmont Broadcasting Corp., Danville, Va.—Granted special temporary authority to install and use frequency control apparatus, Type 52-A, for a period not to exceed 30 days, pending completion and installation of new equipment.

WMBG—Havens & Martin, Inc., Richmond, Va.—Granted extension of special temporary authority to operate from 5:30 to 7 p. m., EST, on Sundays, during month of December, 1936 (provided WBBL remains silent), in order to broadcast special programs.

WDEV—Chas. B. Adams, Administrator of the estate of Harry C. Whitehill, Waterbury, Vt.—Granted special temporary authority for Charles B. Adams, the Administrator of the estate of Harry C. Whitehill, to operate station WDEV instead of Mary M. Whitehill (deceased), Executrix of the estate of Harry C. Whitehill, pending receipt and action on application for assignment made by him as the duly authorized administrator, but for the period ending in no event later than March 1, 1937.

WSMK—WSMK, Inc., Dayton, Ohio.—Granted special temporary authority to operate simultaneously with KQV from 7:30 to 8:30 p. m., EST, Monday, November 16, for the purpose of broadcasting Community Chest program.

KTFI—Radio Broadcasting Corp., West Twin Falls, Idaho.—Granted special temporary authority to use new automatic frequency control equipment pending action on formal application, but in no event later than 30 days.

KMED—Mrs. W. J. Virgin, Medford, Ore.—Granted special temporary authority to use automatic frequency control equipment in present transmitter as granted in C. P. October 27, 1936, pending completion of construction under that C. P., in order to comply with Rule 132, for a period not to exceed 30 days.

WHEC—WHEC, Inc., Rochester, N. Y.—Granted special temporary authority to operate station without an approved frequency monitor for a period beginning November 13 and ending no later than November 22, 1936.

WNYC—City of New York, Department of Plant and Structures, New York City.—Granted extension of special temporary authority to use auxiliary transmitter located at 29 Ft. Greene Place, Brooklyn, N. Y., as main transmitter, while moving, in accordance with C. P., for the period December 6, 1936, to February 1, 1937.

RATIFICATIONS

The Broadcast Division ratified the following acts authorized on the dates shown:

W8XIR—WGAR Broadcasting Co., Cleveland, Ohio.—Granted temporary authority to operate station as licensed, for period of 30 days beginning November 17th to December 17th, 1936, inclusive, for relay broadcast of interviews with school children.

KRKO—Lee E. Mudgett, Everett, Wash.—Granted temporary authority to use temporary antenna ammeter for 10 days pending replacement with proper ammeter.

KFXJ—Radio Station KFXJ, Grand Junction, Colo.—Granted temporary authority to employ former licensed crystal oven pending repair new unit, for period not to exceed 30 days.

KFSG—Echo Park Evangelistic Association, Los Angeles, Calif.—Granted special temporary authority to suspend operation of auxiliary transmitter for a period not to exceed 2 weeks, pending rewiring of circuits.

WNYC—City of New York, Department of Plant and Structures, New York City.—Granted special temporary authority to rebroadcast Navy time signals from Naval Radio Station NAA at Washington, D. C., over radio station WNYC for the period ending in no event later than February 1, 1937.

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Granted special temporary authority to operate simultaneous with WSMK from 5:15 to 5:30 p. m., EST, November 15, in order to broadcast Pittsburgh-Chicago football game; November 22, 1936, in order to broadcast Pittsburgh-New Haven hockey game; November 29, 1936, in order to broadcast Pittsburgh-Boston football game.

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Granted special temporary authority to operate from 6:30 p. m., CST, Tuesday, November 17, using power of 100 watts, to conclusion of dedicatory program.

WTFI—Liberty Broadcasting Co., Athens, Ga.—Granted special temporary authority to operate a 100-watt portable test transmitter in the vicinity of Athens, Ga., between the hours of 12 midnight and 6 a. m., for the period November 16 to December 15, 1936, in order to determine new transmitter site. However, such tests not permitted during those hours prescribed for the Commission's monitoring schedule. Provided—no operation occurs from December 8 to 14, inclusive, except Sunday, December 13, 1936.

WTFI—Liberty Broadcasting Co., Athens, Ga.—Granted special temporary authority to install and use temporary antenna for period not exceeding 30 days pending completion of construction under C. P.

WTAW—Agricultural and Mechanical College of Texas, College Station, Tex.—Granted special temporary authority to suspend operation beginning 11/12/36 and ending no later than 12/11/36, pending rebuilding of transmitter and installation of automatic frequency control apparatus.

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Granted special temporary authority to use transmitter of WLB for period 11/16/36 and ending no later than 11/29/36, in order to permit removal and reinstallation of KSTP transmitter.

WLB—University of Minnesota, Minneapolis, Minn.—Granted special temporary authority to broadcast programs of WLB over transmitter of WCAL during period beginning 11/16/36 and ending no later than 11/29/36.

KTHS—Hot Springs Chamber of Commerce, Hot Springs, Ark.—Granted petition to intervene in the hearing on application of Radio Enterprises, Inc., Hot Springs, Ark., for C. P. to establish a new broadcast station in Hot Springs. (Docket 4004)

The Broadcast Division granted petition of L. L. Ashbury et al, as members of the Hot Springs Chamber of Commerce, requesting that they be permitted to intervene and participate in hearing on application of KTHS for authority to assign the license of that station (Docket No. 4100).

The Broadcast Division denied the petition of Arkansas Broadcasting Co. (KLRA), Little Rock, Ark., insofar as it prays intervention on the hearing of the application of the Hot Springs Chamber of Commerce, Hot Springs, Ark., for voluntary assignment of license, and granted the petition insofar as it requests intervention in the proceeding incident to the application of Hot Springs Chamber of Commerce for a C. P. to authorize removal of station to Little Rock, Ark. (Docket No. 4228).

The petition of the Centennial Broadcasting Corp. to intervene in the hearing on the application of the Dallas Broadcasting Co., Dallas, Tex., for C. P., Docket 3920, was granted by the Broadcast Division, and overruled the opposition to said petition filed on behalf of the Dallas Broadcasting Co.

The Broadcast Division granted petition filed by Dr. Geo. W. Young, Minneapolis, Minn., to intervene and be made a party to the hearing on the application of National Battery Broadcasting Co., Docket 4119, for 1 KW, unlimited time, and Docket 4120, for 580 kc., 1 KW, unlimited time.

The Broadcast Division granted petition filed by the Fresno Broadcasting Co., Fresno, Calif., to intervene in the hearing on the application of Geo. Harm, Fresno, Calif., for C. P., Docket 3944.

The Broadcast Division granted petition filed by the Missionary Society of St. Paul the Apostle (WLWL) to intervene in the hearing on the application of the Massachusetts Broadcasting Corp. (WCOP), for modification of license. Docket 3332.

The Law Department requested direction from the Broadcast Division upon the policy of stating a personnel problem in an opposition to be filed by the Commission against the motion of The Great Western Broadcasting Association, Inc., and the Intermountain Broadcasting Corp., appellants in Causes Nos. 6852, 6853 and 6854, in the U. S. Court of Appeals for the District of Columbia, for leave to print the record under the provisions of Rule V, Paragraph 5, upon preparation by appellants of a narrative statement.

The Broadcast Division directed the filing of the opposition without the proposed paragraph relating to personnel.

ACTION ON EXAMINERS' REPORTS

KLS—Ex. Rep. 1-124: S. W. Warner and E. W. Warner, d/b as Warner Bros., Oakland, Calif.—Granted modification of license to change frequency from 1440 kc. to 1280 kc.; change hours of operation from daytime to unlimited; 250 watts. Examiner John P. Bramhall sustained. Order effective December 1, 1936.

NEW—Ex. Rep. 1-147: Arthur Westlund and Jules Cohn, Santa Rosa, Calif.—Denied, Commissioner Case dissenting, application for C. P. for new station to operate on 1310 kc., 100 watts, unlimited time. Examiner R. L. Walker reversed. Order effective December 8, 1936.

WHB—Ex. Rep. 1-229: WHB Broadcasting Co., Kansas City, Mo.—Denied C. P. to install new equipment; install directional antenna; change frequency from 860 kc. to 1120 kc.; change hours of operation from daytime to unlimited, using 500 watts power night, 1 KW day. Examiner Melvin H. Dalberg reversed. Order effective December 15, 1936.

KFOX—Ex. Rep. 1-233: Nichols & Warinner, Inc., Long Beach, Calif.—Granted C. P. to install new equipment and increase day power from 1 KW to 5 KW; 1250 kc., 1 KW night, unlimited time. Examiner R. L. Walker reversed. Order effective December 15, 1936.

NEW—Ex. Rep. 1-234: B. A. Thompson, Santa Cruz, Calif.—Denied C. P. for new broadcast station to operate on 1310 kc., 100 watts night, 250 watts day, unlimited time. Examiner M. H. Dalberg reversed.

NEW—Wm. B. Smullin, Sacramento, Calif.—Denied C. P. for new station to operate on 1310 kc., 100 watts night, 250 watts day, unlimited time (site to be determined subject to Commission's approval). Examiner Dalberg sustained.

NEW—Howard N. Mitchell, Sacramento, Calif.—Denied C. P. for new station to operate on 1310 kc., 100 watts, unlimited time (site to be determined subject to Commission's approval). Examiner Dalberg reversed.

The Press Democrat Publishing Co., Santa Rosa, Calif.—Granted C. P. for new broadcast station to operate on 1310 kc., 250 watts, daytime (site to be determined subject to Commission's approval). Examiner M. H. Dalberg reversed. Order in foregoing cases effective December 8, 1936.

NEW—Ex. Rep. 1-237: Julius Brunton & Sons Co., Fresno, Calif.—Denied C. P. for new broadcast station to operate on 980 kc., 250 watts, daytime (site to be determined subject to Commission's approval). Examiner Davis G. Arnold reversed.

NEW—Miles J. Hansen, Fresno, Calif.—Dismiss with prejudice application for C. P. for new station to operate on 1420 kc., 100 watts, unlimited time (site to be determined subject to Commission's approval). Examiner Arnold sustained. Order effective December 22, 1936.

NEW—Ex. Rep. 1-238: Harold H. Hanseth, Fresno, Calif.—Denied C. P. for new broadcast station to operate on 1410 kc., 1 KW, unlimited time. Examiner P. W. Seward sustained.

NEW—Fresno Broadcasting Co., Fresno, Calif.—Denied C. P. for new station to operate on 1410 kc., 500 watts night, 1 KW day, unlimited time. Examiner Seward sustained. Order effective December 22, 1936.

NEW—Ex. Rep. 1-292: Mrs. C. A. S. Heaton, Las Vegas, Nev.—Denied C. P. for new broadcast station to operate on 1420 kc., 100 watts, unlimited time. Examiner Robert L. Irwin sustained. Order effective December 1, 1936.

WHAZ—Ex. Rep. 1-293: Rensselaer Polytechnic Institute, Troy, N. Y.—Granted, subject to Rule 131, application for modification of license to increase power from 500 watts to 1 KW; 1300 kc.; shares time with WFAB, WEVD and WBBR. Examiner Robert L. Irwin sustained. Order effective December 1, 1936.

NEW—Ex. Rep. 1-296: Wm. H. Davis, Dixon Pyles, W. H. Johnson, d/b as Magnolia Broadcasting Co., Jackson, Miss.—Dismiss with prejudice application for C. P. for new broad-

cast station to operate on 1420 kc., 100 watts, unlimited time. Examiner P. W. Seward sustained.

Ex. Rep. 1-298: The Ogdenshurg Advance Company, Inc., Ogdenshurg, N. Y.—Dismiss with prejudice application for authority to transmit programs to foreign countries, Radio Association of Prescott, Canada. Examiner George H. Hill sustained.

KSO—Ex. Rep. 1-299: Iowa Broadcasting Co., Des Moines, Iowa.—Granted C. P. to make changes in equipment and increase power from 500 watts night, 1 KW day, to 500 watts night, 2½ KW day; 1430 kc., unlimited time. Examiner Melvin H. Dalherg sustained. Order effective December 8, 1936.

ORAL ARGUMENTS

NEW—Ex. Rep. 1-286: Packard, Stebbins & Packard, d/h as Valley Broadcasting Co., Pomona, Calif.—Granted request for Oral Argument to be held January 7, 1937.

NEW—Ex. Rep. 1-291: Power City Broadcasting Corp., Niagara Falls, N. Y.—Granted request for Oral Argument to be held January 7, 1937.

NEW—Niagara Falls Gazette Publishing Co., Niagara Falls, N. Y.—Granted request for Oral Argument to be held January 7, 1937.

WMFF—Ex. Rep. 1-294: Plattsburg Broadcasting Corp., Plattsburg, N. Y.—Granted request for oral argument to be held January 7, 1937.

NEW—Ex. Rep. 1-295: A. Tornek, d/h as Metro Broadcasting Co., Los Angeles, Calif.—Granted request for Oral Argument to be held January 28, 1937.

KUJ—Ex. Rep. 1-300: KUJ, Inc., Walla Walla, Wash.—Granted request for Oral Argument to be held January 28, 1937.

WNRI—Ex. Rep. 1-303: S. George Webb, Newport, R. I.—Granted request for Oral Argument to be held January 28, 1937.

NEW—E. Anthony & Sons, Inc., Pawtucket, R. I.—Granted request for Oral Argument to be held January 28, 1937.

WTHT—The Hartford Times, Inc., Hartford, Conn.—Granted request for Oral Argument to be held January 28, 1937.

MISCELLANEOUS

NEW—Chauncey W. Hammond, Oakland, Calif.—Granted motion to continue hearing until January 6, 1937, upon application for C. P. to erect new station at Oakland, Calif., to operate on 1280 kc., 1 KW, unlimited. Hearing was originally scheduled for December 9, 1936.

NEW—The Tribune Company, Tampa, Fla.—Granted petition to amend its application for new station at Tampa, Fla., with regard to the frequency requested and in minor respects, and ordered further hearing upon said amendments. Examiner recommended denial of original application for 550 kc., 1 KW, 5 KW LS, unlimited time.

WSAY—Gordon P. Brown, d/b as Brown Radio Service and Laboratory, Rochester, N. Y.—Granted petition protesting against action of Commission of October 20, 1936, in granting without hearing the application for assignment of license of WJTN, formerly WOCL, from A. E. Newton, licensee, to James Broadcasting Co., Inc., Jamestown, N. Y. The latter application was designated for hearing on the protest and will be heard the same time as application of WSAY for the nighttime facilities of WJTN. Motion to dismiss the protest was denied. Effective date of Commission action upon said application is postponed until date of Commission's decision after hearing on the protest.

WJAS—Pittsburgh Radio Supply House, Pittsburgh, Pa.—Granted petition protesting against Commission action of September 22, 1936, in granting to station WATR, Waterbury, Conn., a C. P. authorizing change in location of the station and equipment, the use of directional antenna system day and night, change in frequency from 1190 kc. to 1290 kc., and change in power from 100 watts limited time to 250 watts full time. Application of WATR is to be reconsidered and set for hearing on the protest. The effective date of Commission's action on WATR application is postponed to the date of decision after hearing.

NEW—Continental Radio Co., Washington, D. C.—Granted motion to postpone hearing of its application for C. P. to erect a new broadcast station at Washington, D. C. to operate on 1230 kc., 1 KW, unlimited time, until the Commission can dispose of petition for rehearing on application of American Broadcasting Co. (WOL), to change frequency from 1310 kc. to 1230 kc. and increase power from 100 watts to 1 KW.

NEW—The Brockway Company, Watertown, N. Y.—Granted petition to withhold action on application of Black River Valley Broadcasts, Inc., Watertown, N. Y. (WNNY), for modification of C. P. to make changes in authorized equipment, until full Commission action is had on petition for rehearing filed by Watertown Broadcasting Corp. on its application for new station at Watertown to operate on 1270 kc., 250 watts, daytime.

WWAE—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Granted modification of license to operate on 1200 kc., 100 watts, unlimited day to LS, S-WFAM at night. This application was granted without hearing on 3-27-36, but because of protests from WSBC, WEDC and WCRW, it was reconsidered and set for hearing. These protests have been withdrawn at request of the stations.

KCMO—Lester E. Cox, Thomas L. Evans, and C. C. Payne, Kansas City, Mo.—Granted modification of license to operate on 1370 kc., 100 watts, unlimited. Application was originally granted without hearing on 6-20-36, but this action was reconsidered and designated for hearing on protests of KMBC and W9XBY. These protests have been withdrawn and dismissed.

KALE—KALE, Inc., Portland, Ore.—Reconsidered and granted special temporary authority, which was denied October 27, 1936, to operate unlimited time beginning November 1, 1936, and ending no later than November 30, 1936, pending action on formal application for modification of license for unlimited time, and pending construction of vertical radiator.

APPLICATIONS RECEIVED

First Zone

WEEI—WEEI Broadcasting Corp., Boston, Mass.—Voluntary assignment of license from WEEI Broadcasting Corporation to Columbia Broadcasting System, Inc.

WEEI—WEEI Broadcasting Corp., Boston, Mass.—Voluntary assignment of construction permit (B1-P-1196) from WEEI Broadcasting Corporation to Columbia Broadcasting System, Inc.

WABC-WBOQ—Atlantic Broadcasting Corp., New York, N. Y.—860 Voluntary assignment of license from Atlantic Broadcasting Corporation to Columbia Broadcasting System, Inc.

WAWZ—Pillar of Fire, Zarephath, N. J.—License to cover construction permit (B1-P-1274) for new equipment.

W2XMN—Edwin H. Armstrong, North of Alpine, N. J.—Modification of construction permit for extension of completion date and approval of a definite transmitter site.

WIEL—Atlantic Broadcasting Corp., New York, N. Y.—Voluntary assignment of license from Atlantic Broadcasting Corp. to Columbia Broadcasting System, Inc.

WIEK—Atlantic Broadcasting Corp., New York, N. Y.—Voluntary assignment of license from Atlantic Broadcasting Corp. to Columbia Broadcasting System, Inc.

W2XAX—Atlantic Broadcasting Corp., New York, N. Y.—Voluntary assignment of license from Atlantic Broadcasting Corp. to Columbia Broadcasting System, Inc.

XXXX—Atlantic Broadcasting Corp., New York, N. Y.—Voluntary assignment of special permit to transmit programs through WABC-WBOQ to Canada from Atlantic Broadcasting Corporation to Columbia Broadcasting System, Inc.

W9XHW—Northwestern Broadcasting, Inc., Minneapolis, Minn.—Voluntary assignment of license from Northwestern Broadcasting, Inc., to Columbia Broadcasting System, Inc.

W2XDV—Atlantic Broadcasting Corp., New York, N. Y.—Voluntary assignment of license from Atlantic Broadcasting Corp. to Columbia Broadcasting System, Inc.

W2XE—Atlantic Broadcasting Corp., Wayne, N. J.—Voluntary assignment of construction permit (B1-PA-12) from Atlantic Broadcasting Corp. to Columbia Broadcasting System, Inc.

W2XE—Atlantic Broadcasting Corp., Wayne, N. J.—Voluntary assignment of license from Atlantic Broadcasting Corp. to Columbia Broadcasting System, Inc.

W10XGJ—Atlantic Broadcasting Corp., Mobile.—Voluntary assignment of license from Atlantic Broadcasting Corp. to Columbia Broadcasting System, Inc.

W10XAL—Atlantic Broadcasting Corp., Mobile.—Voluntary assignment of license from Atlantic Broadcasting Corp. to Columbia Broadcasting System, Inc.

W10XZ—Atlantic Broadcasting Corp., Mobile.—Voluntary assignment of license from Atlantic Broadcasting Corp. to Columbia Broadcasting System, Inc.

Second Zone

- WKRC—WKRC, Inc., Cincinnati, Ohio.—Voluntary assignment of 550 construction permit (B2-P-3282) as modified from WKRC, Inc., to Columbia Broadcasting System, Inc.
- WKRC—WKRC, Inc., Cincinnati, Ohio.—Voluntary assignment of 550 license from WKRC, Inc., to Columbia Broadcasting System, Inc.
- NEW—WRBC, Inc., Cleveland, Ohio.—Construction permit for a 780 new station to be operated on 780 kc., 1 KW, unlimited time. Amended to install directional antenna for night and day use and give transmitter and studio sites as Cleveland, Ohio (no street given).
- NEW—Ohio Farmers Broadcasting Co., M. Smith Davis and C. A. 810 Thompson, Johnstown, Ohio.—Construction permit for a new station to be operated on 800 kc., 50 KW, limited time. Requests frequency of WTBO and that WTBO be removed to 810 kc.
- NEW—David J. Mercier and Geo. F. Warren, d/b as Northern 830 Broadcasting Co., Traverse City, Mich.—Construction permit for a new station to be operated on 830 kc., 500 watts, daytime. Amended: To make changes in equipment.
- WQAN—The Scranton Times (co-partnership), E. J. Lynett, Wm. 880 R. Lynett, Elizabeth R. Lynett and Edward J. Lynett, Jr., Scranton, Pa.—Authority to make changes in automatic frequency control equipment.
- WIBM—WIBM, Inc., Jackson, Mich.—Authority to make changes 1370 in automatic frequency control equipment.
- WRAK—WRAK, Inc., Williamsport, Pa.—License to cover con- 1370 struction permit (B2-P-1034) for new antenna and transmitter and move of transmitter.
- WJSV—Old Dominion Broadcasting Corp., Washington, D. C.— 1460 Voluntary assignment of license from Old Dominion Broadcasting Corp. to Columbia Broadcasting System, Inc.
- W8XEO—Harold F. Gross, M. Bliss Keeler, L. A. Versluis, d/b as Capitol City Broadcasting Co., Mobile.—Voluntary assignment of license from Harold F. Gross, M. Bliss Keeler, L. A. Versluis, d/b as Capitol City Broadcasting Co., to Harold F. Gross.
- W3XFJ—Lynchburg Broadcasting Corp., Lynchburg, Va.—License to cover construction permit for a new high frequency relay broadcast station.

Third Zone

- WREC—WREC, Inc., Memphis, Tenn.—Modification of license to 600 increase night power from 1 KW to 5 KW.
- NEW—Seaboard Investment Co., Inc., Montgomery, Ala.—Con- 610 struction permit for a new station to be operated on 610 kc., 250 watts, 500 watts day, unlimited time. Amended to give transmitter site as site to be determined, near Montgomery, Ala.
- WBT—Station WBT, Inc., Charlotte, N. C.—Voluntary assign- 1080 ment of license from Station WBT, Inc., to Columbia Broadcasting System, Inc.
- WTAU—Agricultural & Mechanical College of Texas, College 1120 Station, Tex.—Authority to make changes in automatic frequency control equipment.
- WBHP—Wilton Harvey Pollard, Huntsville, Ala.—Modification of 1200 construction permit (B3-P-840) for a new station, requesting approval of transmitter site at Athens, Pike U. S. Highway No. 72, Huntsville, Ala.; change studio site from corner Washington and Clinton Sts., Twickenham Hotel, to Struve Bldg., corner Washington-Randolph St., Huntsville, Ala.; and approval of antenna.
- WSIX—J. M. Draughon and L. R. Draughon, d/b as 638 Tire and 1210 Vulcanizing Co., Nashville, Tenn.—Voluntary assignment of license from J. M. Draughon and L. R. Draughon, d/b as 638 Tire Vulcanizing Co. to WSIX, Inc.
- KFPW—Southwestern Hotel Co., Fort Smith, Ark.—License to 1210 cover construction permit (B3-P-1093) for changes in equipment.
- WDAE—Tampa Times Co., Tampa, Fla.—Modification of license 1220 to increase night power from 1 KW to 5 KW.
- WIOD—WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.— 1300 License to cover construction permit (B3-P-1361) for new antenna and move of transmitter.
- WSMB—WSMB, Inc., New Orleans, La.—Construction permit to 1320 install new transmitter and increase power from 1 KW to 1 KW night, 5 KW day (directional antenna for day and night use).
- WAPO—W. A. Patterson, Chattanooga, Tenn.—Construction per-

- 1420 mit to install new equipment, increase power from 100 watts to 100 watts night, 250 watts daytime, and change hours of operation from daytime to unlimited.
- KRBC—The Reporter Broadcasting Co., Abilene, Tex.—Construc- 1420 tion permit to install new equipment, make changes in antenna, and increase power from 100 watts to 100 watts night, 250 watts day.
- NEW—Phillip Jackson, Brunswick, Ga.—Construction permit for 1420 a new station to be operated on 1420 kc., 100 watts, daytime.
- WAPO—W. A. Patterson, Chattanooga, Tenn.—License to cover 1420 construction permit (B3-P-588) as modified for a new station.
- NEW—Frank N. Adcock, Childress, Tex.—Construction permit for 1500 a new station to be operated on 1500 kc., 100 watts, unlimited time.
- WAAK—WSOC, Inc., Charlotte, N. C.—Modification of construc- tion permit to change frequencies from 1646, 2090, 2190 and 2830 kc. to 1622, 2058, 2150 and 2790 kc.
- NEW—Selma Broadcasting Co., Inc., Mobile, Selma, Ala.—Con- struction permit for a new low frequency relay broadcast station to be operated on 1622, 2058, 2150, 2790 kc., 10 watts.

Fourth Zone

- WBBM—WBBM Broadcasting Corp., Chicago, Ill.—Voluntary, as- 770 signment of license from WBBM Broadcasting Corp. to Columbia Broadcasting System, Inc.
- WBBM—WBBM Broadcasting Corp., Chicago, Ill.—Voluntary as- 770 signment of special permit to transmit programs through WBBM to Canada from WBBM Broadcasting Corp., to Columbia Broadcasting System, Inc.
- WCCO—Northwestern Broadcasting, Inc., Minneapolis, Minn.— 810 Voluntary assignment of license from Northwestern Broadcasting, Inc., to Columbia Broadcasting System, Inc.
- KUSD—University of South Dakota, Vermillion, S. Dak.—Con- 890 struction permit to install a new transmitter.
- NEW—George W. Young, St. Paul, Minn.—Construction permit 920 for a new station to be operated on 920 kc., 1 KW, 5 KW day, unlimited time. Directional antenna to be installed for night use.
- KMOX—Voice of St. Louis, Inc., St. Louis, Mo.—Voluntary as- 1090 signment of license from Voice of St. Louis, Inc., to Columbia Broadcasting System, Inc.
- KGDE—Charles L. Jaren, Fergus Falls, Minn.—Authority to install 1200 automatic frequency control equipment.
- WJBL—Commodore Broadcasting, Inc., Decatur, Ill.—Construc- 1200 tion permit to install a new transmitter.
- WFAM—The South Bend Tribune, South Bend, Ind.—License to 1200 cover construction permit (B4-P-1459) for new equipment.
- KWTN—Greater Kameska Radio Corp., Watertown, S. Dak.— 1210 Construction permit to install a new transmitter; erect a vertical antenna; change frequency from 1210 kc. to 1340 kc.; increase power from 100 watts to 250 watts night, 500 watts day; move transmitter from 502 Fifth Street, N. W., Watertown, S. Dak., to East Shore, Lake Kameska, S. Dak. Requests frequency of KGDY (subject to KGDY's being granted 1210 kc.). Amended to change hours of operation from unlimited time to daytime, requesting 500 watts power.
- WIBU—Wm. C. Forrest, Poyette, Wis.—License to cover con- 1210 struction permit (B4-P-1321) for a new transmitter.
- WSBC—WSBC, Inc., Chicago, Ill.—Construction permit to install 1210 new equipment and increase power from 100 watts to 100 watts night, 250 watts day.
- NEW—Frank N. Dunham, Fort Dodge, Iowa.—Construction per- 1240 mit for a new station to be operated on 1500 kc., 100 watts, daytime. Amended to change frequency from 1500 kc. to 1240 kc., power from 100 watts to 1 KW; install new equipment; and change studio site from 22 S. 10th Street to State Bank Bldg., Fort Dodge, Iowa.
- WKBH—WKBH, Inc., La Crosse, Wis.—Authority to determine 1380 operating power by direct measurement of antenna.
- WKBH—WKBH, Inc., La Crosse, Wis.—Authority to transfer 1380 control of corporation from Joseph C. Callaway to Harry Dahl (255 shares common stock).
- WHFC—WHFC, Inc., Cicero, Ill.—License to cover construction 1420 permit (B4-P-300) for changes in equipment and increase in power.
- WHFC—WHFC, Inc., Cicero, Ill.—Modification of license to 1420 change hours of operation from specified hours to unlimited time. Requests facilities of WEHS and WKBI.

WKBZ—Karl L. Ashbacker, Muskegon, Mich.—License to cover 1500 construction permit (B4-P-1156) for move of transmitter and new antenna.

W9XPN—WDZ Broadcasting Co., Tuscola, Ill.—License to cover construction permit for a new high frequency relay broadcast station.

NEW—Press Publishing Co., Sheboygan, Wis.—Construction permit for a new high frequency relay broadcast station to be operated on 39700, 39900, 40800, 41400 ke., 50 watts.

NEW—Press Publishing Co., Sheboygan, Wis.—License to cover above.

NEW—WDAY, Inc., Fargo, N. Dak.—Construction permit for a new high frequency relay broadcast station to be operated on 31100, 34600, 37600, 40600 ke., 7 watts.

Fifth Zone

KSFO—Columbia Broadcasting System of California, Inc., San Francisco, Calif.—Construction permit to install a new transmitter and vertical antenna; increase power from 1 KW to 1 KW night, 5 KW day; and move transmitter from 1410 Tenth Avenue, Oakland, Calif., to Block 490 South of Second Street, San Francisco, Calif. (Not in proper form.)

KNX—Columbia Broadcasting System of California, Inc., Los Angeles, Calif.—Voluntary assignment of license from Colum-

bia Broadcasting System, of California, Inc., to Columbia Broadcasting System, Inc.

KFAC—Los Angeles Broadcasting Co., Inc., Los Angeles, Calif.—1300 License to cover construction permit (B5-P-1387) for new equipment.

KMED—Mrs. W. J. Virgin, Medford, Ore.—Authority to install 1310 automatic frequency control equipment.

NEW—Pacific Acceptance Corp., San Diego, Calif.—Construction permit for a new station to be operated on 1420 ke., 100

1420 watts, unlimited time. Amended to change type of equipment, install vertical antenna, and give exact transmitter and studio sites as 1520 South 30th Street, San Diego, Calif.

NEW—Harold M. Finlay and Mrs. Eloise Finlay, La Grande, Ore. 1420

—Construction permit for a new station to be operated on 1420 ke., 100 watts night, 250 watts day, unlimited time. Amended to change type of equipment to be installed.

KIEM—Redwood Broadcasting Co., Inc., Eureka, Calif.—Construction permit to install new equipment and increase power from 500 watts to 1 KW.

KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—License to 1500 cover construction permit (B5-P-1305) for changes in equipment.

NEW—Church of Jesus Christ of Latter Day Saints, Saltair, Salt Lake Co., Utah.—Construction permit for a new international broadcast station to be operated on 6080, 11830, 17780 ke., 50 KW power.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

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CHANGES RECOMMENDED ON CONDITIONS

Broadcasting station KIT, Yakima, Wash., applied to the Federal Communications Commission to change its frequency from 1310 to 1250 kilocycles and to increase its power from 100 watts, 250 watts LS to 250 watts, 500 watts LS. The station operates unlimited time.

Examiner Robert L. Irwin in Report No. I-311 recommended that the application be denied if the Commission grants the application of KUJ but that it be granted if the Commission denies the KUJ application. The Examiner found that KIT serves the area but that the change in frequency would improve the service. The operation of the station on the proposed changed frequency would not result in objectionable interference, unless the Commission granted the application of KUJ which has asked for authority to operate on 1250 kilocycles.

Attention Station Managers!

SALES MANAGERS' DIVISION

The Managing Director invites the attention of all station managers to the activities of the Sales Managers' Division, a part of the Commercial Section of the NAB. This division, under the leadership of Beryl Lottridge, KFAB-KOIN-KFOR, has scheduled several sectional meetings for the sales managers of stations. We confidently believe that these meetings offer an exchange of information of great value to the men whom you have employed to sell your facilities.

FRANK CRUMIT v. MARCUS LOEW BOOKING AGENCY (WHN)

The motion of the plaintiff, Frank Crumit, for a temporary injunction against the owners of radio station WHN, which was originally scheduled to be argued in July and which was postponed by a series of adjournments until November, was finally argued on Tuesday, November 24th, before Mr. Justice Valente in the Supreme Court of the State of New York in New York County. Maurice J. Speiser argued in support of the motion, claiming that Crumit had a common law right of property in the interpretation on the phonograph record; that the record in question at the time the contract was made with Decca was made for the purpose of home use and not for commercial use or broadcasting; that the use of the record by broadcasting stations interfered with the plaintiff's rights to make contracts for his exclusive services with broadcasting stations and that such use interfered with his right to receive royalties from Decca for the sale of such records. He then argued that the defenses interposed by WHN were not good. After an extensive talk by Speiser on the intangible rights he claims in the artist's performances, he closed with a statement to the effect that the Court might wish to dispose of the motion by setting the case down for an early trial. The Court then inquired of Isadore J. Frey, counsel for WHN, whether this would be satisfactory to the defendant. Mr. Frey replied that his adversary had argued the motion and that he thought he should argue it also because he felt that after the Court had ruled on this motion, there would be no necessity for a trial.

Mr. Frey then proceeded to argue in opposition to the motion showing the Court that if the plaintiff's theory were correct, that the results would be that every musician in an orchestra from the

violin player to the drummer would have a property right and be able to prevent the use of phonograph records by purchasers thereof. He stated that the records were purchased like any other commodity from Decca and that Decca knew that they were to be broadcast and so did the plaintiff when he performed for the records. He showed that the plaintiff was not only paid by Decca for his services in the making of the record, but that he was also paid a fee by the Jerry Vogel Music Company and thirdly by the American Society of Composers, Authors and Publishers, from whom the defendant holds a license to broadcast renditions of musical selections, and that the plaintiff, as a member of ASCAP, shares in these royalties paid by the station. He then stated that by becoming a member of ASRA and NAPA the plaintiff was not the real party in interest and could not maintain this suit. On the question of plaintiff's alleged common law rights Mr. Frey told the Court that the Supreme Court of the United States had already passed upon similar situations and held that restrictions as to the use of property would not follow the property into the hands of the purchaser, and referred to several holdings of the Court to this effect. Finally he argued that there was nothing in the plaintiff's moving papers to show that the plaintiff had been damaged in any way; that in fact the papers showed that there was no deception to the public and that the plaintiff had a perfectly adequate remedy at law and that the motion should be denied.

At the conclusion of the argument by Mr. Frey, Mr. Speiser again stated to Mr. Justice Valente that he hoped the Court would see that this was a case which merited being tried at an early date.

Affidavits and briefs were submitted to the Court by both sides, and it is to be expected that the Court will render its decision within the next few weeks.

WKBB CHANGES RECOMMENDED

The *Telegraph Herald* applied to the Federal Communications Commission for a construction permit for the erection of a new station at Dubuque, Iowa, to use 1340 kilocycles, 500 watts and daytime operation. WKBB, East Dubuque, Ill., asked for permission to move its studio and transmitter to Dubuque, Iowa, and to install a new antenna. This station operates on 1500 kilocycles, unlimited time, with 100 watts and 250 watts LS.

Examiner John P. Bramhall in Report No. I-310 recommends the denial of the *Telegraph Herald* application and the granting of the application of Station WKBB. The Examiner found that the *Telegraph Herald* had failed to establish a need for additional daytime service in the area proposed to be served. He found that the changes suggested by WKBB would improve the service of that station.

RECOMMENDS AGAINST KVOS

Broadcasting station KVOS, Bellingham, Wash., applied to the Federal Communications Commission for a renewal license and for approval of the transfer of control of the licensee corporation from the Westcoast Broadcasting Company to Rogan Jones.

Examiner Ralph L. Walker in Report No. I-309 recommended against both the license renewal and the change of control. Many charges were made against programs broadcast over this station. In concluding his recommendations the Examiner says "upon consideration of all of the facts it is concluded that the applicant has failed to show that KVOS has in the past served or will serve in the future public interest, convenience and necessity."

BROADCAST ADVERTISING IN SEPTEMBER Highlights of the Month

Broadcast advertising during September amounted to \$8,541,218, an increase of 22.1% as compared to August. Gains were general throughout the medium. National networks showed the greatest increase in volume, rising 29.6% over August.

Total broadcast advertising volume in September was 50.6% greater than during the corresponding month of

the preceding year. This was the greatest gain to be experienced in many months. Increases were general, with national non-network volume increased to the greatest extent. Volume in this field rose 76.2% above the September 1935 level.

Total non-network advertising increased 13.7% as against August. This was due to substantial increases in the clear channel and regional group stations. While all portions of the country enjoyed increased volume of business, the New England-Middle Atlantic area led with a gain of 31.6%. Compared to last September greatest gains were shown in regional station business and in the South Atlantic-South Central area.

In the non-network field, all forms of rendition increased over the previous month, except announcements, which declined 1.0%. The most important gains over the preceding month were registered in the live talent field. Compared to last September all forms of rendition increased. Transcriptions increased 60.5% and live talent 73.3% as compared to September 1935.

Gains were general in the various sponsor groups compared to August. Automotive and clothing advertising showed the principal increases in the national network field. Regional network confectionery, soap and kitchen supplies, and financial advertising experienced significant gains. Department store advertising rose in both the national non-network and local fields. Radio set advertising increased 60.4% in the latter.

Compared to September of last year, automotive, soap and kitchen supplies, and tobacco advertising showed the greatest gains on the national networks. Gains were fairly general in the regional network and national non-network fields. Local tobacco and kitchen supply advertising showed gains of 73.5% and 161.4%, respectively.

Total Broadcast Advertising

Total broadcast advertising for the month of September is found in Table I.

TABLE I
TOTAL BROADCAST ADVERTISING

1936 Gross Time Sales

<i>Class of Business</i>	<i>August</i>	<i>September</i>	<i>Cumulative Jan.-Sept.</i>
National networks.....	\$3,776,885	\$4,894,494	\$40,685,675
Regional networks.....	114,990	117,524	990,692
National non-network.....	1,518,200	1,697,900	16,405,160
Local.....	1,584,600	1,831,300	15,488,770
Total.....	\$6,994,675	\$8,541,218	\$73,570,297

All forms of broadcast advertising increased as compared to August. Total broadcast advertising increased 22.1%. Gains among various portions of the medium were as follows: National networks 29.6%, regional networks 2.2%; national non-network advertising 11.8%, and local broadcast advertising 15.6%.

Increases were general as compared to the corresponding month of the preceding year. Total broadcast advertising increased 50.6%. National networks rose 46.7%, regional networks 44.9%, national non-network volume 76.2% and local advertising 42.1%.

Comparison with Other Media

Advertising volume by major media for the month is set forth in Table II.

TABLE II
ADVERTISING BY MAJOR MEDIA

1936 Gross Time and Space Sales

<i>Advertising Medium</i>	<i>August</i>	<i>September</i>	<i>Cumulative Jan.-Sept.</i>
Radio broadcasting.....	\$6,994,675	\$8,541,218	\$73,570,297
National magazines ¹	8,505,337	11,118,077	103,287,309
National farm papers ¹	422,624	597,036	5,149,317
Newspapers ²	41,084,000	46,247,000	407,122,000
Total.....	\$57,006,636	\$66,503,331	\$589,128,923

¹ Publishers' Information Bureau.

² Estimated.

The usual upswing occurred in all media though at more than the usual seasonal rate. Compared with August, national maga-

zine volume increased 30.7%. National farm paper advertising rose 41.3% and newspaper lineage increased 12.6%.

Compared with last September national magazine volume rose 20.2%, national farm paper advertising 22.7% and newspaper lineage 10.1%.

Non-network Advertising

Total non-network advertising increased 13.7% as compared with August and reached a level 56.7% higher than that of September 1935. Clear channel and high powered regional station non-network volume increased 18.5% over August. Regional station volume rose 14.5% and local station business 2.5%.

Compared to last September, regional station business showed the greatest gain, rising 70.2%. Clear channel non-network volume increased 54.9% and local station volume 31.5%.

Non-network advertising by power of station is found in Table III.

TABLE III
NON-NETWORK ADVERTISING BY POWER OF STATION

1936 Gross Time Sales

<i>Power of Station</i>	<i>August</i>	<i>September</i>	<i>Cumulative Jan.-Sept.</i>
Over 1,000 watts.....	\$1,121,800	\$1,329,200	\$13,596,740
250-1,000 watts.....	1,411,900	1,616,700	13,248,150
100 watts.....	569,100	583,300	5,049,040
Total.....	\$3,102,800	\$3,529,200	\$31,893,930

Gains in all sections of the country were experienced in September. The New England-Middle Atlantic area showed the greatest gain of 31.6%. South Atlantic-South Central area business increased 1.8%, the North Central area 15.2% and the Pacific and Mountain area 2.5%.

Non-network advertising more than doubled in the Southern area when compared to September 1935. New England-Middle Atlantic area volume rose 79.8%, North Central 48.3% and Pacific and Mountain area 15.1%.

Non-network advertising by major geographical districts is found in Table IV.

TABLE IV
NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

1936 Gross Time Sales

<i>Geographical District</i>	<i>August</i>	<i>September</i>	<i>Cumulative Jan.-Sept.</i>
New England-Middle Atlantic Area.....	\$701,300	\$922,900	\$7,022,150
South Atlantic-South Central Area.....	671,800	683,900	6,387,770
North Central Area.....	1,175,600	1,354,400	12,493,730
Pacific and Mountain Area..	554,100	568,000	5,990,280
Total.....	\$3,102,800	\$3,529,200	\$31,893,930

Non-network Advertising by Type of Rendition

With the exception of announcements, which decreased approximately 1.0%, all forms of rendition increased during the month. Total transcription business increased 11.0%, live talent 24.0% and records 25.9%.

When compared to the corresponding month of last year increases were as follows: transcriptions 60.5%, live talent 73.3%, records 30.0% and announcements 32.8%.

In the national non-network field only announcements experienced a decrease. These declined 7.4% as against August. Records, though an unimportant factor in the national non-network field, showed an increased of 52.4%. Transcriptions rose 17.1% and live talent 16.4%. Compared to last September all types of rendition showed an increase. The gains were as follows: transcriptions 69.7%, live talent 73.9%, records 74.0% and announcements 98.5%.

With the exception of transcription volume which declined 7.3%, all types of rendition rose above the August level in the local field. Increases were as follows: live talent 30.9%, records 21.4%, and announcements 3.0%. Compared to last September local transcriptions rose 33.0%, live talent 72.8%, records 23.4% and announcements 15.1%.

Non-network broadcast advertising by type of rendition is found in Table V.

TABLE V
RADIO BROADCAST ADVERTISING BY TYPE OF RENDITION

<i>Type of Rendition</i>	<i>National Non-network</i>		<i>1936 Gross Time Sales Local</i>		<i>Total</i>		<i>Cumulative Jan.-Sept.</i>
	<i>August</i>	<i>Sept.</i>	<i>August</i>	<i>Sept.</i>	<i>August</i>	<i>Sept.</i>	
Electrical transcriptions	\$509,000	\$595,790	\$169,700	\$157,290	\$678,700	\$753,080	\$7,958,130
Live talent programs	679,500	791,180	738,500	966,930	1,418,000	1,758,110	15,299,880
Records	9,700	14,780	57,300	69,580	67,000	84,360	646,720
Announcements	320,000	296,150	619,100	637,500	939,100	933,650	7,989,200
Total	\$1,518,200	\$1,697,900	\$1,584,600	\$1,831,300	\$3,102,800	\$3,529,200	\$31,893,930

Sponsor Trends in September

With the exception of confectionery and household furnishing advertising, which decreased 14.6% and 25.3%, respectively, the advertising of all sponsoring groups rose in the national network field as compared to the previous month. Automobile and clothing volume showed the greatest gains. Confections, soap and kitchen supplies, and financial advertising registered especially marked increases on regional networks. In the national non-network field, department store advertising tripled in volume while amusement business declined 54.9%. Radio set and department store advertising increased 60.4% and 45.3% respectively, in the local field. Drug and pharmaceutical volume declined 12.4%.

When compared to the corresponding month of last year, gains were experienced with but few exceptions. National network automobile advertising rose 106.8%, soap and kitchen supplies 128.3%, and tobacco volume 138.6%. Clothing volume decreased 38.9%. Gains were general among regional networks with the exception of clothing, household equipment, and tobacco advertising. All sponsoring groups showed gains in the national non-network field. Non-network volume doubled in a number of instances. Local tobacco and kitchen supply advertising increased 73.5% and 161.4% respectively, while confections dropped 43.7%.

Broadcast advertising during September on the part of various sponsoring groups is found in Table VI.

TABLE VI
RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS
(September 1936)

<i>Type of Sponsoring Business</i>	<i>National Networks</i>	<i>Regional Networks</i>	<i>Gross Time Sales</i>		<i>Total</i>
			<i>National Non-network</i>	<i>Local</i>	
1a. Amusements	—	\$1,184	\$8,160	\$50,890	\$60,234
1-2. Automobiles and accessories:					
(1) Automobiles	\$344,102	960	164,960	81,840	591,862
(2) Accessories, gas and oil	426,071	21,100	110,430	90,530	648,131
3. Clothing and apparel	23,692	315	36,330	229,660	289,997
4-5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals	338,374	6,062	238,550	38,670	621,656
(5) Toilet goods	934,319	5,280	89,030	22,550	1,051,179
6-8. Food products:					
(6) Foodstuffs	921,131	30,127	394,930	229,560	1,575,748
(7) Beverages	329,026	7,920	62,090	103,600	502,636
(8) Confections	83,106	746	19,680	3,170	106,702
9-10. Household goods:					
(9) Household equipment and furnishings	26,856	3,561	63,690	170,090	264,197
(10) Soap and kitchen supplies	342,162	8,252	110,770	5,490	466,674
11. Insurance and financial	43,784	1,617	25,410	74,350	145,161
12. Radios	111,350	—	27,660	19,670	158,680
13. Retail establishments	—	426	12,880	190,080	203,386
14. Tobacco products	438,961	8,970	63,950	8,540	520,421
15. Miscellaneous	531,560	21,004	269,380	512,610	1,334,554
Total	\$4,894,494	\$117,524	\$1,697,900	\$1,831,300	\$8,541,218

Detailed information regarding various sponsor groups during the month under consideration is as follows:

1a. **Amusements.** National non-network and local volume 54.9% and 18.3% below August. Regional network advertising amounted to \$1,184. National non-network volume 221.3% and local 34.6% above last September. Total volume 49.3% above last September.

1. **Automotive.** Compared to August, national network up 173.3%, national non-network 1.7%, and local 1.6%. Regional network amounted to \$960. National network 106.8% above last September. National non-network up 10.5% and local 77.4%. Total volume 63.6% above last September.

2. **Gasoline and accessories.** National network volume 24.6% above the preceding month; regional network up 8.4%; national non-network 6.7%; and local 36.1%. Gains as follows compared to September 1935: national network 9.6%; regional 111.9%; national non-network 108.8%, and local 21.7%. Total 23.2% above last September.

3. **Clothing.** National network volume six times as great as August. Regional network business amounted to \$315. National non-network 56.5% and local 5.8% above August. Compared to last September, national network down 38.9% and regional down 95.8%. National non-network up 39.8% and local up 16.1%. Total volume up 7.4%.

4. **Drugs and pharmaceuticals.** National network and

national non-network 5.2% and 19.3%, respectively, above August. Regional network volume down 7.8% and local down 12.4%. Compared to last year, national network down 13.7%, regional up 20.7%, national non-network up 86.5%, and local up 4.3%. Total increased 15.7%.

5. **Toilet goods.** National network advertising 42.8% above August. National non-network up 7.3% and local 9.1%. Regional network volume down 7.8%. Regional network twelve times as great as last September. National networks increased 27.8% over last September, national non-network 136.1%, and local 28.9%. Total volume 33.7% above last year.

6. **Foodstuffs.** Increases over August as follows: national networks 14.7%, regional networks 6.2%, national non-network 15.2%, and local 9.8%. Gains over last September were: national networks 24.4%, regional networks 65.6%, national non-network 67.1%, and local 34.1%. Total 35.1% over September 1935.

7. **Beverages.** National network 7.2% and national non-network advertising 1.8% ahead of August. Regional networks down 22.6% and local down 2.8%. Regional network advertising eight times as great as last September. National network volume up 46.7%, national non-network 11.0%, and local 39.9%. Total volume increased 41.5%.

8. **Confectionery.** Regional network and national non-network advertising more than tripled August. National networks down 14.6% and local up 83.2%. National networks 97.2%

above previous September, regionals up 223.0%, and national non-network 185.2% above. Local down 43.7%. Total increased 94.4%.

9. **Household equipment.** National networks 25.3% and regional networks 34.6% below August. National non-network up 112.1% and local up 8.6%. Compared to corresponding month of last year, regional network business declined 42.2%. National networks down less than 1.0%. National non-network volume up 52.2% and local 10.2%. Total increased 15.2%.

10. **Soaps and kitchen supplies.** National networks 21.2% and regionals 172.1% above August. National non-network down 31.4%. Local volume unchanged. Gains over last September as follows: National networks 128.3%, regional networks 140.4%, national non-network 128.8%, and local 161.4%. Total 129.0% over last September.

11. **Insurance and financial.** Gains over August as follows: national networks 13.8%, regional networks 151.5%, national non-network 34.1%, and local 15.6%. Increases over previous September were as follows: national networks 8.7%, regional networks 178.8%, national non-network 107.0%, and local 63.9%. Total 47.3% above last September.

12. **Radios.** National network business increased approximately 1.0%, while local rose 60.4% over August. National non-network down 3.1%. Gains over last September as follows: national networks 65.3%, national non-network 11.3%, and local 51.9%. Total up 50.9%.

13. **Department and general stores.** National non-network 232.8% and local 45.3% above August. Regional network advertising amounted to \$426. Compared to last September, national non-network increased 65.9% and local 53.8%. Total 54.9% greater.

14. **Tobacco products.** National network business up 10.6% and regional networks down 9.8%. National non-network up 10.8% and local down 6.3% compared to August. Regional network volume 59.5% below last September. National network up 138.6%, national non-network 140.4%, and local 73.5%. Total volume up 118.9%.

15. **Miscellaneous.** Compared to August, national networks increased 105.7%, national non-network 23.2%, and local 29.0%. Regional network volume decreased 17.1%. Compared to last September, gains were as follows: national networks 268.4%, regional networks 225.3%, national non-network 153.6%, local 80.7%, and total 146.8%.

Retail Broadcast Advertising

Broadcast advertising by retail establishments of various types is set forth in Table VII.

TABLE VII
RETAIL BROADCAST ADVERTISING OVER
INDIVIDUAL STATIONS

Type of Sponsoring Business	1936 Gross Time Sales August	Sept.
Automobiles and accessories:		
Automobile agencies and used car dealers	\$80,540	\$82,670
Gasoline stations, garages, etc.....	37,300	43,250
Clothing and apparel shops.....	222,510	247,750
Drugs and toilet goods:		
Drug stores	11,660	15,340
Beauty parlors	7,410	6,670
Food products:		
Grocery stores, meat markets, etc.....	40,510	36,000
Restaurants, eating places.....	16,700	20,090
Beverage retailers	1,000	370
Confectionery stores	1,030	1,530
Household goods:		
Household equipment dealers.....	60,640	65,850
Furniture stores	84,290	86,640
Hardware stores	11,510	18,760
Radio retailers	12,910	18,990
Department and general stores.....	134,690	202,950
Tobacco shops	—	—
Miscellaneous	102,240	144,730
Total	\$824,940	\$991,590

Total retail advertising increased 20.2% above the August level. Gains were fairly general during the month. Department store

advertising increased 50.7% and radio volume 47.1%. Hardware volume rose 62.9% and confectionery stores 48.5%. Grocery store advertising declined 11.1% and beverage retailers 63.0%.

Total retail volume gained 39.6% over the corresponding month of last year. Principal increases were as follows: automotive dealers 73.1%, gasoline stations 36.8%, clothing stores 20.2%, confectionery stores 155.0%, household equipment 37.3%, radio retailers 120.5%, and department stores 54.6%.

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints against the following firms. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

No. 2933. In an order to cease and desist issued against **P. A. Lefebvre & Co., Ltd., of Alexandria, Ont., and Malone, N. Y.**, that company is directed to stop certain unfair representations in the sale of "Magic Gas" used for mixture with gasoline or kerosene in internal combustion engines in motor vehicles. The order also names as a respondent, Zatique Lacombe, of Malone, N. Y.

These respondents are directed to cease and desist from representing, directly or indirectly, that their product, when mixed with gasoline or kerosene and used in internal combustion engines and motor vehicles, will increase the mileage, prevent or eliminate carbon and carbon troubles, make cars start and pick up easier and run more smoothly.

No. 2979. **Associated Laboratories, Inc., 27-33 West Twentieth St., New York City**, is named respondent in a complaint charging unfair competition in the sale of "Kelp-A-Malt" tablets for treatment of undernourished and underweight persons. The respondent corporation also operates under the names Allied Laboratories, Kelp-A-Malt Co. and Seedol Co.

Advertising its product as "a mineral concentrate derived from a huge 90-foot sea vegetable harvested off the Pacific coast," the respondent corporation is alleged to have represented that because of its iodine, mineral and vitamin content the use of this preparation by weak, emaciated persons would result in gaining weight, acquiring a well proportioned physique and gaining normal health.

The complaint charges that the respondent's preparation is not a health-giving or flesh-producing substance, and points out that in cases of iodine deficiency a self-diagnosis is dangerous and that ordinarily the supply of iodine and other minerals and vitamins necessary for normal health are present in the usual diet of normal persons.

No. 2980. Alleging unfair competition in the sale of luggage and other articles, a complaint has been issued against **Belmore Jewelry Co., Inc., 100 Fifth Ave., New York**, and **Nathan Bernstein**, trading as **Excel Luggage Co., 31 West 26th St., New York**.

Bernstein, a manufacturer of leather luggage, is alleged to have sold to the jewelry company for use in a sales plain, certain luggage branded at the request of the jewelry company as "selected grain cowhide" and as "top grain cowhide." However, such luggage, according to the complaint, was made of leather known to the trade as "machine buffed cowhide," which is described as being not as durable nor of as high a quality as leather made from the top grain or outer layer of the hide.

A separate count of the complaint alleges that the respondent, entering into agreements with fraternal, charitable and similar organizations desiring to raise funds, aided in promoting games of chance in which luggage and other articles were the premiums. On the face of a "pull" card were small stickers concealing names of girls. Persons selecting the lucky names received premiums, according to the complaint.

No. 2981. Charging unfair representations in the sale of cosmetics, a complaint has been issued against **Arabian Toilet Goods Company, 225-227 West Huron St., Chicago**.

According to the complaint, the respondent company's "Wrinkle Creme" was advertised as a nourisher and rejuvenator of skin, and as being capable of eradicating wrinkles, when this was not true. "Arabian Wrinkle Creme" was also represented as being guaranteed by the Government to contain pure turtle oil, the respondent company asserting that the Government had used such oil successfully in removing scar tissue and wrinkles from wounded soldiers. The complaint alleges that the Government has not used turtle oil in this manner, and has not endorsed it, as was advertised by the respondent.

No. 2982. **Duquesne Brewing Company of Pittsburgh**, with headquarters in Pittsburgh, is named respondent in a complaint

alleging unfair trade representations in the sale of beer packed in cans or metal containers.

Adopting the trade name "Keg-o-Beer," the respondent company is said to have advertised its product as having real "keg-beer" flavor, sealed in and protected by a special lining "that is to metal what pitch is to wood." The product was also advertised as "crown cap-sealed" and as having "guaranteed real 'keg-beer' taste and flavor."

The complaint points out the difference between keg beer and bottled beer in that the former is not pasteurized, but is drawn directly from the vat at the brewery into kegs. Beer packed in bottles, however, according to the complaint, is usually subjected to a pasteurizing process to prevent secondary fermentation of yeast or other bacilli. A substantial portion of the public is said to prefer draught beer.

No. 2983. Alleging unfair competition in the sale of home study psychology health courses, a complaint has been issued against **Robert Holmes, Inc.**, with headquarters in the Fuller Building, **Jersey City, N. J.**, and **Albert Goodman**, of the same address.

Distributing courses designed to enable persons to overcome bashfulness, nervousness and similar ailments, the respondents are alleged to have made unfair and misleading representations regarding the purported therapeutic value of their courses and their effect upon users.

Among these representations were assertions to the effect that constipation, indigestion, dizzy spells and bashfulness are caused by nervous exhaustion; that for 25 cents or any other nominal amount a person may learn how to conquer bashfulness or embarrassment; that one of the respondents' courses, if followed, would immunize one against contraction of colds and effectively eliminate poisons from the system, and other representations.

No. 2984. Use of unfair methods of competition in connection with the sale of blankets is alleged in a complaint issued against **Israel Zelkind**, trading as **Lawrence Blanket Mills**, 9-13 Winter St., **Worcester, Mass.**

The respondent's blankets allegedly are labeled "All Wool" or "Woolen" and "Fully Shrunk," when, according to the complaint, they do not contain wool in amounts sufficient to justify such designations, and are not fully shrunk.

On invoices and letterheads the respondent is said to represent that he is a manufacturer of blankets, with a "Mill at Wilsonville, Conn." The complaint charges that he does not manufacture the blankets sold by him and does not own or control any mill where blankets are made, although it sets out that the blankets he sells are manufactured at Wilsonville, Conn.

No. 2985. Allegedly maintaining a merchandising policy whereby it fixes specified uniform prices, discounts and "mark-ups" at which certain of its liquors are resold by wholesalers and retailers, **W. A. Taylor & Co.**, importer of alcoholic beverages, 15 Laight St., **New York City**, is named respondent in a complaint. The two imported products specified in the complaint are **Martini & Rossi** vermouth, made in Italy, and **John Jameson** Whiskey, distilled in Ireland.

From time to time, the complaint charges, the respondent corporation issued suggested minimum resale price lists for the wholesale and retail trade, and sells its products under definite understandings and agreements with purchasers that they will observe the suggested minimum resale prices, and, as to wholesalers, that they will sell only to retailers who abide by the established prices.

The complaint alleges that the respondent corporation, in making effective its merchandising policy, obtains assurances from retailers and wholesalers that they will maintain the suggested prices; obtains their cooperation in reporting the names of price-cutters, and acts upon the information so procured; induces them to raise their prices to the suggested resale minimum by threats that if they fail to do so their supplies will be cut off, and does cut off such supplies.

Nos. 2986 and 2987. Two complaints alleging illegal price discrimination in the sale of yeast, in violation of Section 2 (a) of the Robinson-Patman Act, have been issued against **Standard Brands, Incorporated**, and its subsidiary, **Standard Brands of California**, with offices at 595 Madison Ave., **New York City**, and against **Anheuser-Busch, Inc.**, **St. Louis, Mo.**

In both cases the respondent corporations are charged with discriminating in price between different purchasers of bakers' yeast of like grade and quantity by allowing certain purchasers different prices than those granted other of their purchasers competitively engaged in the manufacture and sale of bread and allied products.

Nos. 2988 to 2992. Maintenance and enforcement of resale prices in the sale and distribution of liquors is alleged in complaints issued against five large manufacturers and distributors of liquor products. These respondents are as follows:

Seagram-Distillers Corporation, 405 Lexington Ave., **New York City**, and **Seagram Distillers Corporation of Massachusetts**; **Gooderham & Worts, Ltd.**, 1930 East Jefferson St., **Detroit**, a wholly owned subsidiary of a Canadian corporation of the same name; **Schenley Distillers Corporation**, 20 West 40th St., **New York City**, and three affiliated companies; **Hiram Walker, Inc.**, **Detroit**, and **National Distillers Products Corporation**, 120 Broadway, **New York City**, which controls subsidiary distilleries and rectifying plants formerly operated by the **American Medicinal Spirits Corporation**, **Penn-Maryland Corporation**, **A. Overholt & Co., Inc.**, and the **Old Taylor** and **Old Crow** distilleries.

Joined as respondents with **Gooderham & Worts, Ltd.**, **National Distillers Products Corporation** and **Hiram Walker, Inc.**, are five incorporated trade associations of retail liquor dealers and two voluntary unincorporated trade associations, whose officers, directors and members also are named.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

No. 1833. **Raymond Falduti**, 9504 Foster Ave., **Brooklyn**, trading as **Minerva Chemical Laboratories**, agrees to stop use in advertising of the word "importers," unless the flavoring compounds he sells are imported by him, and of the word "laboratorio" or of its English equivalent "laboratory," as part of a trade name or as implying that he owns and controls a laboratory, when this is not a fact; and of the words "estratti importati" or their English equivalent "imported extract," alone or in connection with the words "Milan, Italy," to describe products not made in Milan, but originating in the United States.

No. 1834. **Atlas Leather Case and Bag Manufacturing Co.**, trading as **Atlas Leather Case Co.**, 1528 Armitage Ave., **Chicago**, agrees that in the sale of leather luggage it will stop using the words "Genuine Cowhide" or "Cowhide," alone or with any other words, as a label for its products, implying that such products are composed of leather made from the top or grain layer of cowhide, when in fact they are made from leather taken from the inner cut of the hide. When the products are composed of leather taken from the inner, or flesh cut of the hide, and the word "Cowhide" is used as descriptive thereof, then "Cowhide" shall be immediately accompanied by some other words in conspicuous type clearly indicating that the products are not composed of leather made from the top or grain cut of such skin.

No. 1835. **Helen C. McCarthy**, 158 Fletcher St., **Tonawanda, N. Y.**, trading as **Mulhall Remedy Company**, in the sale of "Mulhall's Remedy," stipulates that she will cease advertising the preparation as a nerve tissue builder or as an effective treatment for nervous disorders. It was advertised as a treatment for neuralgia, multiple neuritis, rheumatism and various similar diseases, when in fact, according to the stipulation, the claims made for it in this regard were exaggerated and unwarranted, although the product did contain ingredients making it of some value as a tonic and remedy for malaria.

No. 1838. **Commonwealth Shoe and Leather Company**, **Whitman, Mass.**, manufacturing and selling shoes, stipulates that it will abandon use of the words "hand sewed" or "hand sewn" to describe its products which are not wholly sewn by hand; and from using such words, alone or with other words or a pictorial representation, as a brand to advertise its shoes, so as to imply that the entire sole and welt of the shoes are attached by means of hand-stitching, when such is not a fact.

No. 1843. **Dr. Johann Strasska Laboratories, Inc., Ltd.**, 820 McGarry St., **Los Angeles**, distributor of toothpaste, agrees to stop using the word "laboratories" as part of its corporate or trade name, or in any way to imply that it owns or operates a place or places devoted to scientific study and scientific preparation of drugs, chemicals or foods. The respondent corporation also will cease using the words "manufactured by" or similar words in connection with the name "Dr. Johann Strasska Laboratories," implying that it manufactures its products in laboratories which it owns, when this is not a fact.

The term, "a certified product," will no longer be used by the respondent corporation, implying that a product has been certified by a Government agency or by a dental, medical or other association qualified to pass on the quality of the product, when this is not a fact. The word "ivory" will no longer be used as descriptive of gift charms, when in fact such articles are not made of ivory.

No. 1845. **State Luggage Company, Inc.**, 5 East 16th St., **New York City**, engaged in selling leather luggage, signed a stipulation similar to that entered into by the **Atlas Leather Case & Bag Manufacturing Co.** (1834), except that misuse of the words

"Genuine Leather" or "Genuine Walrus" is involved instead of the words "Cowhide" or "Genuine Cowhide."

Nos. 3764 and 2803. An order to cease and desist has been issued against **Majestic Distilling Co.**, and against **Morris Brown** and **Max M. Berkowitz**, trading as **Majestic Distilling Co.**, rectifiers of distilled spirits, 10 East Lombard St., **Baltimore**, requiring them to discontinue representing, through use of the word "Distilling" in their corporate names in advertising, that they are actual distillers of liquors, when in fact, according to the findings, they neither own nor operate a distillery.

An order to cease and desist against **C. O. Taylor Distributing Co.**, 444 West Grand Ave., **Chicago**, a rectifier of liquors, directs that company to cease representing, through use of the letters "Dist." on stationery, advertising and labels, that it is a distiller of liquors, owning and operating a distillery.

Nos. 2412-2372. Orders to cease and desist have been issued against **Montebello Distillers, Inc.**, and **Interstate Distillers, Inc.**, both of **Baltimore**, requiring them to discontinue representing, through use of the word "Distillers" in their corporate names and in advertising, that they are actual distillers of liquors, when in fact, according to the findings, neither company owned or operated a distillery.

No. 2531. An association and its members, with headquarters at 1 Union Square, **New York City**, have been ordered to discontinue use of the name "A. F. of L. Trade Union Committee for Unemployment Insurance and Relief," or any other name suggesting that they have a connection with the **American Federation of Labor**.

The order also prohibits the respondent association and its members from using the name "A. F. of L. Rank and File Federationist" as a title for their monthly magazine, and from using any other name indicating that any publication sold by them is a publication of the **American Federation of Labor**.

Findings are that the initials "A. F. of L.," through their long use by the **American Federation of Labor**, its various unions and affiliated organizations, are the designation of the **American Federation of Labor**, which, since 1894, has published an official monthly magazine known as "American Federationist."

According to the findings, the use by the respondent association and its members of the names "A. F. of L. Trade Union Committee for Unemployment Insurance and Relief" and "A. F. of L. Rank and File Federationist" is without the authority or permission of the **American Federation of Labor**.

No. 2750. An order has been issued against **L. D. Caulk Company, Milford, Del.**, prohibiting unfair competition in the sale of a dental amalgam alloy sold under the trade name "The Twentieth Century Alloy Improved (Caulk)."

The order directs the respondent company to cease and desist from representing that its alloy, or any dental alloy of substantially the same composition, markedly resists the effects of over or under manipulation, and that it is adapted to any technic followed in the preparation of dental amalgam therefrom.

Representations of the respondent company prohibited in the order were said to have resulted in unfairly diverting trade to it and to have injured competitors.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, November 30

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—W. H. Marolf, Escanaba, Mich.—C. P., 1500 kc., 100 watts, unlimited time.

NEW—The Escanaba Daily Press Co., Escanaba, Mich.—C. P., 1500 kc., 100 watts, daytime.

Tuesday, December 1

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Vincennes Newspapers, Inc., Vincennes, Ind.—C. P., 1200 kc., 100 watts, 250 watts LS, unlimited time.

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Modification of license, 880 kc., 500 watts, 1 KW LS, shares WQAN. Present assignment: 880 kc., 500 watts, shares WQAN.

KICA—Western Broadcasters, Inc., Clovis, New Mex.—Modification of license, 1370 kc., 100 watts, unlimited time. Present assignment: 1370 kc., 100 watts, specified hours.

Wednesday, December 2

HEARING BEFORE AN EXAMINER

(Broadcast)

KSFC—The Associated Broadcasters Inc., San Francisco, Calif.—Voluntary assignment of license to Columbia B/C System of Calif.; 560 kc., 1 KW, unlimited time.

FURTHER HEARING BEFORE AN EXAMINER

NEW—Hunt Broadcasting Association, Greenville, Tex.—C. P., 1200 kc., 100 watts, daytime.

Thursday, December 3

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-259:

NEW—Kidd Brothers, Taft, Calif.—C. P., 1420 kc., 100 watts, daytime.

Examiner's Report No. I-264:

NEW—Marysville-Yuba City Publishers, Inc., Marysville, Calif.—C. P., 1140 kc., 250 watts, daytime.

Examiner's Report No. I-266:

NEW—Fred A. Baxter, Superior, Wis.—C. P., 1200 kc., 100 watts, unlimited time.

Examiner's Report No. I-267:

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—C. P., 1120 kc., 500 watts, specified hours (unlimited except from 8 to 9 p. m., Monday and Friday). Present assignment: 1420 kc., 100 watts, unlimited time.

Friday, December 4

FURTHER HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Harmon LeRoy Stevens & Herman LeRoy Stevens, d/b as Port Huron Broadcasting Co., Port Huron, Mich.—C. P., 1370 kc., 250 watts, daytime.

NEW—Stanley Reid & Charles Withnell Beagal, Jr., d/b as The Rapids Broadcasting Co., Cedar Rapids, Iowa—C. P., 1310 kc., 100 watts, unlimited time.

APPLICATIONS GRANTED

KDB—Santa Barbara Broadcasters, Ltd., Santa Barbara, Cal.—Granted C. P. to install new equipment and increase day power from 100 watts to 250 watts.

KGNC—Plains Radio Broadcasting Co., Amarillo, Tex.—Granted C. P. to make changes in composite equipment.

KRBC—Reporter Broadcasting Co., Abilene, Tex.—Granted C. P. to install new equipment and increase day power from 100 watts to 250 watts.

KFYO—Plains Radio Broadcasting Co., Lubbock, Tex.—Granted C. P. to install new equipment and vertical radiator.

WSMB—WSMB, Inc., New Orleans, La.—Granted C. P. to install new equipment and directional antenna system for day and nighttime operation.

KUSD—University of South Dakota, Vermillion, S. D.—Granted C. P. to install new transmitter.

WKBB—Karl L. Ashbacher, Muskegon, Mich.—Granted license to cover C. P. for move of transmitter site locally and installation of vertical radiator.

WAPO—W. A. Patterson, Chattanooga, Tenn.—Granted license to cover C. P. for new station; 1420 kc., 100 watts; daytime only.

KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—Granted license to cover C. P. for changes in composite equipment.

KFPW—Southwestern Hotel Co., Fort Smith, Ark.—Granted license to cover C. P. for new equipment.

KFBB—Buttery Broadcast, Inc., Great Falls, Mont.—Granted license to cover C. P. for move of transmitter, installation of vertical radiator and new equipment; also granted authority to determine operating power by direct measurement of antenna power.

KOBH—Black Hills Broadcast Co., Robt. Lee Dean, Rapid City, S. Dak.—Granted modification of C. P. as modified for change in equipment.

WFTC—Jonas Weiland, Kinston, N. C.—Granted modification of C. P. approving transmitter and studio sites at South

Queen St.; installation of new equipment and vertical radiator.

WKBH—WKBH Inc., La Crosse, Wis.—Granted authority to determine operating power by direct measurement of antenna power.

WQAN—E. J. Lynett, Wm. R. Lynett, Elizabeth R. Lynett and Edw. J. Lynett, Jr. (Copartnership), The Scranton Times, Scranton, Pa.—Granted authority to make changes in automatic frequency control equipment.

WIBM—WIBM, Inc., Jackson, Mich.—Granted authority to make changes in automatic frequency control equipment.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—Granted authority to install new automatic frequency control equipment, on condition it shall not be construed as a finding upon application for renewal of license of KTFI now pending before the Commission, nor that the Commission has found that the operation of this station is or will be in the public interest beyond the express terms of this authority.

KMED—Mrs. W. J. Virgin, Medford, Ore.—Granted authority to install automatic frequency control apparatus.

WTAW—Agricultural and Mech. College of Texas, College Station, Tex.—Granted authority to make changes in automatic frequency control equipment.

WMBO—WMBO, Inc., Auburn, N. Y.—Granted authority to transfer control of corporation from George I. Stevens to Roy L. Albertson; 1310 kc., 100 watts, unlimited time. Also granted renewal of license for the period Dec. 1, 1936 to June 1, 1937.

WMBO—WMBO, Inc., Auburn, N. Y.—Granted C. P. to move transmitter site locally to York St., Corner No. Dix St., install vertical radiator and new equipment and increase day power from 100 watts to 250 watts.

KSD—Pulitzer Publishing Co., St. Louis, Mo.—Granted renewal of license on a temporary basis for a period of 3 months.

WIRE—Indianapolis Broadcasting Inc., Indianapolis, Ind.—Granted renewal of license for the period Nov. 1, 1936 to May 1, 1937; 1400 kc., 500 watts night, 100 watts day, unlimited.

KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Present license extended for a period of 1 month from Dec. 1, 1936, subject to such action as may be taken on pending application for renewal.

KGNC—Plains Radio Broadcasting Co., Amarillo, Tex.—Present license further extended for a period of 3 months from Dec. 1, 1936, on a temporary basis only, subject to such action as may be taken upon pending application for renewal.

KFYO—Plains Radio Broadcasting Co., Lubbock, Tex.—Present license further extended for a period of 3 months from Dec. 1, 1936, on a temporary basis only, subject to such action as may be taken upon pending application for renewal.

WLAK—Lake Region Broadcasting Co., Lakeland, Fla.—Present license further extended for a period of 3 months from Dec. 1, 1936, on a temporary basis only, subject to such action as may be taken upon pending application for renewal.

WTFI—Liberty Broadcasting Co., Athens, Ga.—Granted renewal of license for the period Nov. 1, 1936 to May 1, 1937.

WFAB—Fifth Ave. Broadcasting Corp., New York City, N. Y.—Granted renewal of license for the period Nov. 1, 1936 to May 1, 1937.

KSCJ—Perkins Bros. Co., The Sioux City Journal, Sioux City, Iowa.—Granted renewal of license for auxiliary purposes only, for the period Nov. 1, 1936 to May 1, 1937.

WBBR—Peoples Pulpit Assn., Brooklyn, N. Y.—Granted renewal of license for the period Nov. 1, 1936 to May 1, 1937.

KROC—Southern Minn. Broadcasting Co., Rochester, Minn.—Granted extension of present license for a period of three months from Dec. 1, 1936, on a temporary basis only, subject to such action as may be taken upon pending application for renewal.

WOL—American Broadcasting Co., Washington, D. C.—Granted renewal of license for the period Dec. 1, 1936 to June 1, 1937.

NEW—A. W. Mills, Gallup, New Mex.—Granted amended C. P. for new station to operate on 1500 kc., 100 watts, unlimited time.

WCAX—Burlington Daily News, Inc., Burlington, Vt.—Granted C. P. to make changes in equipment, increase day power from 100 watts to 250 watts, change specified hours as follows: present specified hours daily except Sunday 12 noon to 1:30 p. m.; Mondays and Wednesdays 5 to 7 p. m.;

Friday 5 to 10 p. m., EST; changed to: specified hours daily except Friday, Saturday and Sunday, 7:30 to 9 a. m.; 11:30 a. m. to 2 p. m.; 4:30 to 7 p. m.; Friday and Saturday 7:30 to 9 a. m.; 11:30 to 2 p. m.; 4:30 to 8 p. m., EST; 1200 kc., 100 watts night.

W3XFJ—Lynchburg Broadcasting Corp., Mobile, Lynchburg, Va.—Granted license to cover C. P. for new experimental relay b/c station, frequencies of 31100, 34600, 37600, 40600 kc.; 40 watts.

W9XPN—WDZ Broadcasting Co., Mobile, Tuscola, Ill.—Granted license to cover C. P. for relay b/c station; frequencies of 31100, 34600, 37600, 40600 kc., 10 watts.

WAAK—WSOC, Inc., Mobile, Charlotte, N. C.—Granted modification of C. P. for change in frequencies from those under Group C to those under Group A of Rule 1003 (a).

NEW—Press Publishing Co., Sheboygan, Wis., Mobile.—Granted C. P. and license for new relay b/c station; frequencies of 39700, 39900, 40800 and 41400 kc., on an experimental basis only; 50 watts.

ACTION ON EXAMINER'S REPORT

KLO—Ex. Rep. 1-221: Interstate Broadcasting Corp., Kaysville, Utah.—Denied C. P. to make changes in equipment; install directional antenna and increase power from 500 watts to 1 KW night, 5 KW day; 1400 kc., unlimited time. Examiner R. L. Walker sustained. Order effective Jan. 5, 1937.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KCRJ, Jerome, Ariz.; **KIT**, Yakima, Wash.; **WCPO**, Cincinnati, Ohio; **WCRW**, Chicago; **WEBR** and auxiliary, Buffalo, N. Y.; **WJNO**, West Palm Beach, Fla.; **WSJS**, Winston-Salem, N. C.; **KVOL**, Lafayette, La.; **KINY**, Juneau, Alaska; **KPDN**, Pampa, Tex.; **WABI**, Bangor, Me.; **WMFR**, High Point, N. C.; **WSGN**, Birmingham, Ala.; **WTEL**, Philadelphia, Pa.

WSMB—WSMB, Inc., New Orleans, La.—Granted renewal of license for the period ending May 1, 1937.

KIDO—Frank L. Hill and C. G. Phillips, d/b as Boise Broadcast Station, Boise, Idaho.—Present license further extended on a temporary basis only for the period Dec. 1, 1936 to Jan. 1, 1937, pending receipt and/or action on renewal application.

KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska.—Present license further extended on a temporary basis only for the period Dec. 1, 1936 to Jan. 1, 1937, subject to such action as may be taken upon pending application for renewal.

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Present license further extended on a temporary basis from Dec. 1, 1936 to Jan. 1, 1937, pending receipt and/or action on renewal application.

KWTH—The Greater Kampeska Radio Corp., Watertown, S. Dak.—Present license further extended on a temporary basis from Dec. 1, 1936 to Jan. 1, 1937, pending receipt and/or action on renewal application.

WJTN—A. E. Newton, Jamestown, N. Y.—Present license further extended on a temporary basis from Dec. 1, 1936 to Jan. 1, 1937, pending receipt and/or action on renewal application.

WSAJ—Grove City College, Grove City, Pa.—Present license further extended on a temporary basis from Dec. 1, 1936 to Jan. 1, 1937, pending receipt and/or action on renewal application.

KMLB—Liner's Broadcasting Sta. Inc., Monroe, La.—Present license further extended on a temporary basis from Dec. 1, 1936 to Jan. 1, 1937, pending receipt and/or action on renewal application.

KVSO—The Ardmoreite Pub. Co., Inc., Ardmore, Okla.—Present license further extended on a temporary basis from Dec. 1, 1936 to Jan. 1, 1937, pending receipt and/or action on renewal application.

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Present license further extended on a temporary basis from Dec. 1, 1936 to Jan. 1, 1937, pending receipt and/or action on renewal application.

WBBZ—Howard Johnson, Representative of Estate of C. L. Carrell, Deceased, Ponca City, Okla.—Present license further extended on a temporary basis from Dec. 1, 1936 to Jan. 1, 1937, pending receipt and/or action on renewal application.

WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—Present license further extended on a temporary basis from Dec.

1, 1936 to Jan. 1, 1937, pending receipt and/or action on renewal application.

WTAL—Fla. Capitol Broadcasters, Inc., Tallahassee, Fla.—Present license further extended on a temporary basis from Dec. 1, 1936 to Jan. 1, 1937, pending receipt and/or action on renewal application.

KGDE—Charles L. Jaren, Fergus Falls, Minn.—Granted renewal of license on a temporary basis only subject to whatever action may be taken by the Commission upon pending application for renewal.

KVOS—KVOS, Inc., Bellingham, Wash.—Granted renewal of license on a temporary basis only subject to whatever action may be taken by the Commission upon pending application for renewal.

WBNO—The Coliseum Place Baptist Church, New Orleans, La.—Granted renewal of license on a temporary basis only subject to whatever action may be taken by the Commission upon pending application for renewal, and upon applications of the Southern Broadcasting Corp., and Charles C. Carlson.

WHBC—Edward P. Graham, Canton, Ohio—Granted renewal of license on a temporary basis only subject to whatever action may be taken by the Commission upon pending application for renewal, and upon application of Nolan S. Walker.

The following stations were granted renewal of licenses for the regular period:

KBTM, Jonesboro, Ark.; KDLR, Devils Lake, N. D.; KFOR, Lincoln, Neb.; KFPL, Dublin, Tex.; KGEZ, Kalispell, Mont.; KGY, Olympia, Wash.; KMED, Medford, Ore.; KSUN, Lowell, Ariz.; WAIM, Anderson, S. C.; WAML, Laurel, Miss.; WBOW, Terre Haute, Ind.; WCAX, Burlington, Vt.; WCLO, Janesville, Wis.; WCLS, Joliet, Ill.; WEDC, Chicago; WEXL, Royal Oak, Mich.; WFAM, South Bend, Ind.; WFAS, White Plains, N. Y.; WGCM, Mississippi City, Miss.; WGNV, Chester Township, N. Y.; WHBF, Rock Island, Ill.; WHBY, Green Bay, Wis.; WIBU, Poynette, Wis.; WIBX, Utica, N. Y.; WIL, St. Louis, Mo.; WJBC, Bloomington, Ill.; WJBL, Decatur, Ill.; WJIM, Lansing, Mich.; WKOK, Sunbury, Pa.; WLBC, Muncie, Ind.; WLNH, Laconia, N. H.; WLVA, Lynchburg, Va.; WMBG and auxiliary, Richmond, Va.; WOMT, Manitowoc, Wis.; WROL, Knoxville, Tenn.; WSIX, Nashville, Tenn.; WTRC, Elkhart, Ind. (Action taken Nov. 17, 1936).

MISCELLANEOUS

The Commission, Broadcast Division, upon its own motion, suspended its order of October 20, 1936, in the following cases:

WLB—University of Minnesota, Minneapolis, Minn.—C. P. to install new equipment, change frequency from 1250 kc. to 760 kc., and increase power from 1 KW night 1 KW day, specified hours, to 5 KW day, sharing time with station WCAL (WLB 2/3 daytime, WCAL 1/3 daytime).

WCAL—St. Olaf College, Northfield, Minn.—C. P. to make changes in equipment and install new antenna, change frequency from 1250 kc. to 760 kc., and change power from 1 KW night, 2.5 KW day, specified hours, to 5 KW day, sharing time with WLB (1/3 daytime).

WTCN—Minn. Broadcasting Corp., Minneapolis, Minn.—Modification of license to change hours of operation from specified hours to unlimited time.

KLX—Tribune Building Co., Oakland, Calif.—Granted petition asking to intervene and be made a party to the hearing on the application of Chauncy W. Hammond for a C. P. for new station at Oakland, Calif., to operate on 1280 kc., 1 KW, unlimited.

KGNC—Plains Radio Broadcasting Co., Amarillo, Tex.—Granted petition to intervene in hearing of application of G. W. Gooch for C. P. for new broadcast station at Amarillo to operate on 1500 kc., 100 watts, daytime.

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Granted petition to intervene in hearing of application of Journal Broadcasting Co. for new station at Knoxville, Tenn., to operate on 1200 kc., 100 watts night, 250 watts day, unlimited.

WCAD—St. Lawrence University, Canton, N. Y.—Granted petition requesting extension of effective date of Rules 132 and 139 pending action by the Commission on an application for voluntary assignment of license of WCAD to the Brockway Co., and on the application of the Brockway Co. for a C. P. to move station to Watertown, N. Y. Rule 132 requires equipment in use at broadcast stations be provided with safety features and Rule 139 deals with modulation monitors for broadcast stations.

Hammond Calumet Broadcasting Corp., Hammond, Ind.—Suspended order of September 22, 1936, Chairman Prall dissenting, granting application for C. P. to erect and operate new broadcast station at Hammond, Ind., using 1480 kc., 1 KW daytime, because of protest of WKBW, Buffalo. Application set for hearing.

Ernest Edward Ruehlen, Great Bend, Kans.—Reconsidered and granted application for new broadcast station at Great Bend, Kans., to operate on 1370 kc., 100 watts, unlimited time.

Bay County Publishers, Inc., Panama City, Fla.—Denied petition asking Commission to reconsider and grant without hearing application for authority to erect and operate broadcast station at Panama City, Fla., using frequency 1420 kc., 100 watts, daytime only.

Pacific Acceptance Corp., San Diego, Calif.—Denied petition asking Commission to "limit and define issues" at further hearing on its application for C. P. for new station at San Diego, Calif., to operate on 1200 kc., 100 watts, daytime only.

Ferris Hodge, Edward Hodge, Leon C. Rogers, Clifford J. Hood, John S. Michener, Frank Zimmerman and Karl M. Schneider, d/b as Lenawee Broadcasting Co., Adrian, Mich.—Granted request to postpone hearing on application to erect new broadcast station at Adrian to operate on 1440 kc., 250 watts daytime only, from December 15, 1936, to a date during last week in January, 1937.

WTAQ—WHBY, Inc., Green Bay, Wis.—Denied petition for reconsideration and for grant without hearing application for C. P. requesting authority to install new equipment and increase day power from 1 to 5 KW.

WOV—International Broadcasting Corp., New York City—Reconsidered action in setting for hearing application for Commission's consent to the transfer of control of the International Broadcasting Corp. (licensee of WOV) from John Iraci, Guistina B. Iraci and Mariannina C. Iraci to Arde Bulova, and granted same on condition that "the authority contained in this consent to the transfer of control of International Broadcasting Corp., licensee of Station WOV, shall in no wise be construed as a finding by the Commission upon the proposal to transfer an interest in Station WNEW at this time or at any time in the future. Such action may only be taken upon formal application filed with the Commission, as contemplated by the Communications Act of 1934." Judge Sykes dissented. Grant effective December 15, 1936.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Denied petition for reconsideration and for grant of its application for modification of license (as to daytime only), so as to authorize the use of 1 KW instead of 500 watts.

WNEW—Wodaam Corp., Newark, N. J.—Returned under authority of Rule 107.1, application for increase in day power from 2½ KW to 5 KW.

ACTION TAKEN ON CASES HEARD BY THE BROADCAST DIVISION

WWL—Loyola University, New Orleans, La.—Denied modification of license to change hours of operation from specified to unlimited time; 850 kc., 10 KW. Order effective December 15, 1936.

WWL—Loyola University, New Orleans, La.—Granted extension of special authorization; 850 kc., 10 KW, unlimited time. Order effective December 15, 1936.

WBAP—Carter Publications, Inc., Fort Worth, Tex.—Granted renewal of license; 800 kc., 50 KW, shares time with WFAA. Order effective December 15, 1936.

WFAA—A. H. Belo Corp., Dallas, Tex.—Granted renewal of license; 800 kc., 50 KW, shares time with WBAP. Order effective December 15, 1936.

WCCO—Northwestern Broadcasting, Inc., Minneapolis, Minn.—Granted renewal of license; 810 kc., 50 KW, unlimited time. Order effective December 15, 1936.

WOV—International Broadcasting Corp., New York City.—Granted renewal of license; 1130 kc., 1 KW, daytime. Order effective December 15, 1936.

WOV—International Broadcasting Corp., New York City.—Denied C. P. to install directional antenna, change hours of operation from daytime, 6 a. m. to 6 p. m., to unlimited, except hours assigned WLWL on 1100 kc.; 1130 kc., 1 KW. Order effective December 15, 1936.

WPG—City of Atlantic City, Atlantic City, N. J.—Granted renewal of license; 1100 kc., 5 KW, specified hours. Order effective December 15, 1936.

WWL—Loyola University, New Orleans, La.—Granted renewal of license; 850 kc., 10 KW, specified hours. Order effective December 15, 1936.

KWKH—International Broadcasting Corp., Shreveport, La.—Granted renewal of license; 850 kc., 10 KW, specified hours. Order effective December 15, 1936.

WLWL—Missionary Society of St. Paul the Apostle, New York City.—Denied modification of license to change frequency from 1100 kc. to 810 kc.; change hours from specified to unlimited time; 5 KW (facilities WCCO and WNYC). Order effective December 15, 1936.

WNYC—City of New York, Dept. of Plant & Structures, New York City.—Granted renewal of license; 810 kc., 500 watts, daytime.

WJJD—WJJD, Inc., Chicago, Ill.—Dismissed with prejudice application for modification of license to increase power from 20 KW to 5 KW night, 20 KW-LS; change hours of operation from limited to specified hours; 1150 kc. Order effective December 15, 1936.

NEW—J. David Stern, New York City.—Denied as in cases of default C. P. for new broadcast station to operate on 810 kc., 500 watts, 6 a. m. to sunset of station WCCO (facilities station WNYC). Order effective December 15, 1936.

SET FOR HEARING

NEW—Continental Radio Co., Washington, D. C.—Application for C. P. for new station in Washington, D. C., to operate on 1310 kc., 100 watts night, 250 watts day, unlimited time. Exact transmitter and studio sites to be determined with Commission's approval. Application was contingent upon the granting of application of WOL for a change of frequency to 1230 kc.

NEW—H. W. Wilson and Ben Farmer, Wilson, N. C.—Amended application for C. P. for new broadcast station at Wilson, N. C., to operate on 1310 kc., 100 watts, daytime only.

NEW—United States Broadcasting Co., Washington, D. C.—Application for C. P. for new broadcast station at Washington, D. C., to operate on 1310 kc., 100 watts, unlimited time. This application was contingent upon the granting of the application of WOL for a change of frequency to 1230 kc.

NEW—Curtis Radiocasting Corp., Indianapolis, Ind.—Application for C. P. for new broadcast station at Indianapolis, Ind., to operate on 1500 kc., 100 watts night, 250 watts day, specified hours—6 a. m. to 10 a. m., 12 noon to 6 p. m., and 10 p. m. to 12 midnight. Exact site to be determined subject to Commission approval.

NEW—Hearst Radio, Inc., Washington, D. C.—Application for C. P. for new broadcast station at Washington, D. C., to operate on 1310 kc., 100 watts night, 250 watts day, unlimited time. Transmitter site to be determined with Commission's approval. This application was contingent upon the granting of the application of WOL for change in frequency to 1230 kc.

NEW—Utica Observer Dispatch, Inc., Utica, N. Y.—Application for C. P. for new broadcast station at Utica, N. Y., to operate on 950 kc., 1 KW, daytime only. Transmitter and studio sites to be determined with Commission's approval.

WBNO—J. E. Richards, John R. Maddox and Edward R. Musso, d/b as Pelican State Broadcasting Co., New Orleans, La.—Amended application for C. P. for authority to move transmitter and studio locally, make changes in equipment, erect an approved type of antenna system, change frequency from 1200 kc. to 1500 kc., and increase operation to unlimited time.

KGB—Don Lee Broadcasting System, San Diego, Calif.—Application for C. P. for authority to move transmitter site locally, install new equipment and vertical radiator, and increase day power from 1 KW to 5 KW.

WSMB—WSMB, Inc., New Orleans, La.—Application for C. P. for authority to install new equipment and increase day power from 1 KW to 5 KW using directional antenna system for day and nighttime operation.

WDEV—Mary M. Whitehill, executrix of estate of Harry C. Whitehill, deceased, Waterbury, Vt.—Amended application for C. P. for authority to make changes in equipment and increase daytime power from 500 watts to 1 KW, commencement date to 60 days after grant, completion date six months thereafter.

WJBW—Charles C. Carlson, New Orleans, La.—Application for renewal of license for period 12-1-36 to 6-1-37.

KFXR—Exchange Avenue Baptist Church of Oklahoma City,

Oklahoma City, Okla.—Application for renewal of license for period 12-1-36 to 6-1-37.

WOAI—Southland Industries, Inc., San Antonio, Texas—Application for Commission's consent to transfer of control of Southland Industries, Inc., licensee of WOAI, from G. A. C. Half to Columbia Broadcasting System, Inc.

SPECIAL TEMPORARY AUTHORIZATIONS

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 6:30 p. m. to 9:30 p. m., CST, Nov. 30, 1936, in order to broadcast the 23rd Radio Revue and Barn Dance to be held at Laurium Town Hall, Laurium, Mich.

WSUI—State University of Iowa, Iowa City, Iowa.—Granted special temporary authority to operate a minimum of six hours daily, instead of unlimited time, for period beginning Dec. 18, 1936, and ending in no event later than January 4, 1937, in order to observe the holiday vacation period at the State University of Iowa.

WBAM-WBAN—Bamberger Broadcasting Service, Inc., 131 Market St., Newark, N. J.—Granted special temporary authority to operate two low frequency relay broadcast stations on Nov. 26, 1936, for relaybroadcast description of duck hunting expedition, and on Dec. 17, 1936, for relaybroadcast aboard U. S. Navy Blimp description deer hunting expedition southern New Jersey.

WBBM—WBBM Broadcasting Corp., Chicago, Ill.—Granted special temporary authority to operate with KFAB simultaneously instead of synchronously for a maximum of three minutes at 10:30 p. m., EST, Dec. 13, 1936, in order to broadcast appeals of local Mayors for their local Community Chests.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Granted special temporary authority to operate with WBBM simultaneously instead of synchronously for a maximum of three minutes at 10:30 p. m., EST, Dec. 13, 1936, in order to broadcast appeals of local Mayors for their local Community Chests.

WCBA—B. Bryan Musselman, Allentown, Pa.—Granted extension of special temporary authority to use a 50 watt portable transmitter between the hours of 12 midnight, EST, and 6 a. m. for period beginning Nov. 17, 1936, and ending in no event later than Nov. 30, 1936.

WSAN—WSAN, Inc., Allentown, Pa.—Granted extension of special temporary authority to use a 50 watt portable transmitter between the hours of 12 midnight, EST, and 6 a. m. for period beginning Nov. 17, 1936, and ending in no event later than Nov. 30, 1936.

WALR—WALR Broadcasting Corp., Zanesville, Ohio.—Granted special temporary authority to operate during program test period without approved frequency monitor for period beginning Nov. 12, 1936, and ending in no event later than Nov. 27, 1936, pending completion of recalibration.

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Granted special temporary authority to operate 100-watt test transmitter on 970 kc. between hours of 12 midnight and 6 a. m., EST, for period not to exceed 30 days in order to make field intensity survey tests, provided such tests are not made during those hours prescribed for Commission monitoring schedule.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Granted special temporary authority to remain silent on December 25, 1936, in order to observe Christmas Day.

WBRB—Monmouth Broadcasting Co., Red Bank, N. J.—Granted special temporary authority to remain silent on December 25, 1936, in order to observe Christmas Day.

KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to remain silent Thursday, November 26, 1936, in order to observe National Holiday.

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Granted special temporary authority to operate simultaneously with station WSMK from 5:15 p. m. to 5:30 p. m., EST, Dec. 6, to broadcast the Pittsburgh-Philadelphia football game; Dec. 13, the Pittsburgh League hockey game; Dec. 20, the Pittsburgh-Cleveland hockey game, and Dec. 27, the Pittsburgh League hockey game.

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 2 p. m. to 4 p. m., CST, Dec. 1, 2, 3, 7, 8, 9, 10, 14, 15, 16, 17, 1936 (provided KGGF remains silent), in order to broadcast special educational programs.

KGGF—High J. Powell & Stanley Platz, d/b as Powell & Platz, Coffeyville, Kans.—Granted special temporary authority to

operate from 7:15 p. m. to 9:15 p. m., CST, Dec. 22, 24, 29, 31, 1936, and from 8:15 p. m. to 9:15 p. m., CST, Dec. 23 and 30, 1936 (provided WNAD remains silent), in order to observe the Christmas holidays.

- WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted special temporary authority to operate simultaneously with station WGNV from 11 a. m. to 1 p. m., EST, Thursday, Nov. 26, 1936, in order to broadcast intersectional football game from Parker Stadium.
- KGNC—Plains Radio Broadcasting Co., Amarillo, Texas—Granted special temporary authority to broadcast a program originating on station W5XAR or W5XAS sometime between the 15th and 25th of November, 1936, and rebroadcast over radio station KGNC.
- WLBC—Donald A. Burton, Muncie, Ind.—Granted special temporary authority to operate simultaneously with WTRC from 6 p. m. until 7:30 p. m., CST, nights of Dec. 4, 11, 16, 17, 18, 19, 21, and 22, 1936, for the purpose of broadcasting basketball games of Central High School and Ball State Teachers College.
- WHDL—Olean Broadcasting Co., Inc., Olean, N. Y.—Granted special temporary authority to operate from local sunset (5 p. m.) to 10 p. m., EST, November 25, 1936, on frequency 1400 kc., 250 watts, in order to celebrate the movement of WHDL to the above frequency and power and to celebrate the second anniversary of the station.
- WFBG—The Gable Broadcasting Co., Altoona, Pa.—Granted special temporary authority to operate simultaneously with WJAC from 4:45 p. m. to 6:15 p. m., EST, Dec. 5, 1936, in order to broadcast a football game.
- WJAC—WJAC, Inc., Johnstown, Pa.—Granted special temporary authority to operate simultaneously with WFBG from 6:15 p. m. to 7 p. m., EST, Dec. 5, 1936, in order to broadcast a football game.

APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were dismissed at request of applicants:

- WOWO—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—C. P., 1160 kc., 25 KW night, 10 KW day, simultaneous day, share WWVA night.
- KFRO—Voice of Longview, Longview, Tex.—Special experimental authorization, 1210 kc., 100 watts, unlimited (facilities of KWEA).
- WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—C. P., 1160 kc., 25 KW night, 10 KW day, simultaneous day, share WOWO night.
- W1XBS—American-Republican, Inc., Waterbury, Conn.—C. P., 1530 kc., 100 watts, unlimited.
- W1XBS—American-Republican, Inc., Waterbury, Conn.—C. P., 1530 kc., 100 watts, unlimited.
- WCOL—WCOL, Inc., Columbus, Ohio.—C. P., 1210 kc., 100 watts, 250 watts LS, unlimited.

APPLICATIONS RETIRED TO CLOSED FILES

- KGB—Don Lee Broadcasting System, San Diego, Calif.—Application for C. P. to change equipment and increase day power to 2.5 KW, heretofore granted, was retired to the closed files for want of prosecution.
- WPTF—WPTF Radio Co., Raleigh, N. C.—Application for authority to determine power by direct method, granted Oct. 20, 1936, was retired to the closed files as applicants on Oct. 21, 1936, requested withdrawal of application.

APPLICATION DENIED

- KFRO—Voice of Longview, Longview, Tex.—Denied special temporary authority to operate from local sunset (November 5:15 p. m.) to 7:30 p. m., CST, beginning Nov. 18, 1936, and ending Nov. 30, 1936, in order to broadcast programs in the public interest of commercial and civic affairs.

RATIFICATIONS

The Commission ratified the following acts authorized on the dates shown:

- W8XH—Radio Air Service Corp., Cleveland, Ohio—Granted authority to operate as licensed Nov. 24, 1936, special Cleveland program.
- KOOS—Radio Station KOOS, Marshfield, Ore.—Granted authority to install and use Bliley type BC-46 automatic temperature

control unit for 30 days pending filing and action on formal application.

- WMBQ—Joseph Husid, Receiver Metropolitan Broadcasting Corp., Brooklyn, N. Y.—Granted extension of special temporary authority for Joseph Husid, Receiver for Metropolitan Broadcasting Corp., to operate broadcast station WMBQ for the period Nov. 23, 1936, and ending Jan. 1, 1937, pending action on application for involuntary assignment of license.
- KGFX—Mrs. Dana McNeil, Pierre, S. Dak.—Granted extension of special temporary authority to Mrs. Dana McNeil to operate KGFX for period of 30 days from Nov. 15, 1936, upon condition that verified information as to her citizenship and as to her appointment as Administratrix of the Estate of Dana McNeil, deceased (certified copy of order of Probate Court), be submitted immediately to the Commission.
- KID—KID Broadcasting Co., Idaho Falls, Idaho—Granted special temporary authority to operate with reduced power on old equipment of 100 watts during equipment test for period Nov. 20 to Nov. 29, 1936.
- WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 2 to 3 p. m., EST, Nov. 21 and 28 (provided WSVS remains silent), to broadcast football games; also from 8:30 a. m. to 10 a. m., EST, and from 2 to 3 p. m., EST, Nov. 22 and 29, 1936 (provided WSVS remains silent), to broadcast religious programs of Catholic Evidence Guild.

Denied request filed on behalf of the Iowa Broadcasting Co., respondent, requesting that Commission subpoena certain witnesses for the purpose of compelling them to depose, in the hearing on the application of Stanley Reid and Chas. Witnell Bogel, Jr., d/b as The Rapids Broadcasting Co., for C. P. (Docket No. 3922).

APPLICATIONS RECEIVED

First Zone

- WBEN—WBEN, Inc., Buffalo, N. Y.—Authority to determine 900 operating power of auxiliary transmitter by direct measurement of antenna.
- WBEN—WBEN, Inc., Buffalo, N. Y.—Modification of license to 900 use former main transmitter (1 kilowatt) as an auxiliary transmitter.
- WSPR—Quincy A. Brackett, L. B. Breed, Edmund Laport, co-partners, d/b as Connecticut Valley Broadcasting Company, Springfield, Mass.—Modification of license to change hours of operation from limited time, local sunset at station WAPI, to unlimited time, and change power from 500 watts to 250 watts night, 500 watts day.
- WJTN—James Broadcasting Company, Inc., Jamestown, N. Y.—1210 Construction permit to install new transmitter and antenna, increase power from 50 watts to 100 watts night and 250 watts day, and move transmitter from 840 North Main Street to near Silsby Street and Gifford Avenue, Jamestown, N. Y., and studio from 122 West Third Street to Wellman Building, Jamestown, N. Y.
- WJTN—A. E. Newton, Jamestown, N. Y.—Voluntary assignment 1210 of construction permit (B1-P-1174) from A. E. Newton to James Broadcasting Company, Inc.
- WJTN—James Broadcasting Company, Inc., Jamestown, N. Y.—1210 License to cover construction permit (B1-P-1174) for equipment changes.
- WBRB—Monmouth Broadcasting Company, Red Bank, N. J.—1210 Construction permit to make changes in equipment.
- WGBB—Harry H. Carman, Freeport, N. Y.—License to cover 1210 construction permit (B1-P-1441) for changes in equipment.
- WNEL—Juan Piza, San Juan, P. R.—Modification of construction 1290 permit (B-P-661) for changes in equipment and increase in power, requesting extension of completion date from 11-29-36 to 12-29-36.
- WABY—The Adirondack Broadcasting Company, Inc., Albany, 1370 N. Y.—License to cover construction permit (B1-P-1191) for new transmitter and antenna and to move studio and transmitter.
- WCNW—Arthur Faske, Brooklyn, New York.—Modification of 1500 license to change specified hours to hours now used by WCNW plus all hours now used by station WMBQ, or share one half time on channel with WWRL by splitting time of WMBQ between WCNW and WWRL. Amended: To request time now used by WCNW plus all hours now used by WMBQ. Request facilities (hours of operation) of WMBQ.

W10XGC—National Broadcasting Co., Inc., Mobile—Construction permit to make changes in equipment and increase operating power from 20 watts to 30 watts.

W10XGC—National Broadcasting Co., Inc., Mobile—License to cover above.

NEW—National Broadcasting Co., Inc., Mobile—License to operate a new relay broadcast station on 31100, 34600, 37600, 40600 kc., 100 watts, using the transmitter licensed to W2XHG (high frequency broadcast station).

NEW—National Broadcasting Co., Inc., Mobile—Construction permit for a new high frequency relay broadcast station to be operated on 25700, 26000, 27100, 31100, 34600, 31600, 35600, 37600, 40600, 41000 kc., 100 watts. Amended: To omit frequencies 25700, 26000, 27100, 31600, 35600, 41000 kc.

NEW—National Broadcasting Co., Inc., Mobile—License to cover above.

NEW—National Broadcasting Co., Inc., Mobile—License for 25700, 26000, 27100, 31600, 35600, 38600, 41000, 86000-400000, 401000 kc., and above, 25 watts. (To use equipment licensed to station W10XV. Amended: To request license for experimental broadcast station giving frequencies 1614, 3492.5, 4797.5, 6425, 8655, 12862.5, 17310, 25700, 26000, 27100, 31100, 34600, 37600, 40600, 86000-400000, 401000 kc. and above, 25 watts.

W3XEP—RCA Manufacturing Co., Inc., Camden, N. J.—Construction permit to install a new aural transmitter and increase operating power from 500 watts to 30 KW.

W3XEP—RCA Manufacturing Co., Inc., Camden, N. J.—License to cover above.

W2XBT—National Broadcasting Co., In vicinity of N. Y.—License for frequencies in the band 124000-130000 kc., 750 watts power.

NEW—RCA Manufacturing Co., Inc., Mobile—License for television broadcast station to be operated on 124000-130000 kc., 500 watts.

W8XAB—Olean Broadcasting Co., Inc., Mobile—License to cover construction permit for a new high frequency relay broadcast station.

NEW—Roy L. Albertson, Mobile—Construction permit for a new high frequency relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 2.5 watts.

W3XAK—National Broadcasting Co., Portable, Bound Brook, N. J.—License to operate station as a facsimile broadcast (experimental) station on 2016 kc., 5 KW power, unlimited time. Rule 983. Station to be located at River Road, Bound Brook, N. J.

NEW—National Broadcasting Co., Inc., Bellmore, New York—License to operate the transmitter formerly licensed to W2XBS as a facsimile broadcast (experimental) station on 2016 kc., 500 watts power, unlimited time in accordance with Rule 983. (Request call letters W2XK.)

Second Zone

WKZO—WKZO, Inc., Kalamazoo, Mich.—License to cover construction permit (B2-P-1291) for new equipment.

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Construction permit to move transmitter to site to be determined, Montgomery County, Pennsylvania, install new transmitter, vertical antenna, increase power from 100 watts to 5 KW and change hours of operation from daytime to limited time, Chicago sunset. Amended: To give transmitter site as site to be determined, Conshohocken, Montgomery County, Pennsylvania, and specify night power as 5 KW.

NEW—Springfield Newspapers, Inc., Springfield, Ohio—Construction permit for a new station to be operated on 1120 kc., 250 watts, daytime.

WALR—WALR Broadcasting Corp., Zanesville, Ohio—License to 1210 cover construction permit (B2-P-1435) for new equipment.

WBLK—The Exponent Co., Clarksburg, W. Va.—Modification of 1370 construction permit (B2-P-1127) as modified for a new transmitter, change in hours of operation from daytime to unlimited and power from 100 watts to 100 watts night, 250 watts daytime and extend commencement and completion dates.

WSMK—WSMK, Inc., Dayton, Ohio—Construction permit to install a new transmitter and increase power from 200 watts to 500 watts.

NEW—Food Terminal Broadcasting Co., Cleveland, Ohio—Construction permit for a new station to be operated on 1500 kc., 100 watts, daytime.

NEW—National Broadcasting Co., Inc., Mobile—Construction permit for a high frequency relay broadcast station to be operated on 25700, 26000, 27100, 31100, 31600, 34600, 35600, 37600, 38600, 40600, 41000, 86000-400000, 401000 kc. and above, 25 watts. Amended to omit frequencies 25700, 26000, 27100, 31600, 35600, 38600, 41000, 86000-400000, 401000 kc. and above.

NEW—National Broadcasting Co., Inc., Mobile—License to cover above.

NEW—National Broadcasting Co., Inc., Chicago, Ill.—License for new high frequency relay broadcast station on 31100, 34600, 37600, 40600 kc., 2500 watts.

W8XKC—Miami Valley Broadcasting Corp., Mobile—License to cover construction permit for a new high frequency relay broadcast station.

WGBD—WBNS, Inc., Mobile—License to cover construction permit as modified for a new broadcast pickup station to be operated on 1646, 2090, 2190 and 2830 kc., 3 watts.

WJLF—WBNS, Inc., Mobile—License to cover construction permit for a new broadcast pickup station.

NEW—American Broadcasting Corp. of Kentucky, Mobile—Construction permit for a new high frequency relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 10.5 watts.

NEW—American Broadcasting Corp. of Kentucky, Mobile—Construction permit for a new high frequency relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 2 watts.

Third Zone

WMC—Memphis Commercial Appeal, Inc., Memphis, Tenn.—780 Modification of license to increase night power from 1 KW to 5 KW (using directional antenna night).

NEW—The Record Publishing Co., Okmulgee, Okla.—Construction permit for a new station to be operated on 1210 kc., 100 watts, daytime.

WAIR—C. G. Hill, George D. Walker, Susan H. Walker, Winston-Salem, N. C.—Modification of construction permit (B3-P-808) for a new station, requesting changes in authorized equipment, approval of transmitter site at North Cherry Street, Extension, Winston-Salem, N. C., and approval of antenna.

WFBC—Greenville News-Piedmont Co., Greenville, S. C.—Authority to determine operating power by direct measurement of antenna power.

KRLD—KRLD Radio Corporation, Dallas, Tex.—Construction 1310 permit to make changes in equipment.

KOCA—Oil Capital Broadcasting Association (James G. Ulmer, President), Kilgore, Tex.—Modification of construction permit (B3-P-594) to make changes in authorized equipment, for approval of transmitter and studio sites at Laird Ave. between Duval and South Martin Streets, Kilgore, Tex., and for approval of antenna.

NEW—Beaumont Broadcasting Assn., B. A. Steinhagen, Pres., Beaumont, Tex.—Construction permit to erect a new station to be operated on 1420 kc., 100 watts power, daytime operation.

WMFJ—W. Wright Esch, Daytona Beach, Fla.—Construction permit to install a new transmitter and vertical antenna.

NEW—WSMB, Inc., Mobile—Construction permit for a new low frequency relay broadcast station to be operated on 1606, 2022, 2102, 2758 kc., 40 watts.

NEW—WSMB, Inc., Mobile—Construction permit for a new low frequency relay broadcast station to be operated on 1606, 2022, 2102, 2758 kc., 40 watts.

Fourth Zone

KWTO—Ozarks Broadcasting Company, Springfield, Mo.—Authority to determine operating power by direct measurement of antenna power.

KWTO—Ozarks Broadcasting Company, Springfield, Mo.—License 560 to cover construction permit (B4-P-230) as modified for equipment changes, new antenna, increase in power, and move of transmitter.

KMMJ—KMMJ, Inc., Clay Center, Nebr.—License to cover construction permit (B4-P-1375) for new equipment.

WTAD—Illinois Broadcasting Corp., Quincy, Ill.—License to cover 900 construction permit (B4-P-1325) for new transmitter and antenna, move of transmitter locally.

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Modification 1050 of construction permit (B4-P-736) as modified for new station on 1050 kc., 1 KW power, daytime operation, fur-

ther requesting approval of transmitter and studio sites at near junction of Bluff Street and Brockett Road, Eau Claire, Wis.

WEDC—Emil Denemark, Inc., Chicago, Ill.—Modification of 1210 license to change specified hours from daily, 8:30 to 10 a. m., 3:30 to 5 p. m., 7 to 8 p. m., 10 to 11 p. m., 1 to 3 a. m., to daily, 8:30 to 10 a. m., 3:30 to 5 p. m., 7 to 8 p. m., 10 to 11 p. m., midnight to 6 a. m., requesting 1 hour used by WCRW from midnight to 1 a. m. Amended to omit request for hours from midnight to 6 a. m. and request for one hour from WCRW (1 to 3 a. m. now in regular schedule).

KWOS—Tribune Printing Company, Jefferson City, Mo.—Modification of 1310 construction permit (B4-P-1023) for new station for change in equipment, approval of antenna, and transmitter site at St. Mary's Blvd., Jefferson City, Mo.; studio at 400 East Capital St., Jefferson City, Mo.

NEW—Don M. Lidenton and A. L. McCarthy, d/b as Fields McCarthy Co., Poplar Bluff, Mo.—Construction permit for a new station to be operated on 1310 kc., 100 watts, daytime.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Modification of 1350 license to change power from 1 KW night, 5 KW day, to 5 KW day and night.

WMIN—Edward Hoffman, St. Paul, Minn.—Modification of 1370 license to change frequency from 1370 kc. to 1360 kc., and increase night power from 100 watts to 250 watts.

KFJM—University of North Dakota, Grand Forks, N. Dak.—1370 License to cover construction permit (B4-P-501) as modified for change in frequency, increase in power, changes in equipment, and move of transmitter.

WGL—Westinghouse Electric & Manufacturing Co., Fort Wayne, Ind.—License to cover construction permit (B4-P-1383) for new equipment.

WSAU—Northern Broadcasting Co., Inc., Wausau, Wis.—Modification of 1370 construction permit (B4-P-725) for a new station,

requesting approval of transmitter site at 113-115 Third Street, Wausau, Wis., and approval of antenna.

KDAL—Red River Broadcasting Company, Inc., Duluth, Minn.—1500 License to cover construction permit (4-P-B-3085) as modified for move of transmitter and studio, and antenna changes.

W9XAP—National Broadcasting Co., Inc., Addison, Ill.—License to operate station as a facsimile broadcast (experimental) station on 2016 kc., 2½ KW power, unlimited time. Rule 983.

Fifth Zone

NEW—J. Grant Iverson, Salt Lake City, Utah.—Construction 630 permit to erect a new broadcast station to be operated on 630 kc., 1 KW night, 5 KW day power, unlimited time.

KYOS—Merced Star Publishing Company, Inc., Merced, Calif.—1040 Modification of license to change frequency from 1040 kc. to 1280 kc., change hours of operation from daytime to unlimited time, using 250 watts power.

KOB—Albuquerque Broadcasting Company, Albuquerque, N. Mex. 1180 —Construction permit to install a new transmitter.

KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Construction permit to install vertical antenna, move transmitter from 621 North Central Avenue, Phoenix, Ariz., to 12th and Camelback Road, northeast of Phoenix, Ariz.

KRKO—Lee E. Mudgett, Everett, Wash.—License to cover construction permit (B5-P-1254) for change in equipment.

KRLC—H. E. Studebaker, Lewiston, Idaho.—Authority to make 1390 changes in automatic frequency control equipment.

NEW—Ward Walker, Seattle, Wash.—Construction permit for a 1530 new special broadcast station to be operated on 1530 kc., 1 KW, unlimited time. Amended: Studio site to be determined, Seattle, Wash.

NEW—Symons Broadcasting Co., Mobile.—Construction permit for a new high frequency relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 15 watts.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
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ENGINEERING COMMITTEE APPOINTED

President Meyers has authorized the announcement of the personnel of the Engineering Committee as follows: J. H. DeWitt, Jr., WSM, Nashville, Tennessee, Chairman; L. A. Benson, WIL, St. Louis, Missouri; L. S. Bookwalter, KOIN, Portland, Oregon; E. K. Cohan, Columbia Broadcasting System, New York, N. Y.; Gerald W. Cooke, WBAL, Baltimore, Maryland; John E. Fetzer, WKZO, Kalamazoo, Michigan; E. L. Gove, WHK, Cleveland, Ohio; C. W. Horn, National Broadcasting Company, Inc.; Porter Houston, WCBM, Baltimore, Maryland; Carl Meyers, WGN, Chicago, Illinois; and John M. Sherman, WTCN, Minneapolis, Minnesota.

NEW STATIONS GRANTED

The Federal Communications Commission, through its Broadcast Division, took action this week granting construction permits for three new stations, one for television.

A construction permit for the erection of a new broadcast station was granted to the Southwest Broadcasting Company, Prescott, Ariz., to use 1500 kilocycles, 100 watts, nighttime operation.

The Broadcast Division also granted a construction permit for a new station to Dorrance D. Roderick, El Paso, Texas, to use 1500 kilocycles, 100 watts, unlimited time.

A construction permit was also granted to the Farnsworth Television Corporation of Springfield, Pa., for a new visual experimental station to operate with 1,000 watts, unlimited time, on 60000-86000 and 42000-56000 kilocycles.

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

The Garford Corporation, Marion, Ind. (2-2630, Form A-1)
Chicago Times Company, Chicago, Ill. (2-2631, Form A-1)
Charles H. Wanzer et al., New York City. (2-2632, Form A-1)
Automobile Banking Corp., Philadelphia, Pa. (2-2633, Form A-2)
Eaton & Howard Management Fund, Boston, Mass. (2-2635, Form A-1)
Poor & Company, Chicago, Ill. (2-2636, Form A-2)
Houston Cotton Exchange Bldg. Co., Inc. (2-2637, Form A-1)
Louisiana Oil Producing Co., Boston, Mass. (2-2638, Form A-1)
Diversified Investment Fund, Inc., Detroit, Mich. (2-2639, Form A-1)
Lima Cord Sole & Heel Co., Lima, Ohio. (2-2641, Form A-2)
Ray Airconditioning Corp., New York City. (2-2642, Form A-1)
Standard Tube Company, Highland Park, Mich. (2-2644, Form A-2)
Packer Corporation, Cleveland, Ohio. (2-2645, Form A-2)
Universal-Cyclops Steel Corporation, Bridgeville, Pa. (2-2646, Form A-2)
Dictograph Products Co., Inc., New York City. (2-2647, Form A-1)
Ventura Mines, Inc., Nogales, Ariz. (2-2649, Form A-1)
Chevy Chase Club, Chevy Chase, Md. (2-2650, Form A-2)

KINDIG APPEAL DISMISSED

The Court of Appeals of the District of Columbia has dismissed the appeal of W. H. Kindig of Los Angeles, Calif., against the Federal Communications Commission.

In this case Kindig asked for half time used by Station KFAC, Los Angeles, while the station asked for license renewal. It operates on 1300 kilocycles, full time, 1,000 watts power. Following hearing the Commission granted the license renewal to the station. Kindig appealed but he later asked that the appeal be dismissed. Therefore the court dismissed the appeal on request of the appellant.

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints against the following firms. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

No. 2993. A complaint has been issued against **American Lubricants Co., Inc.**, 1227 N. Deeds Ave., Dayton, Ohio, alleging use of unfair methods of competition in the wholesaling of motor oils.

Cans containing the respondent corporation's oils allegedly are branded with certain words and numbers and with an emblem adopted by the Pennsylvania Grade Crude Oil Association to signify that the distributor is a member of the association and that oil sold under the emblem is a pure, unadulterated oil produced from the Pennsylvania strata of oil fields. According to the complaint, the respondent corporation's oil is not a pure, unadulterated product of the Pennsylvania strata of oil fields, but is a blend of oils, and the respondent corporation is not a member of the association.

No. 2994. Use of a merchandising policy whereby it maintains suggested minimum resale prices for its product is alleged in a complaint issued against **Seminole Paper Corporation**, 111 West Washington St., Chicago, engaged in the sale of toilet paper. The respondent company's product is manufactured in mills at Marinette, Wis., Ashland, N. H., and Rumford, Me.

The respondent company allegedly sells its product, known as "Seminole Tissue," at a discount of 50 cents for each case of 100 rolls to those customers who agree to advertise and resell it to ultimate purchasers at prices equal to or in excess of the established minimum prices.

No. 2995. Charging unfair competition through misrepresentation of the prices of toilet soap sold in interstate commerce, a complaint has been issued against **J. W. McPheeters**, trading as **Mid-West Soap Co.** and as **Savon Products**, 901 High Street, Indianapolis.

The complaint alleges that prices marked on boxes in which the respondent's soap was sold were many times in excess of the actual value and of the actual selling prices to house-to-house canvassers, and were much greater than the prices charged the public by the canvassers. Such prices, according to the complaint, were not intended by the respondent to be the true retail prices and were false and fictitious, while the respondent's products were not of the high quality implied in the fictitious high prices.

No. 2996. Alleging misrepresentations in the sale of furs and fur coats, a complaint has been issued against **Hochschild, Kohn & Co.**, with headquarters at Howard and Lexington Streets, Baltimore, charging violation of section 5 of the Federal Trade Commission Act prohibiting unfair competition.

Selling garments made from furs and skins other than those of the seal and beaver, the respondent company is alleged to have advertised them by such names as "sealine," "bay seal," "Canadian beaver," and "Hudson Seal." The complaint points out that some of these garments were made from rabbit skins so dressed and dyed

as to resemble the seal or beaver in appearance only, while others were made from muskrat skins to resemble seal.

No. 2998. A complaint has been issued against **Birconjel Corporation, Inc.**, with offices at 420 Lexington Ave., and 37 East 28th St., New York City, alleging unfair methods of competition in connection with the sale of "Birconjel," offered as a hygienic product for use by women. The respondent corporation is said to advertise the product in radio broadcasts, newspapers, on cartons, and by other means.

According to the complaint, the product will not, as the respondent corporation allegedly represents, accomplish the results claimed for it; it is not a scientific prophylactic for feminine hygiene; has not received the approval of the American medical profession and is not prescribed by thousands of physicians; its use is not absolutely harmless, and its formula is not "open" since its ingredients are not disclosed by the manufacturers.

No. 2999. **Hawaiian Distilleries, Ltd.**, 810-812 Kawaiahao St., Honolulu, Hawaii, is charged in a complaint with misuse of the word "Distilleries" in its corporate name, in violation of Section 5 of the Federal Trade Commission Act. The respondent corporation is engaged in rectifying, blending bottling and wholesaling alcoholic beverages, including Okolehao, a liquor originally distilled exclusively in Hawaii and widely known there and in other parts of the world.

The respondent corporation, through use of the word "Distilleries," is said to represent that it distills the liquors it sells, when, the complaint charges, such is not a fact.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

No. 1836. **R. T. Miller, Jr.**, Drexel Ave. at 58th St., Chicago, trading as **American Technical Society**, in connection with selling courses in business administration and publishing books for home study in that subject, agrees to stop representing, directly or through his agents, that these courses cannot be purchased elsewhere for less than \$158. Miller agrees to cease holding out as an inducement for purchase of the textbooks the representation that they are being offered at a greatly reduced price, when this is not true. He also stipulates that he will cease representing to high school graduates that they have been selected as "reference students," and will discontinue any representation implying that such "reference students" receive special concessions, when this is not a fact.

No. 1837. **Daniel Goodman**, trading as **Goodman's Watch Repair Factory** and as **Goodman's Watch Factory Service**, 19 South Perry St., Montgomery, Ala., stipulates that in operating his watch repair business he will stop using the word "factory" as part of his trade name or names, when in fact he does not manufacture the parts used by him in repairing watches. He also agrees to cease employing the words "factory" or "manufacturers" in advertising, implying thereby that he actually owns and operates a factory in which the repair parts used by him are manufactured. Goodman agrees to discontinue using the word "importers" in advertising with the effect of causing customers to believe that he obtains watch repair parts from a foreign country, and agrees to abandon, as descriptive of his business, use of the phrase "the largest watch repair factory in the United States," or any other similar representation, when in fact that business cannot be accurately so described.

No. 1839. **George D. Jenison**, 240 North College St., Decatur, Ill., trading as **Gun Metal Finish Company**, selling formulas for nickel-plating of metals and silvering of mirrors, agrees to stop using false or misleading representations respecting the value of formulas sold by him or regarding the possibilities of earnings by their use, and of exaggerated assertions respecting the uses to which a nickel-plating apparatus he sells can be put or the range of work that can be accomplished by its use.

No. 1842. **Gulbransen Co.**, 816 N. Kedzie Ave., Chicago, piano manufacturer, stipulates that in the interstate sale of its products it will cease using the word "grand," either independently or in connection with comparisons made between its so-called "vertical grand" pianos and other pianos. The word "grand" will not be employed as a trade name or part of a trade name to describe a piano not having the qualities understood by the trade and purchasing public to be inherent in grand pianos. These qualities are noted in the stipulation as being the horizontal placing of strings, gravity action and special tonal and other qualities. The stipulation sets out that the so-called "Gulbransen Vertical Grand" piano was not a grand piano, according to this understanding.

No. 1850. Under a stipulation entered into, **The Linen Thread Co., Inc.**, 60 East 42nd St., New York City, has agreed that in the sale of threads for sewing and repairing shoes it will cease and desist from the use in advertising matter of any inaccurate and misleading representations implying that shoes made with cemented-on soles are inferior or undesirable.

The company will discontinue representations that shoes manufactured with cemented-on soles cripple or "burn" the feet, produce pain or suffering, and cause the wearers to limp; that such shoes are poor fitting, cheaply constructed and are viewed with aversion by the public; that they are not properly ventilated, and that the wearers' feet come in contact with glue or cement.

Nos. 2462 and 2422. Orders to cease and desist have been issued against two groups engaged in rectifying and wholesaling of liquors. The orders direct these respondents to stop representing through use of the words "distilleries" or "distilling" in their corporate names, on stationery and in advertising, that they are actually engaged in distilling liquors, when this is not the fact.

Respondents in these cases are:

Irish Hills Distilleries, Inc., 439 E. Congress St., Detroit, and **J. M. Tonkin and S. M. Modlin**, trading as **Columbia Distilling Co., Tonkin Distributing Co., and Old Abbey Distilling Co.**, 440 Ninth St., San Francisco.

In the case of **J. M. Tonkin** and others, the provisions of the order to cease and desist do not apply to gins produced by these respondents through a process of rectification in which alcohol, purchased but not produced by the respondents, is redistilled over juniper berries and other aromatics.

No. 2594. **Afta Solvents Corporation**, 460 W. 128th St., New York City, manufacturer of a cleaning fluid, has been ordered to discontinue certain unfair representations in the interstate sale of its product.

In the sale of "Afta" or "Afta Spot Remover" or any cleaning fluid of the same composition, the respondent company is ordered to cease representing that such fluid will remove spots from fabrics or other articles and leave no spot or ring visible in the place from which foreign matter has been removed. The order also prohibits the representation that this fluid will not injure the color of fabrics to which it is applied.

No. 2630. **Clopay Corporation**, located at York, McLean and Exeter Sts., Cincinnati, has been ordered to cease and desist from unfair representations in the sale of various types of oiled cellulose pulp-backed, or paper-backed, products designated "Fabray" and used in the manufacture of window shades and shelf and wall coverings.

The respondent corporation is ordered to discontinue advertising that "Fabray" is oilcloth or fiber-backed oilcloth, possessing wearing qualities as great as the more expensive grades of oilcloth; that it is wash-proof, fray-proof and crack-proof, and that "Fabray" window shades do not fade, when such is not a fact.

Said to be in competition with firms manufacturing and selling oilcloth, the respondent corporation is directed to stop representing that all grades of oilcloth are backed with coarsely woven cheesecloth, will crack or peel, and that laboratory tests reveal that oilcloth generally does not have wearing qualities as great as "Fabray."

No. 2672. Trading as **National Civil Service Training Bureau**, **William W. Babcock**, 1040 N. Kenmore Ave., Los Angeles, has been ordered to discontinue use of the term "Civil Service" and the word "Bureau" in his trade name. He also is directed to cease and desist using in his trade name any other words implying that his correspondence school, which purports to train students for government positions, has any connection with the United States Civil Service Commission.

Among representations the respondent is ordered to discontinue are that civil service positions are open and available, unless the United States Civil Service Commission has advertised that fact and announced that examinations for such positions will be held at definite times stated; that his course of study affords adequate training for civil service examinations; that students who pursue or complete a course will be placed in government jobs; that the price for a course of instruction is a special price or that the regular price charged is greater than that offered any particular student, and that any part of the payments made by students goes to the government.

No. 2739. An order has been entered directing **Sutton Laboratories, Inc.**, Chapel Hill, N. C., to discontinue misrepresenting the therapeutic value of "Linoil," a proprietary preparation intended for use in the treatment of skin diseases.

The respondent corporation is ordered to cease representing in radio advertising, counter displays, circulars, or in any other man-

ner that "Linoil" or any product of substantially the same composition, is a cure for eczema or an effective remedy for all skin ailments or for any disease resulting from a metabolic disorder.

FTC CLOSES CASE

No. 2472. The Federal Trade Commission has entered an order closing its case against **Massachusetts Breweries and Distilleries Corporation**, 43 W. Canton St., **Boston**.

The Commission reserved the right to reopen the case should the facts warrant.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, December 7

HEARING BEFORE AN EXAMINER

(Broadcast)

- NEW—Hannibal Broadcasting Co., Hannibal, Mo.—C. P., 1310 kc., 100 watts, unlimited time.
NEW—The Courier-Post Publishing Co., Hannibal, Mo.—C. P., 1310 kc., 100 watts, 250 watts LS, unlimited time.
NEW—C. S. Gooch, d/b as Amarillo Broadcasting Co., Amarillo, Tex.—C. P., 1500 kc., 100 watts, daytime.
NEW—C. W. Corkhill, Sioux City, Iowa.—C. P., 1420 kc., 100 watts, unlimited time.
NEW—Sioux City Broadcasting Co., Sioux City, Iowa.—C. P., 1420 kc., 100 watts, 250 watts LS, unlimited time.

Tuesday, December 8

HEARING BEFORE AN EXAMINER

(Broadcast)

- WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Modification of license, 1280 kc., 1 KW, shares with WTNJ and WCAM. Present assignment: 1280 kc., 500 watts, shares with WTNJ and WCAM.

Wednesday, December 9

HEARING BEFORE AN EXAMINER

(Broadcast)

- NEW—Ed Klien, Helena, Mont.—C. P., 1280 kc., 1 KW, 5 KW LS, unlimited time (requests facilities of KFBB).

Thursday, December 10

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-268:

- NEW—Tulare-Kings Counties Radio Association, Visalia, Calif.—C. P., 1190 kc., 250 watts, daytime.

Examiner's Report No. I-269:

- NEW—Jack E. Bruntley, Mrs. Jack E. Bruntley and Jack E. Bruntley, Jr., Savannah, Ga.—C. P., 1310 kc., 100 watts, unlimited time.
NEW—W. T. Knight, Jr., Savannah, Ga.—C. P., 1310 kc., 100 watts, unlimited time.

Examiner's Report No. I-272:

- NEW—Gulf Coast Broadcasting Co., Corpus Christi, Tex.—C. P., 1330 kc., 250 watts, 500 watts LS, unlimited time.

Examiner's Report No. I-250:

- KSEI—Radio Service Corp., Pocatello, Idaho.—Renewal of license, 900 kc., 250 watts, 500 watts LS, unlimited time.

HEARING BEFORE AN EXAMINER

(Broadcast)

- NEW—Knoxville Journal Broadcasting Co., Knoxville, Tenn.—C. P., 1200 kc., 100 watts, 250 watts LS, unlimited time.
NEW—Richard M. Caste, Johnson City, Tenn.—C. P., 1200 kc., 100 watts, 250 watts LS, unlimited time.

- WELI—City Broadcasting Corp., New Haven, Conn.—Modification of license, 930 kc., 250 watts, 500 watts LS, unlimited time. Present assignment: 900 kc., 500 watts, daytime.
NEW—Walter H. McConty, Rice Lake, Wis.—C. P., 1210 kc., 250 watts, daytime.
NEW—Lawrence K. Miller, Pittsfield, Mass.—C. P., 930 kc., 250 watts, daytime.

APPLICATIONS GRANTED

- WGGB—Harry H. Carman, Freeport, N. Y.—Granted license to cover C. P. authorizing changes in equipment.
KDAL—Red River Broadcasting Co., Inc., Duluth, Minn.—Granted license to cover C. P. as modified for move of station from Moorhead, Minn., to Duluth, Minn.; 1500 kc., 100 watts, unlimited.
KMMJ—KMMJ, Inc., Clay Center, Nebr.—Granted license to cover C. P. authorizing installation of new equipment.
WIBU—Wm. C. Forrest, Poynette, Wis.—Granted license to cover C. P. authorizing installation of new equipment.
WRAK—WRAK, Inc., Williamsport, Pa.—Granted license to cover C. P. authorizing installation of new equipment and vertical radiator, move of transmitter locally to 1561 W. 4th St., Williamsport; 1370 kc., 100 watts night, 250 watts day, unlimited.
KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Granted license to cover C. P. and modifications authorizing installation of new equipment; increase in day power from 1 KW to 5 KW; move of transmitter site to Highway No. 13; and install vertical radiator. Also granted authority to determine operating power by direct measurement of antenna input in compliance with Rule 137.
WFAM—The South Bend Tribune, South Bend, Ind.—Granted license to cover C. P. authorizing installation of new equipment.
WBCM—James E. Davidson, Bay City, Mich.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Rule 137.
W8XEO—Harold F. Gross, M. Bliss Keeler, L. A. Versluis, d/b as Capitol City Broadcasting Co., Lansing, Mich.—Granted voluntary assignment of license of relay broadcast station to Harold F. Gross.
KRLD—KRLD Radio Corp., Dallas, Tex.—Granted C. P. to change equipment.
KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Granted C. P. to install new equipment.
WGL—Westinghouse Electric and Manufacturing Co., Fort Wayne, Ind.—Granted C. P. to install new equipment.
KFJM—University of North Dakota, Grand Forks, N. Dak.—Granted license to cover C. P. authorizing move of transmitter locally to University Campus; install new equipment; change in assignment from 1370 kc., 100 watts, unlimited, to 1410 kc., 500 watts night, 1 KW day, unlimited.
WKZO—WKZO, Inc., Kalamazoo, Mich.—Granted license to cover C. P. for new transmitter; 590 kc., 1 KW, daytime only.
KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Granted license to cover C. P. for move of station locally, change equipment, and increase day power to 250 watts; 1200 kc., 100 watts night, unlimited.
WTAD—Illinois Broadcasting Corp., Quincy, Ill.—Granted license to cover C. P. for move of transmitter to North 24th St. and install new equipment.
WNEL—Juan Piza, San Juan, P. R.—Granted modification of C. P. as modified extending completion date to December 29, 1936.
WBEN—WBEN, Inc., Buffalo, N. Y.—Granted modification of license to employ former main transmitter as auxiliary transmitter, increasing power of auxiliary from 250 watts to 1 KW. Also granted authority to determine operating power of auxiliary transmitter by direct measurement of antenna power.
WFBC—Greenville News-Piedmont Co., Greenville, S. C.—Granted authority to determine operating power by direct measurement of antenna power.
WABC—WBOQ—Atlantic Broadcasting Corp., New York, N. Y.—Granted voluntary assignment of license to Columbia Broadcasting System, Inc.; 860 kc., 50 KW, unlimited. Effective December 5, 1936.
W2XE—Atlantic Broadcasting Corp., Wayne, N. J.—Granted voluntary assignment of C. P. of international broadcast station from Atlantic Broadcasting Corp. to Columbia Broadcasting System, Inc.

W2XDV—Atlantic Broadcasting Corp., New York City.—Granted voluntary assignment of high frequency broadcast experimental station to Columbia Broadcasting System, Inc.

W10XAL—Atlantic Broadcasting Corp., Mobile (Alabama).—Granted voluntary assignment of relay broadcast experimental station to CBS, Inc.

W10XZ—Atlantic Broadcasting Corp., Mobile (Alabama).—Granted voluntary assignment of relay broadcast experimental station to CBS, Inc.

W10XGJ-WIEK-WIEL—Atlantic Broadcasting Corp., Mobile (Alabama).—Granted voluntary assignment of relay broadcast experimental station to CBS, Inc.

W2XAX—Atlantic Broadcasting Corp., New York City.—Granted voluntary assignment of license of experimental television station to CBS, Inc. Also granted voluntary assignment of special permit to transmit programs through WABC-WBOQ to Canada to CBS, Inc.

KNX—Columbia Broadcasting System of California, Inc. (Calif. corp.), Los Angeles, Calif.—Granted voluntary assignment of license to CBS, Inc.; 1050 kc., 50 KW, unlimited.

WCCO—Northwestern Broadcasting, Inc., Minneapolis, Minn. (Delaware corp.).—Granted voluntary assignment of license to CBS, Inc.; 810 kc., 50 KW, unlimited; effective December 15, 1936.

W9XHW—Northwestern Broadcasting, Inc., Minneapolis, Minn. (Delaware corp.).—Granted voluntary assignment of license of high frequency broadcast (exp.) station to CBS, Inc.

WJSV—Old Dominion Broadcasting Co., Washington, D. C. (Delaware corp.).—Granted voluntary assignment of license to CBS, Inc.; 1460 kc., 10 KW, unlimited.

WBT—Station WBT, Inc., Charlotte, N. C. (New York corp.).—Granted voluntary assignment of license to CBS, Inc.; 1080 kc., 50 KW, unlimited.

KMOX—Voice of St. Louis, Inc., St. Louis, Mo. (Mo. corp.).—Granted voluntary assignment of license to CBS, Inc.; 1090 kc., 50 KW, unlimited.

WBBM—WBBM Broadcasting Corp., Chicago, Ill. (Ill. corp.).—Granted voluntary assignment of license to CBS, Inc.; 770 kc., 50 KW, simultaneous day KFAB, share night KFAB (SA-synch. night KFAB from LS to midnight).

WBBM—WBBM Broadcasting Corp., Chicago, Ill. (Ill. corp.).—Granted voluntary assignment of special permit to transmit programs through WBBM to Canada to CBS, Inc.

WEEI—WEEI Broadcasting Corp., Boston, Mass. (Mass. corp.).—Granted voluntary assignment of license to CBS, Inc.; 590 kc., 1 KW, unlimited; under C. P., 590 kc., 1 KW night, 5 KW day, unlimited, using directional antenna day and night.

WEEI—WEEI Broadcasting Corp., Boston, Mass. (Mass. corp.).—Granted voluntary assignment of C. P. as modified to CBS, Inc.

WKRC—WKRC, Inc., Cincinnati, Ohio (Ohio corp.).—Granted voluntary assignment of license to CBS, Inc.; 550 kc., 500 watts, unlimited, S.A., 1 KW unlimited under C. P., 550 kc. (1 KW night, 5 KW day, unlimited).

WKRC—WKRC, Inc., Cincinnati, Ohio (Ohio corp.).—Granted voluntary assignment of C. P. as modified to CBS, Inc.; 500 kc., 500 watts, unlimited, S.A., 1 KW, unlimited (under C. P., 500 kc., 1 KW night, 5 KW day, unlimited).

KFRO—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate from local sunset (5:15 p. m., CST) to 9 p. m., December 6, 13, 20 and 27, 1936, to broadcast services of Kelly Memorial Methodist Church of Longview, and denied special temporary authority for operation from local sunset (5:15 p. m., CST) to 7:30 p. m., December 1 to December 26, 1936.

NEW—Selma Broadcasting Co., Inc., Mobile, Selma, Ala.—Granted C. P. for new low frequency broadcast station; 1622, 2058, 2150 and 2790 kc., 10 watts.

W10XGC—National Broadcasting Co., Inc., New York City.—Granted C. P. for changes in transmitting equipment and increase in power from 20 watts to 30 watts. Also granted license covering same; frequencies 31100, 34600, 37600, 40600 kc.

APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were dismissed at request of applicants:

WSAY—Brown Radio Service & Lab., Rochester, N. Y.—Modification of license to change hours of operation and increase power (facilities of WOCL).

NEW—H. E. Studebaker, La Grande, Ore.—C. P. for new station, 1420 kc., 100 watts night, 250 watts LS, unlimited.

WJTN (formerly WOCL)—A. E. Newton, Jamestown, N. Y.—Dismissed protest of WSAY to the granting of voluntary assignment of license to James Broadcasting Co., Inc., which the Commission granted on October 20, 1936, later reconsidered said grant and designated the application for hearing on protest of WSAY, which protest has been withdrawn.

SET FOR HEARING

NEW—The Bend Bulletin, Bend, Oregon.—Application for C. P. for new broadcast station at Bend, Ore., to operate on 1310 kc., 100 watts night, 250 watts day, unlimited time.

NEW—W. H. Hartman Co., publisher, Waterloo Daily Courier, Waterloo, Iowa.—Application for C. P. for new broadcast station at Waterloo, Iowa, to operate on 1420 kc., 100 watts, unlimited time.

NEW—Fayette Broadcasting Corp., Uniontown, Pa.—Application for C. P. for new broadcast station at Uniontown, Pa., to operate on 1420 kc., 250 watts, daytime only.

NEW—S. H. Patterson, Denver, Colo.—Application for C. P. for new special broadcast station on an experimental basis in accordance with Rule 970, to be located near Denver, Colo., to operate on 1570 kc., 1 KW, unlimited time.

NEW—Central Broadcasting Corp., Centralia, Wash.—Application for C. P. for new broadcast station at Centralia, Wash., to operate on 1440 kc., 1 KW, unlimited time. Transmitter site to be determined with Commission's approval.

NEW—Mile High Radio Corp., Denver, Colo.—Amended application for C. P. for new broadcast station at Denver, Colo., to operate on 1210 kc., 100 watts night, 250 watts day, unlimited time. Transmitter site and type of antenna are to be approved.

NEW—Harold M. Finlay and Mrs. Eloise Finlay, La Grande, Ore.—Amended application for C. P. for new broadcast station at La Grande, Ore., to operate on 1420 kc., 100 watts night, 250 watts day, unlimited time; exact transmitter site and type of antenna to be determined with Commission's approval.

NEW—Berks Broadcasting Co., Pottsville, Pa.—Amended application for C. P. for new broadcast station at Pottsville, Pa., to operate on 580 kc., 250 watts, daytime only; site to be determined with Commission's approval.

WAPO—W. A. Patterson, Chattanooga, Tenn.—Application for C. P. to install new equipment and increase power and time of operation from 100 watts daytime to 100 watts night, 250 watts day, unlimited time.

WSBC—WSBC, Inc., Chicago, Ill.—Application for C. P. to make changes in equipment and increase day power from 100 watts to 250 watts.

KYOS—Merced Star Publishing Co., Inc., Merced, Calif.—Application for modification of license and change frequency from 1040 kc. to 1280 kc. and increase power from 250 watts daytime to 250 watts unlimited time.

WREC—WREC, Inc., Memphis, Tenn.—Application for modification of license to increase night power from 1 KW to 5 KW. Hearing is to be before Broadcast Division.

WDAE—Tampa Times Co., Tampa, Fla.—Application for modification of license to increase night power from 1 KW to 5 KW. Hearing is to be before Broadcast Division.

SPECIAL TEMPORARY AUTHORIZATIONS

WPHR—WLBC, Inc., Petersburg, Va.—Granted special temporary authority to operate from local sunset (5 p. m., EST) until 6 p. m., Saturday evening, December 5, 1936, in order to assure completion of a football game to be played between Petersburg High School and a high school from Jacksonville, Fla.

WCAX—Burlington Daily News, Inc., Burlington, Vt.—Granted special temporary authority to operate from 7:30 p. m. to 10:30 p. m., December 5, 1936, and from 10 p. m. to 10:30 p. m., December 11, 1936, in order to broadcast University basketball games.

KPDN—R. C. Hoiles, Pampa, Tex.—Granted special temporary authority to operate from 8 p. m. to 10:30 p. m., CST, December 5, 1936, in order to broadcast civic celebration.

WHBF—Rock Island Broadcasting Co., Rock Island, Ill.—Granted extension of special temporary authority to maintain the main studio of WHBF at 1630 5th Avenue, Moline, Ill., instead of 102 18th Street, Rock Island, Ill., for a period

beginning December 3, 1936, and ending in no event later than January 1, 1937.

KSFO—The Associated Broadcasters, Inc., San Francisco, Calif.—Granted special temporary authority to operate a mobile 100-watt transmitter on 560 ke. between the hours of 1 a. m. and 6 a. m., PST, for period beginning December 7, 1936, and ending in no event later than December 13, 1936, in order to make transmitter site survey, provided no operation occurs during hours prescribed for Commission monitoring schedule.

KTUL—Tulsa Broadcasting Co., Inc., Tulsa, Okla.—Granted special temporary authority to operate a 50-watt portable transmitter on 1400 ke. in and near Tulsa, Okla., for period ending in no event later than December 24, 1936, for purpose of making location measurements.

WRR—City of Dallas, Texas, Dallas, Tex.—Granted special temporary authority to suspend tests on KVPA's transmitter, used by WRR as an auxiliary transmitter, as required by Section D of Rule 148, for period not to exceed 30 days, pending necessary changes to comply with Rule 132.

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Granted special temporary authority to operate simultaneously with station WSMK from 10 p. m. to 12:30 a. m., EST, the night of December 1, 1936, in order to broadcast a Community Chest program.

WELI—City Broadcasting Corp., New Haven, Conn.—Granted special temporary authority to operate unlimited time December 2, 1936, in order to broadcast a testimonial dinner given by the Democratic Women of Connecticut to Democratic National Committeeman David E. Fitzgerald at Hotel Taft in New Haven.

RATIFICATIONS

WSYR-WSYU—Central New York Broadcasting Corp., Syracuse, N. Y.—Granted extension equipment test period 10 days from November 21, 1936.

KJR—Fisher's Blend Station, Inc., Seattle, Wash.—Granted extension program test period 30 days from November 25, 1936.

W10XN-W10XY-W10XAK—National Broadcasting Co., Inc., New York, N. Y.—Granted authority to operate as licensed November 30 to December 4, inclusive, relay broadcast description International Livestock Show in Chicago, Ill.

WIEF—Miami Broadcasting Co., Miami, Fla.—Granted authority to operate as licensed December 6 to 12, 1936, inclusive, relay broadcast All American Air Maneuvers, Hialeah, Fla.

W9XHD-W9XHE-W9XHF—Agricultural Broadcasting Co., Chicago, Ill.—Granted authority to operate as licensed December 1 to 4, 1936, inclusive, relay broadcast International Live Stock Show.

WMCA—Knickerbocker Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to operate power of 1 KW, with directional antenna, between hours of 12 midnight and local sunset for period not to exceed 10 days in order to make field intensity survey tests, provided no operation occurs during hours prescribed for Commission's monitoring schedule.

ACTION ON EXAMINERS' REPORTS

KDYL—Ex. Rep. 1-242: Intermountain Broadcasting Corp., Salt Lake City, Utah.—Granted C. P. to install new equipment (antenna to be determined); move transmitter from Twp. No. 1, So. Range 1 West, Salt Lake City, to near Salt Lake City (site to be determined subject to Commission's approval); and increase power from 1 KW to 1 KW night, 5 KW day; 1290 ke., unlimited time. Examiner P. W. Seward sustained. Order effective December 15, 1936.

NEW—Ex. Rep. 1-245: Southwest Broadcasting Co., Prescott, Ariz.—Granted C. P. for new broadcast station to operate on 1500 ke., 100 watts night, 250 watts day, unlimited time. Examiner P. W. Seward sustained.

NEW—W. P. Stuart, Prescott, Ariz.—Denied C. P. for new broadcast station to operate on 1500 ke., 100 watts, unlimited time (site to be determined subject to Commission's approval) (antenna to be determined). Order effective January 12, 1937. Examiner Seward sustained.

NEW—Ex. Rep. 1-256: Dorrance D. Roderick, El Paso, Tex.—Granted C. P. for new broadcast station to operate on 1500 ke., 100 watts, unlimited time. Examiner George H. Hill sustained. Order effective January 12, 1937.

NEW—Ex. Rep. 1-304: Farnsworth Television, Inc., of Pennsylvania, Springfield, Pa.—Granted C. P. for new experimental visual broadcast station to operate on 60000-86000 and 42000-56000 ke., 1 KW, unlimited time, A3 emission. Examiner R. H. Hyde sustained. Order effective January 5, 1937.

ORAL ARGUMENT

NEW—Ex. Rep. 1-305: The Pottsville Broadcasting Co., Pottsville, Pa.—Granted oral argument to be held January 28, 1937, before the Broadcast Division.

MISCELLANEOUS

WKRC—WKRC, Inc., Cincinnati, Ohio.—Granted voluntary assignment of special experimental authorization from WKRC, Inc., to Columbia Broadcasting System, Inc.

WBBM—WBBM Broadcasting Corp., Chicago, Ill.—Granted voluntary assignment of special experimental authorization from WBBM Broadcasting Corp. to Columbia Broadcasting System, Inc.

NEW—Lincoln Memorial University, Middlesboro, Ky.—Granted petition asking Commission to waive Rule 105.25 with respect to time within which to file appearance and statement of desire to be heard and accepted under such waiver its appearance and statement of facts to be proved at hearing. Application is for new station to operate on 1210 ke., 100 watts, unlimited time.

NEW—Bay State Broadcasting Corp., Providence, R. I.—Reinstated on hearing docket and a new hearing date ordered in re application for C. P. to erect a new daytime radio station at Providence, R. I., to operate on 720 ke., 1 KW, limited time.

WPAR—Ohio Valley Broadcasting Corp., Parkersburg, W. Va.—Denied petition asking Commission to reconsider action after hearing in denying application to increase daytime power from 100 watts to 250 watts and to grant the same.

WBNO—Coliseum Place Baptist Church, New Orleans, La.—Granted request to extend effective dates of Rules 132 and 139 (Rule 132 deals with design and construction of transmitter, and 139 deals with modulation of transmitter). Also, denied petition for reconsideration and for grant without hearing of application for renewal of license of WBNO, assignment of license to Pelican State Broadcasting Co., and application of the latter Co. for change in frequency from 1200 ke. to 1500 ke., 100 watts, unlimited.

KGFW—Central Nebraska Broadcasting Corp., Kearney, Nebr.—Granted petition to dismiss without prejudice application for C. P. to install new equipment and to move transmitter and studio to Omaha, Nebr.

NEW—Ted R. Woodward, Kingsport, Tenn.—Denied petition to cancel and declare a default in application of Lincoln Memorial University for new station at Middlesboro, Ky., to operate on 1210 ke., 100 watts, unlimited time.

APPLICATIONS RECEIVED

First Zone

WBNX—Standard Cahill Co., Inc., New York, N. Y.—Construction permit to install a new transmitter, install new directional antenna for day and night use, increase power from 1 to 5 KW, and move transmitter from 138 Pine St., Cliffside Park, N. J., to near Secaucus, N. J.

WHEC—WHEC, Inc., Rochester, N. Y.—License to cover construction permit (B1-P-819) as modified for new equipment and move of transmitter.

WBAM—Bamberger Broadcasting Service, Inc., Mobile.—Modification of construction permit for changes in equipment and increase in power from 26.4 watts to 30 watts.

WBAM—Bamberger Broadcasting Service, Inc., Mobile.—License to cover above.

WBAM—Bamberger Broadcasting Service, Inc., Mobile.—Modification of construction permit to make changes in equipment and change power from 50 watts to 30 watts.

WBAM—Bamberger Broadcasting Service, Inc., Mobile.—License to cover above.

National Broadcasting Co., Inc., New York, N. Y.—Modification of permit (B1-FP-27) for extension of authority to transmit recorded programs to foreign radio stations by adding "ALL broadcast stations in Canada licensed to operate by the

Canadian Government which may be heard consistently in the United States."

W1XK—Westinghouse Electric & Manufacturing Co., Mobile, Massachusetts.—Construction permit to make changes in equipment and add the frequencies 6140, 11870, 15210, 17780, 21540 kc., and increase power to 50 KW.

NEW—Westinghouse Electric & Manufacturing Co., Mobile.—Construction permit for a new low frequency relay broadcast station to be operated on 1606, 2022, 2102, 2758 kc., 15 watts.

NEW—Westinghouse Electric & Manufacturing Co., Springfield, Mass.—License to cover above.

Second Zone

NEW—WRBC, Inc., Cleveland, Ohio.—Construction permit for a 880 new broadcast station to be operated on 780 kc., 1 KW power, unlimited time. Amended to change frequency from 780 kc. to 880 kc., and give antenna and transmitter site to be determined.

NEW—Voice of Detroit, Detroit, Mich.—Construction permit for 1120 a new station to be operated on 1120 kc., 500 watts night, 1 KW daytime, unlimited time. Amended to give transmitter site as north of Detroit, Mich.

NEW—Frank O. Klapp, Zanesville, Ohio.—Construction permit 1210 for a new station to be operated on 1210 kc., 100 watts, unlimited time. Requests facilities of WALR.

NEW—Valley Broadcasting Co., Youngstown, Ohio.—Construction 1350 permit for a new station to be operated on 1370 kc., 100 watts, 250 watts day, unlimited time. Amended to change frequency from 1370 kc. to 1350 kc., power from 100 watts night, 250 watts day, to 1 KW, make changes in equipment and specify antenna to be determined.

NEW—Wm. W. Ottaway, Port Huron, Mich.—Construction permit 1370 for a new station to be operated on 1370 kc., 250 watts, daytime.

WMBC—Michigan Broadcasting Co., Detroit, Mich.—License to 1420 cover construction permit (B2-P-910) as modified for changes in equipment.

NEW—Keystone Broadcasting Corp., Mobile.—Construction permit for a new high frequency relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 50 watts.

NEW—Keystone Broadcasting Corp., Mobile.—Construction permit for a new high frequency relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 5 watts.

Third Zone

WPTF—WPTF Radio Company, Raleigh, N. C.—Extension of 680 special experimental authorization to operate with 5 KW power from sunset at KPO to 11 p. m., EST, using directional antenna after sunset, for period 2-1-37 to 8-1-37.

WSGN—The Birmingham News Co., Birmingham, Ala.—License 1310 to cover construction permit (B3-P-1268) for new equipment.

NEW—B. H. Hopson, Birmingham, Ala.—Construction permit to 1310 erect a new station to be operated on 1310 kc., 100 watts night, 250 watts day, unlimited time, requesting facilities of WSGN, contingent upon B3-P-997 being granted to The Birmingham News Co. Amended: Transmitter site to be determined, Birmingham, Ala.

KRRV—Red River Valley Broadcasting Corporation, Sherman, 1310 Tex.—Construction permit to make changes in equipment and increase power from 100 to 250 watts.

NEW—West Texas Broadcasting Co., Wichita Falls, Tex.—Construction permit for a new station to be operated on 1380 1380 kc., 1 KW, unlimited time, to use directional antenna at night. Amended to change from the partnership, J. H. Allison, Rhea Howard and B. D. Donnel, d/b as West Texas Broadcasting Co., to the corporation, West Texas Broadcasting Co.

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Construction permit to make changes in equipment; install a vertical 1390 antenna; increase power from 1 KW night, 2½ KW day, to 1 KW night and 5 KW day.

NEW—Malcolm H. Clack (Clack Radio Service), Amarillo, Tex.—1500 Construction permit for a new station on 1500 kc., 100 watts power, unlimited.

Fourth Zone

WTAD—Illinois Broadcasting Corp., Quincy, Ill.—License to cover 900 modification of construction permit (B4-MP-407) for increase in power from 500 watts to 1 KW.

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Modification 1050 of construction permit (B4-P-736) as modified for a new station, requesting approval of transmitter and studio sites at near junction of Bluff Street and Breckett Road, Eau Claire, Wis. Amended to change requested transmitter and studio sites to 26th Street and Crescent Road, Eau Claire, Wis., and change hours of operation from daytime to limited time, sunset at Abilene, Kans.

WGL—Westinghouse Electric & Manufacturing Co., Chicopee Falls, 1370 Mass.—Construction permit to install a new antenna and move transmitter and studio from 213 W. Main Street to 925 S. Harrison Street, Fort Wayne, Ind.

WIRE—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Authority for consent to transfer of control of corporation from 1400 William E. Vogelback and Douglas E. Kendrick to Central Newspapers, Inc., 6167 shares of common stock.

Fifth Zone

KMJ—McClatchy Broadcasting Co., Fresno, Calif.—Modification 580 of license to change power from 500 watts night, 1 KW day, to 1 KW night and day.

NEW—Continental Radio Co., Denver, Colo.—Construction permit for a new broadcast station to be operated on 630 630 kc., 500 watts power night and 1 KW power day, unlimited hours of operation.

NEW—Continental Radio Co., Denver, Colo.—Construction permit for a new broadcast station to be operated on 880 880 kc., 500 watts night power, 1 KW day, shares with KPOF. Contingent upon KFKA being granted another frequency.

KVOV—Golden Empire Broadcasting Co., Redding, Calif.—License 1200 to cover construction permit (B5-P-546) as modified, for new station on 1200 kc., 100 watts, unlimited time.

KXRO—KXRC, Inc., Aberdeen, Wash.—Construction permit to 1310 make changes in transmitting equipment; install new antenna; increase day power from 100 watts to 250 watts; and move transmitter from Morck Hotel, corner K and Heron Sts., Aberdeen, Wash., to Lots 1-11, inclusive, in Farm 9 of the revised part of Finch Farms, Aberdeen, Wash.

KRKO—Lee E. Mudgett, Everett, Wash.—License to cover construction permit (B5-P-1254) for changes in equipment. 1370 Amended to make changes in authorized equipment.

KUJ—KUJ, Inc., Walla Walla, Wash.—License to cover construction permit (B5-P-1455) for equipment changes.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

NAB REPORTS

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BROADCAST ADVERTISING DURING THE THIRD QUARTER OF 1936

Principal Developments

Broadcast advertising during the third quarter of the current year showed an increase of 32.7% over the corresponding period of last year. Gross time sales for the first nine months of 1936 were ahead of the corresponding period of 1935 by 18.2%. All portions of the medium experienced gains both when compared to the third quarter and the first nine months of last year.

Non-network advertising for the third quarter increased 33.2% over the corresponding period of last year. All sizes of stations as well as all sections of the country experienced increases. The greatest gains were in the regional and local groups and in the South Atlantic-South Central Area.

Total transcription, live talent, and announcement volume increased approximately one-third over the corresponding period of last year. In the national non-network field, announcement and record business showed the greatest gains, while transcriptions and live talent business enjoyed the greatest increases in the local field.

All types of sponsorship showed increases over the third quarter of 1935. Principal gains were shown in the automotive, beverage, confectionery, financial, soap and kitchen supply, radio set and tobacco sponsor groups.

Retail broadcast advertising increased 25.3% as compared to the third quarter of 1935. Automotive, clothing, household equipment, radio dealers, and department stores showed the greatest increases.

Total Broadcast Advertising

Broadcast advertising volume over various portions of the medium during the third quarter of the current year is found in Table I.

TABLE I

TOTAL BROADCAST ADVERTISING VOLUME

Class of Business	Gross Time Sales Third Quarter	
	1935	1936
National networks	\$9,451,157	\$12,503,699
Regional networks	256,203	346,219
National non-networks	3,607,935	4,877,300
Local	3,840,055	5,040,900
Total	\$17,155,350	\$22,768,118

Gains during the third quarter were consistent in all portions of the medium when compared to the corresponding period of the preceding year. National network volume increased 32.3%, regional network volume 35.1%, national non-network volume 35.2% and local advertising 31.3%.

Gross time sales for the first nine months of the current year exceeded those of the corresponding period of 1935 by 18.2%. Regional network and national non-network advertising showed the greatest gains, rising 37.2% and 34.5%, respectively. National network volume gained 14.4% and local advertising 12.7%.

Comparison with Other Media

When compared to the corresponding period of last year, radio broadcasting for the third quarter showed the greatest improve-

ment of any medium. Broadcast advertising increased 32.7% whereas national magazine advertising rose 15.4%, national farm paper advertising 25.3% and newspaper advertising 12.9%.

Total broadcast advertising for the first nine months of the current year was 18.2% ahead of the corresponding period of 1935. National magazine volume rose 11.4%, farm paper advertising 25.4% and newspaper lineage 9.8%.

Advertising volume by major media for the third quarter is found in Table II.

TABLE II

ADVERTISING VOLUME BY MAJOR MEDIA

Advertising Medium	Gross Time and Space Sales Third Quarter	
	1935	1936
Radio broadcasting	\$17,155,350 ^a	\$22,768,118
National magazines ¹	24,713,755	28,530,425
National farm papers ¹	1,132,083	1,418,552
Newspapers ²	116,377,000 ^a	131,416,000
Total	\$159,378,188 ^a	\$184,133,095

¹ Publishers' Information Bureau.

² Estimated.

^a Adjusted Vol. 3, No. 52.

Non-network Advertising

Total non-network advertising for the third quarter increased 33.2% over the corresponding period of the preceding year. The classes of stations to register the greatest gains were the regional and local groups, which increased 46.9% and 44.7%, respectively. Clear channel non-network advertising rose 15.9%.

Gains in non-network advertising over various sizes of stations during the first nine months of the current year as compared with the corresponding period of 1935 were as follows: clear channel stations 13.0%, regional stations 29.1%, and local stations 38.4%.

Non-network broadcast advertising by power of station is shown in Table III.

TABLE III

NON-NETWORK BROADCAST ADVERTISING BY POWER OF STATION

Power of Station	Gross Time Sales Third Quarter	
	1935	1936
Over 1,000 watts	\$3,219,350	\$3,732,400
250-1,000 watts	3,028,440	4,449,400
100 watts	1,200,200	1,736,400
Total	\$7,447,990	\$9,918,200

Non-network advertising in the South Atlantic-South Central Area showed the greatest increase when compared to the third quarter of the preceding year, rising 88.9%. Non-network volume in the New England-Middle Atlantic Area rose 24.9%, North Central Area 29.7%, and Pacific and Mountain Area 10.7%.

Comparing non-network advertising for the first nine months of 1936 with that of a similar period in the preceding year, the following increases were shown: New England-Middle Atlantic Area 5.4%, South Atlantic-South Central Area 59.5%, North Central Area 25.9% and Pacific and Mountain Area 11.9%.

Non-network advertising by geographical districts is found in Table IV.

TABLE IV
NON-NETWORK BROADCAST ADVERTISING BY
GEOGRAPHICAL DISTRICTS

<i>Geographical District</i>	<i>Gross Time Sales</i> <i>Third Quarter</i>	
	1935	1936
New England-Middle Atlantic Area....	\$1,777,065	\$2,219,500
South Atlantic-South Central Area....	1,102,390	2,083,200
North Central Area.....	2,943,600	3,816,800
Pacific and Mountain Area.....	1,624,935	1,798,700
Total	\$7,447,990	\$9,918,200

Non-network Advertising by Type of Rendition

Gains were fairly consistent in all types of rendition. Total transcription volume increased 36.8% over the third quarter of

the preceding year, live talent volume 31.3% and announcement business 34.6%. Record volume rose 19.7%.

In the local field, transcription and live talent volume showed the greatest increases. Transcriptions rose 43.4% as compared with the third quarter of 1935, while live talent volume increased 40.9%. Record volume and announcement business increased 13.7% and 19.2%, respectively.

Announcement and record volume registered marked increases in the national non-network field as compared to the third quarter of the preceding year. Announcement volume increased 78.5% and record volume 71.9%. Transcription and live talent volume rose 35.0% and 21.8%, respectively.

Compared with the first nine months of 1935, transcription volume rose 46.3%, live talent business 23.8%, records 3.1% and announcements 6.3%.

Non-network advertising by type of rendition for the third quarter is found in Table V.

TABLE V
NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

<i>Type of Rendition</i>	<i>National Non-network</i>		<i>Local</i>		<i>Total</i>	
	1935	1936	1935	1936	1935	1936
Electrical transcriptions.....	\$1,264,750	\$1,705,890	\$368,190	\$528,290	\$1,632,940	\$2,234,180
Live talent programs.....	1,780,765	2,168,520	1,764,860 ¹	2,487,590	3,545,625	4,656,110
Records	19,360 ¹	33,280	167,440	190,320	186,800	223,600
Announcements	543,060 ¹	969,610	1,539,565	1,834,700	2,082,625	2,804,310
Total	\$3,607,935¹	\$4,877,300	\$3,840,055	\$5,040,900	\$7,447,990	\$9,918,200

¹Adjusted Vol. 3, No. 52.

Broadcast Advertising Sponsorship

Gains were fairly general in this field during the third quarter of the current year as compared with the same period last year. Total automotive advertising increased 29.2%, beverage volume

41.7%, confectionery advertising 84.3%, financial advertising 34.4%, soap and kitchen supply advertising 59.6%, radio advertising 82.9% and tobacco volume 97.9%.

Volume of advertising placed by various types of sponsors is found in Table VI.

TABLE VI
RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS

<i>Type of Sponsoring Business</i>	<i>Third Quarter Gross Time Sales</i>									
	<i>National network</i>		<i>Regional network</i>		<i>National non-network</i>		<i>Local</i>		<i>Total</i>	
	1935	1936	1935	1936	1935	1936	1935	1936	1935	1936
1a. Amusements	—	—	—	\$ 1,184	\$ 17,815	\$39,840	\$128,420	\$153,550	\$146,235	\$194,574
1-2. Automobiles and accessories.....	436,926	620,877	1,684	960	507,470	545,590	178,225	284,830	1,124,305	1,452,257
(1) Automobiles	1,132,201	1,108,538	38,898	62,715	208,495	358,290	213,230	213,750	1,590,824	1,743,293
(2) Accessories, gas and oils.....	73,557	32,919	15,496	315	79,620	87,990	517,400	619,480	686,073	740,704
3. Clothing and apparel.....	—	—	—	—	—	—	—	—	—	—
4-5. Drugs and toilet goods:										
(4) Drugs and pharmaceuticals.....	1,042,179	980,216	13,709	19,630	415,700	672,260	117,145	120,530	1,588,733	1,792,636
(5) Toilet goods	2,184,615	2,250,624	440	15,130	105,520	273,890	55,045	63,740	2,345,620	2,603,384
6-8. Food products:										
(6) Foodstuffs	2,208,737	2,583,774	61,606	93,362	892,075	1,060,870	536,555	657,970	3,698,973	4,395,976
(7) Beverages	605,794	968,051	3,794	33,911	197,380	178,360	263,115	336,950	1,070,083	1,517,272
(8) Confections	100,531	278,722	650	1,146	46,935	30,670	24,105	6,900	172,221	317,438
9-10. Household goods:										
(9) Household equipment and furnishings.....	77,692	107,328	18,613	14,739	126,355	145,660	466,380	518,610	689,040	786,337
(10) Soap and kitchen supplies.....	484,769 ¹	932,578	13,626	14,060	362,990	426,970	12,325	21,490	873,710	1,395,098
11. Insurance and financial.....	96,494	118,139	1,508	2,774	57,615	65,640	132,720	201,010	288,337	387,563
12. Radios	172,202	325,515	—	—	36,855 ¹	72,950	34,235	46,630	243,292	445,095
13. Retail establishments	—	—	860	426	22,670	20,550	337,370	439,900	360,900	460,876
14. Tobacco products	554,490	1,256,655	66,168	24,130	120,840	198,610	16,705	21,650	758,203	1,501,045
15. Miscellaneous	280,970	939,763	19,151	61,737	409,600	699,160	809,080	1,333,910	1,518,801	3,034,570
Total	\$9,451,157	\$12,503,699	\$256,203	\$346,219	\$3,607,935	\$4,877,300	\$3,840,055¹	\$5,040,900	\$17,155,350	\$22,768,118

¹ Adjusted Vol. 3, No. 52.

Detailed analysis of the trends in the various fields of sponsorship is as follows:

1a. **Amusements.** Total volume up 33.1% compared to the third quarter of the preceding year. National non-network up 123.6% and local up 19.6%.

1. **Automotive.** Compared to the third quarter of 1935, national network volume up 42.1%, national non-network 7.5%, and local 59.8%. Regional volume down 42.9%. Total increased 29.2%.

2. **Gasoline and accessories.** Total volume increased 9.6%. National non-network up 71.8%, regional network volume 61.2%, and local 1.2%. National network volume declined 2.1%.

3. **Clothing.** National non-network up 10.5% and local 19.7% compared to preceding third quarter. National network volume

down 55.2%, with material decline in regional network volume. Total up 7.9%.

4. **Drugs and pharmaceuticals.** Total volume up 12.8%. Regional networks up 43.2%, national non-networks 61.7%, and local advertising 2.9%. National network volume down 5.9%.

5. **Toilet goods.** Total volume increased 10.9% over corresponding quarter of last year. Gains as follows: national networks 3.0%, national non-network 159.5%, and local 15.8%. Regional network volume increased materially.

6. **Foodstuffs.** Total volume up 18.8%, with gains in all groups. Increases as follows: national network volume 16.9%, regional network volume 51.5%, national non-network volume 18.9%, and local advertising 22.6%.

7. **Beverages.** National network and local volume up 59.7% and 28.1%, respectively. National non-network down 9.6%.

Regional network advertising increased materially. Total up 41.7%.

8. **Confectionery.** Total volume increased 84.3% as compared with the third quarter of last year. National network volume up 177.2% and regional network advertising 76.3%. National non-network volume down 34.6% and local business 71.3%.

9. **Household equipment.** National networks up 38.2%, national non-networks 15.3%, and local advertising 11.2%. Regional volume down 26.3%. Total increased 14.1%.

10. **Soaps and kitchen supplies.** Total volume in this field increased 59.6% as compared with the third quarter of last year. Increases were as follows: national networks 92.3%, regional networks 3.2%, national non-networks 17.6%, and local 74.3%.

11. **Insurance and financial.** Gains registered in all groups. National network volume up 22.4%, regional network volume 83.9%, national non-network 13.9%, and local advertising 51.4%. Total increased 34.4%.

12. **Radio.** National network and national non-network volume almost double third quarter of last year. Local advertising increased 36.2% and total volume up 82.9%.

13. **Department and general stores.** Total volume in this field increased 27.7% as compared with the third quarter of last year. Local business up 30.4%, while national non-network volume declined 9.4%.

14. **Tobacco products.** Total rose 97.9% as compared to the third quarter of 1935. National network increased 126.6%, national non-network 64.3%, and local volume 29.6%. Regional network volume declined 63.5%.

15. **Miscellaneous.** Total volume increased 99.8%. National network volume rose 234.4%, regional network volume 222.3%, national non-network 61.1%, and local advertising 64.8%.

Retail Broadcast Advertising

Total retail broadcast advertising increased 25.3% as compared to the third quarter of 1935. Principal gains were as follows:

Automotive 54.1%, clothing and apparel shops 24.2%, household equipment dealers 33.7%, radio retailers 41.1%, and department and general stores 27.5%.

Retail broadcast advertising volume is found in Table VII.

TABLE VII
RETAIL ADVERTISING OVER INDIVIDUAL STATIONS

<i>Type of Sponsoring Business</i>	<i>Gross Time Sales Third Quarter</i>	
	<i>1935</i>	<i>1936</i>
Automobiles and accessories:		
Automobile agencies and used car dealers	\$189,025	\$291,310
Gasoline stations, garages, etc.....	126,045	110,750
Clothing and apparel shops.....	523,860	650,610
Drugs and toilet goods:		
Drug stores	45,700	38,210
Beauty parlors	22,830	22,130
Food products:		
Grocery stores, meat markets, etc.....	108,225	124,330
Restaurants and eating places.....	63,191	54,290
Beverage retailers	6,270	2,070
Confectionery stores, etc.....	3,374	3,450
Household goods:		
Household equipment retailers.....	155,640	208,170
Furniture stores	244,220	262,830
Hardware stores	44,730	43,770
Radio retailers	31,248	44,100
Department and general stores.....	360,900	460,440
Tobacco shops	580	—
Miscellaneous	198,020	344,370
Total	\$2,123,858	\$2,660,830



The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

NAB REPORTS

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HETTINGER RESIGNS

Dr. Herman S. Hettinger has tendered his resignation as Economic Consultant for the NAB. Dr. Hettinger has expressed the desire to devote more time to the writing of a book on the principles of radio advertising.

CONFERENCE ON BLANKET FIELD INTENSITY

The Federal Communications Commission has called an informal engineering conference for January 18 to which all persons and organizations interested in broadcast allocation have been invited to discuss the definition of blanket field intensity.

In connection with the calling of this conference the Commission says:

At the informal engineering hearing on broadcasting held before the Federal Communications Commission beginning October 5th, 1936, representatives of the radio industry presented testimony to the effect that the field intensity now taken as the limit of the blanket area of a broadcast station should be increased. The intensity now used as a reference for allocation problems is from 125 to 175 mv/m. Certain engineers, representing their respective groups, recommended that a field intensity of 1 v/m be selected as the limit of the blanket area, in view of improvements in broadcast receivers during the last few years. Others stated that they did not care to commit themselves at the present time since they had not studied this subject in detail.

The Engineering Department of the Federal Communications Commission is not satisfied that sufficient evidence was presented in support of the 1 v/m recommendation, nor was sufficient evidence presented to determine just what value of field intensity should be employed. The Engineering Department therefore desires to obtain further information on this subject from organizations not present at the hearing and which have intimate contact with field problems on blanketing. The opinions of, and data

from, radio receiver service organizations, receiver manufacturers, the Commission's inspectors, and a summary of the many letters the Commission's offices receive complaining of blanketing, will be useful. Also, any further data that broadcast station licensees, broadcast system engineering departments, the Radio Manufacturers Association, the Institute of Radio Engineers, consulting radio engineers, and other interested parties care to submit will be considered.

CONFERENCE ON EDUCATIONAL BROADCASTING

A three day educational conference will be convened under the auspices of the First National Conference on Educational Broadcasting at the Mayflower Hotel, December 10th.

D. R. BILL OFFITT

Anyone contemplating the employment of D. R. Bill Offitt should first communicate with Radio Station KGIR, Butte, Montana.

SOCIAL SECURITY

It is suggested that members request the Bureau of Internal Revenue to furnish them with copies of Regulations 90 and 91. These circulars should furnish valuable information on questions relating to the Social Security Act.

NEW CALIFORNIA STATION RECOMMENDED

The News-Press Publishing Company applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Santa Barbara, Calif., to use 1220 kilocycles, 500 watts and unlimited time on the air.

Examiner George H. Hill in Report No. I-312 recommends that the application be granted. He states that a need for additional radio service such as is proposed by the applicant exists at Santa Barbara. Also the construction of the proposed station would not cause any interference.

ANOTHER INDIANA STATION RECOMMENDED

Glenn Van Auken, applied to the Federal Communications Commission for a construction permit for the erection of a new broadcast station at Indianapolis, Ind., to use 1050 kilocycles, 1,000 watts power and daytime operation.

Examiner P. W. Seward in Report No. I-313 recommended that the application be granted. He states that the area proposed to be served needs additional radio service, and that the operation of the station would not be expected to cause any interference. It would be in the public interest.

BROADCAST STATION CHANGES

The Federal Communications Commission has just made public a list containing alterations and corrections (italicized) of broadcast stations to the edition dated January 1 for the month of November.

Call Letters	Main Studio Location	Name of Licensee	Power	Frequency (kc)	Time Designation
KALE	Portland, Ore.	KALE, Incorporated	500w	1300	S. H. **U S.A.U
KAND Call letters assigned	Corsicana, Texas	Navarro Broadcasting Association (J. C. West, Pres.) Effective 10-20-36	100w	1310	D(C. P. only)
KAWM	Gallup, N. Mex.	A. W. Mills	100w	1500	U (C. P. only)
KCMC	Texarkana, Ark. C. P. Texarkana, Texas	KCMC, Incorporated	100w	1420	U

<i>Call Letters</i>	<i>Main Studio Location</i>	<i>Name of Licensee</i>	<i>Power</i>	<i>Frequency (kc)</i>	<i>Time Designation</i>
KCMO	Kansas City, Mo.	Lester E. Cox, Thos. L. Evans and C. C. Payne <i>Strike out S. A. U</i>	100w	1370	U
KDB	Santa Barbara, Calif.	Santa Barbara Broadcasters, Ltd.	100w	1500	U
KEUB	Price, Utah	Eastern Utah Broadcasting Co. (Sam G. Weiss) <i>C. P. covered by license</i> <i>Strike out Effective 3-3-36</i>	100w	1420	U
KFOX	Long Beach, Calif.	Nichols and Warriner, Inc.	1kw	1250	U
KFPY	Spokane, Wash.	Symons Broadcasting Co.	1kw	890	U
KFVD	Los Angeles, Calif.	Standard Broadcasting Co.	250w	1000	L-WHO
KGB	San Diego, Calif.	Don Lee Broadcasting System <i>Strike out C. P. 2½kw-LS</i>	1kw	1330	U
KGCX	Wolf Point, Mont.	E. E. Krebsbach	1kw	1450	U
KGFX	Pierre, S. Dak.	Dana McNeil <i>S. A. Mrs. Dana McNeil to operate station</i>	200w	630	S. H.
KGHL	Billings, Mont.	Northwestern Auto Supply Co., Inc.	1kw	780	U
KGKB	Tyler, Texas	East Texas Broadcasting Co.	100w	1500	U-D S. H. night
KGKO	Wichita Falls, Tex. <i>C. P. Ft. Worth</i>	Wichita Falls Broadcasting Co.	250w 1kw-LS	570	U
KLS	Oakland, Calif.	E. N. & S. W. Warner d-b as Warner Bros.	250w	1440 **1280.....	D U
KMA	Shenandoah, Iowa	May Seed & Nursery Co. <i>Strike out **U-S. A. U-C. P. U</i>	1kw 5kw-LS	930	U
KMAC	San Antonio, Texas	W. W. McAllister	100w	1370	S-KONO
KOOS	Marshfield, Ore.	Pacific Radio Corp. <i>Strike out **1390</i>	250w	1200	D
KOVC	Valley City, N. D.	George B. Bairey <i>C. P. covered by license</i> <i>Strike out effective 7-2-36</i>	100w	1500	U
KOY	Phoenix, Ariz.	Salt River Valley Broadcasting Co.	500w 1kw-LS	1390	U
KPLC	Lake Charles, La.	T. B. Langford, R. M. Dean, and L. M. Sepaugh, Calcasieu Broadcasting Co.	100w	1500	U
KRBC	Abilene, Texas	Reporter Broadcasting Co. <i>C. P. covered by license</i> <i>Strike out effective 8-4-36</i>	100w	1420	U
KRMC	Jamestown, N. D.	Roberts MacNab Co. (Arthur L. Roberts, R. B. MacNab and A. J. Breitbach, Gen. Mgr.) <i>Effective 12-8-36</i>	100w	1310	Simultaneous D. S-KVOX night (C. P. only)
KRNR	Roseburg, Ore.	Southern Oregon Publishing Co.	100w	1500	D
KRNT	Des Moines, Iowa T-N. of Des Moines	Iowa Broadcasting Co.	500w 1kw-LS	1320	U
KSCJ	Sioux City, Iowa	Perkins Brothers Co. (The Sioux City Journal)	1kw 2½kw-LS	1330	U
KSO	Des Moines, Iowa T-N. of Des Moines	Iowa Broadcasting Co.	500w 1kw-LS	1430	U
KSRO	Santa Rosa, Calif.	The Press Democrat Publishing Co. <i>Effective 12-8-36</i>	250w	1310	D (C. P. only)
KSUN	Lowell, Ariz.	Copper Electric Co., Inc.	100w 250w-LS	1200	U
KTAT	Fort Worth, Tex. T-Birdville	Tarrant Broadcasting Co.	1kw	1240	U
KTSM	El Paso, Tex.	Tri-State Broadcasting Co., Inc.	100w	1310	S-WDAH
KVGB	Great Bend, Kansas	Ernest Edward Ruehlen	100w	1370	U (C. P. only)

<i>Call Letters</i>	<i>Main Studio Location</i>	<i>Name of Licensee</i>	<i>Power</i>	<i>Frequency (kc)</i>	<i>Time Designation</i>
KVOX	Moorhead, Minn.	Robert K. Herbst	100w	1310	Simultaneous D. S-KRMC night (C. P. only)
		<i>Effective 12-8-36</i>			
KWYO	Sheridan, Wyo.	Big Horn Broadcasting Co., Inc.	100w 250w-LS	1370	U
KYOS	Merced, Calif.	Merced Star Publishing Co. <i>C. P. covered by license</i>	250w	1040	D
WAGF	Dothan	<i>John T. Hubbard, Julian C. Smith and Fred C. Moseley, a partnership, d-b as Dothan Broadcasting Co.</i>	250w	1370	D
WAML	Laurel, Miss.	New Laurel Radio Station	100w	1310	U
WAPO	Chattanooga, Tenn.	W. A. Patterson <i>C. P. covered by license Strike out effective 9-8-36</i>	100w	1420	D
WATL	Atlanta, Ga.	J. W. Woodruff, tr. as Atlanta Broadcasting Co.	100w	1370	U
		<i>C. P. 250w-LS</i>			
WATR	Waterbury, Conn.	The WATR Company, Inc. <i>Strike out C. P. 250w--1290-U</i>	100w	1190	L-WOAI
WAYX	Waycross, Ga.	E. F. Sapp and S. F. Sapp, d-b as Waycross Broadcasting Co. <i>C. P. covered by license Strike out Effective 7-7-36</i>	100w	1200	U
WBBZ	Ponca City, Okla.	Estate of C. L. Carrell, Deceased, Howard Johnson, (Rep.) <i>S. A. to Adelaide Lillian Carrell to operate station</i>	100w	1200	U
WBCM	Bay City, Mich. T-Hampton Twp.	James E. Davidson	500w **1kw	1410	U
WBEN	Buffalo, N. Y. T-Martinsville	WBEN, Incorporated	1kw 5kw-LS	900	U
WCAL	Northfield, Minn.	St. Olaf College	1kw 2½kw-LS	1250	S. H.
		<i>Strike out C. P. 5kw-760-D-S-WLB</i>			
WCAX	Burlington, Vt.	Burlington Daily News, Inc.	100w <i>C. P. 250w-LS</i>	1200	S. H.
WCAZ	Carthage, Ill.	Superior Broadcasting Service, Inc.	100w <i>C. P. 250w</i>	1070	D
WCMJ	Ashland, Ky.	The Ashland Broadcasting Co.	100w 250w-LS	1310	U
WDAF	Kansas City, Mo. <i>C. P. T-nr. Kansas City</i>	Kansas City Star Co.	1kw 5kw-LS	610	U
WDEV	Waterbury, Vt.	Mrs. Mary M. Whitehill, Executrix, Estate of Harry C. Whitehill, <i>S. A. Charles B. Adams, Adm., Estate Harry C. Whitehill (deceased) to operate station instead of Mary M. Whitehill (deceased)</i>	500w	550	D
WEAU	Eau Claire, Wisc.	Central Broadcasting Co. <i>Strike out Effective 9-15-36</i>	1kw	1050	D (C. P. only)
WEHS	Cicero, Ill.	<i>Strike out all particulars</i>			
WFBG	Altoona, Pa.	The Gable Broadcasting Co. (Lessee)	100w <i>C. P. 250w-LS</i>	1310	S-WJAC
WGRC	New Albany, Ind	North Side Broadcasting Corp. <i>C. P. covered by license Strike out Effective 5-12-36</i>	250w	1370	D
WGST	Atlanta, Ga.	Georgia School of Technology	500w- 1kw-LS <i>C. P. 1kw-5kw-LS **1kw</i>	890	U
WHAZ	Troy, N. Y.	Rensselaer Polytechnic Institute	500w **1kw	1300	S-WBBR, WEVD, WFAB
WHFC	Cicero, Ill.	WHFC, Incorporated	100w <i>C. P. 250w-LS</i>	1420	U
WHIP	Hammond, Ind.	<i>Strike out all particulars</i>			
WIBX	Utica, N. Y.	WIBX, Incorporated	100w 300w-LS <i>C. P. T-Town of Marcy..... 250w-LS</i>	1200	U
WJRD	Tuscaloosa, Ala.	James R. Doss, Jr. <i>C. P. covered by license Strike out effective 8-11-36</i>	100w	1200	D
WKBI	Cicero, Ill.	<i>Strike out all particulars</i>			

<i>Call Letters</i>	<i>Main Studio Location</i>	<i>Name of Licensee</i>	<i>Power</i>	<i>Frequency (kc)</i>	<i>Time Designation</i>
WLB	Minneapolis, Minn. T-St. Paul	University of Minnesota	1kw	1250	S. H.
<i>Strike out C. P. 5kw-760-D-S-WCAL</i>					
WMBO	Auburn, N. Y.	WMBO, Incorporated	100w <i>C. P. 250w-LS</i>	1310	U
WPRO	Providence, R. I. T-East Providence	Cherry and Webb Broadcasting Co.	250w <i>C. P. 500w-1kw-LS</i>	630	U
WTAD	Quincy, Ill.	Illinois Broadcasting Corp.	500w <i>C. P. 1kw</i>	900	D
WTCN	Minneapolis, Minn. T-Rose Twp.	Minnesota Broadcasting Corp.	1kw 5kw-LS	1250	S. H.
<i>Strike out **U</i>					
WWAE	Hammond, Ind.	Hammond-Calumet Broadcasting Corp.	100w	1200	U-D. S-WFAM night

****See Abbreviations—Lists of January 1, 1936.**

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints against the following firms. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them:

No. 2997. A complaint has been issued against **National Hops Co.**, 664 North Michigan Ave., Chicago, a broker dealing with members of the brewery trade, charging unfair competition in promoting the sale of hops, in violation of the Federal Trade Commission Act.

Among unfair practices charged in the complaint were the circularization by the respondent company, trading as National Hops Clearing House, of bulletins and other forms of publicity to the brewing trade in which it allegedly disparaged competitor brokers and dealers by charging that contracts made between brewers and competitor brokers and dealers were illegal and were the means of exacting excessive profits and tribute from brewers.

The respondent company is charged with asserting that brewers having contracts with hops producers and dealers for supplying the brewers with their requirements for a fixed period of time would pay a total of \$10,000,000 to \$12,000,000 more for hops than they would if dealing in the open market.

Nos. 3000-3007, inc. False and misleading representations as to the amount of interest charged purchasers of automobiles under deferred payment plans are alleged in eight complaints charging violation of Section 5 of the Federal Trade Commission Act, which forbids unfair competition in commerce.

The eight complaints name 21 respondents, including both automobile companies and automobile financing companies. In addition to the automobile manufacturing companies, the list of respondents includes the **General Motors Corporation** and the sales corporation of the **Chrysler group**. Respondent automobile companies are:

The **Nash Motors' Company**, Kenosha, Wis.; **General Motors Corporation**, Detroit, and its subsidiaries which produce **Chevrolet**, **Olds**, **Pontiac**, **Buick** and **Cadillac** cars; **Chrysler Corporation**, Detroit, and its subsidiaries, **Chrysler Sales Corporation**, and those manufacturing **DeSoto**, **Dodge** and **Plymouth** cars; **Graham-Paige Motors Corporation**, Detroit; **Hudson Motor Car Company**, Detroit; **Ford Motor Company**, Dearborn, Mich.; **Reo Motor Car Company**, Lansing, Mich., and **Packard Motor Car Company**, Detroit.

Financing companies named as respondents in the complaints are:

General Motors Acceptance Corporation, New York City, joined with the **General Motors group**; **Commercial Credit Company**, Baltimore, joined with **Chrysler Corporation** and its subsidiaries; **Universal Credit Corporation**, Detroit, with **Ford Motor Company**, and **Commercial Investment Trust Corporation**, New York City, with **Graham-Paige Motors Corporation** and **Hudson Motor Car Company**.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

Nos. 1773-1790-2709-2763-2871-2890-2920. Five companies and two individuals have been ordered to discontinue selling candy so packed and assembled that sales to ultimate purchasers

are made, or may be made, by means of a lottery, gaming device or gift enterprise. The respondents are:

Quaker City Chocolate & Confectionery Co., 2134 Germantown Ave., Philadelphia; **Pasquale Margarella**, 477 Broome St., New York City; **John H. Dockman & Son, Inc.**, 32 E. Montgomery St., Baltimore; **Kroekel-Oettinger, Inc.**, 4655 Stenton Ave., Philadelphia; **South Bend Distributing Co., Inc.**, 210 E. Jefferson St., South Bend, Ind.; **Queen Anne Candy Co.**, 1039 Sixth Ave., South, Seattle, Wash.; and **Jerome C. Claeys**, trading as **J. C. Claeys**, 510 Leland Ave., South Bend, Ind.

Some of the respondents had been charged with packing in the same assortment pieces of candy of uniform size and shape having centers of a different color, together with a number of larger pieces and a box of candy which were given as prizes to the purchaser procuring a piece of candy with a center of a particular color.

No. 1847. E. H. Snow, trading as **Snow's Hatcheries** and as **Snow's Incubator Co.**, Sleepy Eye, Minn., signed a stipulation to cease advertising that the blood-testing method he uses will make baby chicks sold by him grow faster, start laying earlier or become better egg producers than those which have not been blood-tested, and that his method of blood-testing is a protection against pullorum in chicks, unless other measures recommended in the regulations of the Bureau of Animal Industry of the United States Department of Agriculture or of the Livestock Sanitary Board of the State of Minnesota are observed. He also will stop making representations implying that employees who make the blood tests are qualified veterinarians or licensed by the Minnesota board referred to, or that his so-called "Snow's Hatcheries Improvement Association" has any official connection with that board, when such is not a fact.

No. 1848. Morris Meyrowitch, trading as **Em Em Knitting Mills**, 1370 Broadway, New York, stipulates that in the sale of knitted garments, such as sweaters, bathing suits, jackets and suits, he will cease using the words "Knitting Mills" as part of his trade name, in printed matter or on boxes shipped in interstate commerce so as to imply that he makes the products sold by him or that he owns or controls a factory in which such products are manufactured, when such is not the fact.

No. 1849. E. Frederics, Inc., 235-247 E. 45th St., New York, engaged in the manufacture and sale of a machine designated **Frederics' "One-Minute Wireless Wave"**, will stop advertising that his machine will produce a complete permanent wave in one minute and one as lasting as naturally curly hair, and that no heat is used when permanent waves are given with the machine.

No. 1851. Mathushek Piano Manufacturing Co., 132nd St. and Alexander Ave., New York, manufacturing and selling pianos, advertises one type as "Cabinet Model Spinet Grand." Under its stipulation, the company agrees to discontinue use of the word "grand" as a trade name, or part thereof, by which to designate any piano not having its strings placed horizontally, with gravity action, and not possessing those tonal and other qualities associated by the trade and the purchasing public with grand pianos.

No. 1852. Form Maid Coat Co., Inc., 545 Eighth Ave., New York, stipulates that in the sale of women's cloth coats it will cease using on labels the coined word "Kam-L-Kloth" as descriptive of a product not composed of camel's hair. The company also will discontinue use of that coined word or any simulation of the word "camel", alone or with a picture of a camel, and in combination with the word "wool", so as to imply that the product is composed

of both wool and camel's hair and contains each of such material in substantial quantity, when such is not a fact. The stipulation provides that if the coat is composed in substantial part of both wool and camel's hair and the words "wool" and "Kam-L-Kloth" are used to designate its content, then such words shall be displayed in type equally conspicuous and in a manner so as not to improperly indicate that the content of one of the materials is substantially greater than the content of the other.

No. 2237. Paul F. Beich Co., with offices and manufacturing plants at **Chicago and Bloomington, Ill.,** has been ordered to cease and desist from selling and distributing to jobbers and wholesalers candy so packed and assembled that sales to the general public are to be made by means of a lottery, gaming device or gift enterprise.

The order also prohibits the respondent company from furnishing dealers with push cards, either with assortments of candy or separately, and bearing statements informing purchasers that the candy is being sold by lot or chance.

No. 2248. Discontinuance of false representations concerning "Avery Sugar Curing Smoke Salt" has been directed in an order to cease and desist entered against **Avery Salt Company, Scranton, Pa.**

The order prohibits the respondent company from using the word "smoke", or any other words implying the use of smoke, to designate salt sold for curing, preserving, smoking or flavoring meat, unless the salt so described has been directly subjected to the action of smoke from burning wood, during the course of its combustion, sufficiently to acquire from such source alone all of its smoke effects for use in curing, preserving, smoking or flavoring meats.

Nos. 2326 and 2324. The Springfield Metallic Casket Co., Springfield, Ohio, and National Grave Vault Co., of Gallon, Ohio, have been served with orders to cease and desist from certain unfair representations in the sale of metal burial vaults.

The order prohibits the Springfield Company from representing in purported certificates of warranty or in advertising that the metal of which its vaults are made withstands the ravages of time, and resists rust and corrosion; that the vaults will remain water-proof and airtight when placed underground, for fifty years or any fixed duration of time; and that they are waterproof or airtight.

No. 2399. Conde Nast Publications, Inc., of New York City and Greenwich, Conn., publisher of *Vogue* magazine, has been ordered to discontinue certain unfair competitive practices in promoting the sale of women's garments through use of *Vogue* magazine, in violation of the Federal Trade Commission Act.

The order directs cessation of a plan whereby the Nast company enters into contracts with selected manufacturers and retailers of women's garments, choosing certain models and featuring them in *Vogue* magazine, and publishing the names of the selected retailers in various cities who handle such merchandise. These contracts require the manufacturers not to sell such garments in a particular city where *Vogue* has agreements with retailers to any retailer except those selected by the publisher. The plan also includes contracts with the selected retailers requiring them to observe and maintain the resale prices fixed and quoted by the publishing company for each garment, the name of the retailer's store to be published as a retail outlet for the garments featured.

Nos. 2425-2478-2486. Three companies have been ordered to discontinue representing through use of the words "Distillers" or "Distillery" in their corporate names, on labels, or in any other manner, that they are distillers of the whiskies, gins or other spirituous beverages they sell, that they manufacture such products through the process of distillation, or that they own or operate places where they distill spirituous beverages, unless and until they actually own or operate such places.

Named as respondents in the three orders to cease and desist are **Gold Seal Distillers, Inc., 78 W. Van Buren St., Chicago; Valley Springs Distillery, Inc., 3512-26 Carroll Ave., Chicago; and United Distillers & Winers, Inc., 451 W. Larned St., Detroit.**

No. 2481. Ambur Distilleries, Inc., 523 N. Jackson St., Milwaukee, has been ordered to discontinue representing through use of the word "Distilleries" in its corporate name or in advertising matter that it is a distiller of the whiskies, gin or other spirituous beverages it sells, that such products are manufactured by it through the process of distillation, or that it owns or operates a plant in which its spirituous beverages are distilled, until it actually does own or operate such a plant.

No. 2516. Carey Salt Co., of Hutchinson, Kans., has been ordered to discontinue, in connection with the sale of salt, certain unfair representations deemed to be in violation of the Federal Trade Commission Act.

The respondent company is directed to cease using the word "smoke", or any word signifying smoke, to describe salt sold for curing, preserving, smoking or flavoring meats, except under certain conditions. The conditions are that the salt so described shall have been directly subjected to the action and effect of smoke from burning wood during the process and course of its combustion sufficiently to acquire from such source alone all of its smoke or smoke effects.

No. 2712. The Marion Vault Manufacturing Company, Marion, Ohio, has been ordered to discontinue, in the sale of metal burial vaults, certain unfair representations deemed to be in violation of the Federal Trade Commission Act.

The respondent company is directed to cease representing, in purported certificates of warranty or guarantees, or in advertising, that its new "Imperial Air Seal Vaults" are water-tight either at the time of interment or after burial, or that these vaults will endure as water-proof under all burial conditions for 50 years or for any fixed period of time.

Other representations prohibited are that the new "Imperial Air Seal Vaults" will give permanent protection after burial; that the double seal of its "Gold Seal Burial Vaults" is permanently secure and gives permanent protection; that such vaults will endure against vermin, moisture and water, and are air-proof when buried.

FTC CASES DISMISSED

No. 2436. An order closing its case against **C. Rosenblum, Inc., Baltimore, Md.,** charged with using unfair methods of competition in the sale of paint, has been entered by the Federal Trade Commission.

The case was closed without prejudice to the right of the Commission to reopen it should the facts so warrant.

No. 2746. The Commission has also entered an order of dismissal in the matter of **Friedman Silver Co., Inc., 1226 Flushing Ave., Brooklyn, N. Y.,** charged in a Commission complaint with using unfair competition in connection with the sale of silver-plated hollow ware.

It was ordered that the allegations of the complaint with respect to the alleged misleading use by the respondent of the letters "E. P. N. S." to signify that the article so designated was electroplated nickel silver, be dismissed because of failure of proof.

The Commission ordered that the case growing out of the alleged misleading use of the letters "W. M. M." to signify that embossed decorations on an article consist of white metal, be closed without prejudice to the Commission's right to reinstate and resume prosecution of the case should the facts so warrant.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, December 14

HEARING BEFORE AN EXAMINER

(Broadcast)

- NEW—Virgil V. Evans, Gastonia, N. C.—C. P., 1420 kc., 100 watts, unlimited time.
WJBR—J. B. Roberts, Gastonia, N. C.—Modification of C. P., 1420 kc., 100 watts, unlimited time.
KMPC—Beverly Hills Broadcasting Corp., Beverly Hills, Calif.—Transfer of control of corporation; 710 kc., 500 watts, limited time.

Tuesday, December 15

HEARING BEFORE AN EXAMINER

(Broadcast)

- WAAB—Bay State Broadcasting Corp., Boston, Mass.—Modification of license, 1410 kc., 500 watts, 1 KW LS, unlimited time. Present assignment: 1410 kc., 500 watts, unlimited time.
WLLH—Merrimac Broadcasting Co., Inc., Lawrence, Mass.—Special experimental authority, 1370 kc., 10 to 100 watts, unlimited time, synchronously with WLLH. Special assignment: 1370 kc., 100 watts, 250 watts LS, unlimited time.
NEW—New England Radio Corp., Bridgeport, Conn.—C. P., 1420 kc., 100 watts, daytime.

WNBC—State Broadcasting Corp., New Britain, Conn.—C. P., 1380 kc., 250 watts, 1 KW LS, unlimited time. Present assignment: 1380 kc., 250 watts, daytime.

Wednesday, December 16

HEARING BEFORE AN EXAMINER (Broadcast)

NEW—Falls City Broadcasting Corp., Falls City, Nebr.—C. P., 1310 kc., 100 watts, unlimited time.
KGFV—Central Nebraska Broadcasting Corp., Omaha, Nebr.—C. P., 1310 kc., 100 watts, unlimited time.
WMBR—Florida Broadcasting Co., Jacksonville, Fla.—C. P., 1120 kc., 1 KW, unlimited time.

FURTHER HEARING BEFORE AN EXAMINER

WCCP—Massachusetts Broadcasting Corp., Boston, Mass.—Modification of license, 1130 kc., 500 watts, limited until LS at KSL, Salt Lake City.

Thursday, December 17

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-274:

NEW—Cache Valley Broadcasting Co., Logan, Utah.—C. P., 1200 kc., 100 watts, unlimited time.

Examiner's Report No. I-277:

NEW—J. T. Bilben and N. G. Barnard, Walker, Minn.—C. P., 1310 kc., 100 watts, unlimited time.

Examiner's Report No. I-287:

NEW—C. A. Rowley, Ashtabula, Ohio.—C. P., 940 kc., 250 watts, daytime.

Examiner's Report No. I-279:

NEW—Eastern States Broadcasting Corp., Bridgeton, N. J.—C. P., 1210 kc., 100 watts, daytime.

Examiner's Report No. I-289:

NEW—Saginaw Broadcasting Co., Saginaw, Mich.—C. P., 1200 kc., 100 watts, 250 watts LS, specified hours.

NEW—Harold F. Gross and Edmund C. Shields, Saginaw, Mich.—C. P., 950 kc., 500 watts.

Friday, December 18

HEARING BEFORE AN EXAMINER (Broadcast)

WLMU—Lincoln Memorial University, Middlesboro, Ky.—C. P., 1210 kc., 100 watts, unlimited time.
WLMU—Lincoln Memorial University, Middlesboro, Ky.—Modification of C. P., 1210 kc., 100 watts, 250 watts LS, unlimited time. Present assignment: 1210 kc., 100 watts, unlimited time.
KRLH—Clarence Scharbauer, Midland, Tex.—Modification of license, 1210 kc., 100 watts, daytime.
KALB—Alexandria Broadcasting Co., Inc., Alexandria, La.—Modification of license, 1210 kc., 100 watts, unlimited time.

APPLICATIONS GRANTED

WGCM—WGCM, Inc., Gulfport, Miss.—Granted C. P. to install new equipment.
WOV—International Broadcasting Corp., New York City.—Granted C. P. to install new equipment and vertical radiator, effective December 15, 1936.
WMBC—Michigan Broadcasting Co., Detroit, Mich.—Granted license to cover C. P. as modified for authority to install new equipment, extend commencement date to 9-22-36 and completion date to 12-21-36.
KJR—Fisher's Blend Station, Inc. (Lessee), Seattle, Wash.—Granted license to cover C. P. authorizing installation of new equipment and local move of station to 26th Ave. S. W. and Florida Street, West Waterway (using antenna system of KOMO). Also granted authority to determine operating power by direct measurement of antenna power.

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Granted authority to determine operating power by direct measurement of antenna power.

KUJ—KUJ, Inc., Walla Walla, Wash.—Granted license to cover C. P. for changes in composite equipment.

WTAD—Illinois Broadcasting Co., Quincy, Ill.—Granted license to cover C. P. and modifications for increase in power from 500 watts to 1 KW; 900 kc., daytime.

WBHP—Wilton Harvey Pollard, Huntsville, Ala.—Granted modification of C. P. approving transmitter at Athens, Pike U. S. Highway No. 72; studio at Struve Bldg., and approval of vertical radiator.

WHAS—The Courier Journal Co. and The Louisville Times Co., Louisville, Ky.—Granted voluntary assignment of license to the Louisville Times Co.; 820 kc., 50 KW, unlimited time.

WGL—Westinghouse Electric and Manufacturing Co., Fort Wayne, Ind.—Granted voluntary assignment of license to Westinghouse Radio Stations, Inc.; 1370 kc., 100 watts, unlimited time.

KGDE—Charles L. Jaren, Fergus Falls, Minn.—Granted authority to install automatic frequency control; 1200 kc., 100 watts night, 250 watts day; unlimited.

W3XEP—RCA Mfg. Co., Inc., Camden, N. J.—Granted C. P. to install new aural equipment; increase power of aural transmitter to 330 KW; also granted license covering same.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KAAT, Astoria, Ore.; KBPS, Portland, Ore.; KELD, El Dorado, Ark.; KERN, Bakersfield, Calif.; KNOW, Austin, Texas; KONO, San Antonio, Texas; KOTN, Pine Bluff, Ark.; KSLN, Midland, Texas; KSLM, Salem, Ore.; KWBG, Hutchinson, Kans.; KXO, El Centro, Calif.; WACO, Waco, Texas; WAGM, Presque Isle, Maine; WATL, Atlanta, Ga.; WBNY, Buffalo, N. Y.; WCNW, Brooklyn, N. Y.; WDNC, Durham, N. C.; WELL, Battle Creek, Mich.; WEOA, Evansville, Ind.; WGAL, Lancaster, Pa.; WGL, Fort Wayne, Ind.; WHBB, Edgewood, Selma, Ala.; WHBQ, Memphis, Tenn.; WHDF, Calumet, Mich.; WHDL, Olean, N. Y.; WHEF, Kosciusko, Miss.; WHFC, Cicero, Ill.; WKBZ, Muskegon, Mich.; WOPI, Bristol, Tenn.

KIDO—Frank L. Hill and C. G. Phillips, d/b as Boise Broadcast Station, Boise, Idaho.—Granted renewal of license for the period ending May 1, 1937.

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Granted renewal of license for the period ending June 1, 1937.

SPECIAL AUTHORIZATIONS

WRAX—WRAX Broadcasting Co., Philadelphia, Pa.—Granted special temporary authority to operate during daylight hours for the period of 1 day, effective December 11, with power of 250 watts using directional antenna.

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Texas.—Granted extension of special temporary authority to operate a 50-watt portable test transmitter between the hours of 12 midnight and 6 a. m., CST, for the period December 10, 1936, to January 8, 1937, for the purpose of selecting a transmitter site in Fort Worth area.

WLBC—Donald A. Burton, Muncie, Ind.—Granted special temporary authority to operate simultaneously with WTRC from 6 to 7:30 p. m., CST, on the nights of January 1, 2, 4, 8, 12, 13, 15, 16, 19, 22, 23, 28, 29 and 30, 1937, in order to broadcast basketball games of Ball State Teachers College, Muncie Central High School and Burris High School.

WSYB—Philip Weiss, trading as Philip Weiss Music Co., Rutland, Vt.—Granted special temporary authority to operate from 9 to 10 a. m., EST, for the period beginning December 15, 1936, and ending no later than January 1, 1937, in order to broadcast Rutland County Community programs.

KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to operate from 7 to 9:15 p. m., CST, Thursday, December 10, in order to broadcast District Parent Teachers Association program.

WHDF—The Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 12:30 to 1 p. m., CST, December 9, 16, 23 and 30, 1936, in order to broadcast a religious program of Calvary Northland Missions Stations of Ontonagon, Mich., and vicinity; also operate from 8 to 10:30 a. m., and 12:30 p. m. to 3:30 p. m.,

CST, Christmas Day, December 25, in order to broadcast Christmas music.

WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—Granted special temporary authority to remain on the air from local sunset (4:15 p. m., EST) until 5 p. m. each Thursday, Saturday and Sunday, during month of December, namely, December 5, 6, 10, 12, 13, 17, 19, 20, 24, 26, 27 and 31, 1936, in order to broadcast programs of the 26th Infantry Band at Plattsburg Barracks, and hockey games from Lake Placid Arena. To operate on 1310 kc., with 100 watts only.

KGEK—Elmer G. Beehler, Sterling, Colo.—Granted special temporary authority to operate from 1:30 to 5 p. m., EST, December 23, 1936, in order to take care of request for time by churches and towns to put on Christmas Day program from KGEK, as good will programs.

KGU—Marion A. Mulrony & Advertiser Publishing Co., Ltd., Honolulu, T. H.—Granted special temporary authority to operate from 10:45 p. m. to 12:45 p. m., LST, on the nights of December 11 and 16, in order to broadcast two football games for the benefit of Widows and Orphans of Police Officers, and for the benefit of the Sbriners Hospital for Crippled Children, and to operate from 10:45 p. m. to 12:45 p. m., LST, on the nights of December 24 and 31, 1936, in order to broadcast special programs in connection with Christmas and New Year celebrations.

WAGF—Dotban Broadcasting Co., Dothan, Ala.—Granted special temporary authority to operate unlimited time, Wednesday, December 23, with reduced power of 100 watts at local sunset, in order to broadcast annual Christmas Party in cooperation with all local civic organizations in their drive for Christmas funds for the needy.

APPLICATIONS DENIED

KRSC—Radio Sales Corp., Seattle, Wash.—Denied special temporary authority to operate unlimited time for the period December 1 to 31, 1936, pending construction of vertical radiator.

The following applications, heretofore set for hearing, were denied as in cases of default:

NEW—Curtis P. Ritchie, Trinidad, Colo.—C. P., 1310 kc., 100 watts, unlimited.

NEW—William Avera Wynne, Wilson, N. C.—C. P., 1310 kc., 100 watts, daytime.

APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were dismissed at request of applicants:

WCBA—B. Bryan Musselman, Allentown, Pa.—Modification of license, 1440 kc., 1 KW, shares WSAN.

WSAN—WSAN, Inc., Allentown, Pa.—Modification of license, 1440 kc., 1 KW, shares WCBA.

WAWZ—Pillar of Fire, Zarephath, N. J.—Modification of license, 1330 kc., 1 KW, shares with WBNX.

SET FOR HEARING

NEW—The Service Life Insurance Company, Omaha, Nebr.—Application for C. P. for new broadcast station at Omaha, Nebr., to operate on 1500 kc., 100 watts, unlimited time, exact transmitter site and antenna design to be determined subject to Commission approval.

NEW—Northwest Publications, Inc., Duluth, Minn.—Application for C. P. for new broadcast station at Duluth, Minn., to operate on 920 kc., 250 watts, daytime only, exact transmitter site to be determined subject to Commission approval.

NEW—Paul J. Gollhofer, Brooklyn, N. Y.—Application for C. P. for new broadcast station at Brooklyn, N. Y., to operate on 1500 kc., 100 watts night, 100 watts day, specified hours (hours of WMBQ), exact transmitter and studio sites to be determined with Commission approval.

NEW—Eugene Meyer & Co., d/b as The Washington Post, Washington, D. C.—Amended application for C. P. for new broadcast station at Washington, D. C., to operate on 1310 kc., 100 watts night, 250 watts day, unlimited time, exact transmitter site to be determined with Commission's approval.

NEW—Hearst Radio, Inc., Albany, N. Y.—Amended application for C. P. for new broadcast station at Albany, N. Y., to operate on 1240 kc., 1 KW, unlimited time, using directional antenna system for both day and nighttime operation.

NEW—The Metropolis Co., Jacksonville, Fla.—Application for C. P. for new broadcast station at Jacksonville, Fla., which was amended on 10-28-36 requesting authority to operate on 1290 kc., 250 watts, unlimited time, exact transmitter site to be determined with Commission's approval.

NEW—The Waterloo Times-Tribune Publishing Company, Waterloo, Iowa.—Amended application for C. P. for new broadcast station at Waterloo, Iowa, to operate on 1370 kc., 100 watts, day only.

NEW—Loyal E. King, d/b as Radio & Television Research Co., Los Angeles, Calif.—Amended application for new special broadcast station on an experimental basis at Los Angeles, Calif., to operate on 1570 kc., 1 KW, unlimited time.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Hearing before Broadcast Division on application for modification of license to increase nighttime power to 5 KW from 1 KW.

WSPR—Quincy A. Brackett, Lewis B. Breed and Edmund A. Laport, co-partners d/b as Connecticut Valley Broadcasting Co., Springfield, Mass.—Hearing before Broadcast Division on application for modification of license to change assignment to 1140 kc., 250 watts night, 500 watts day, unlimited time.

WMIN—Edward Hoffman, St. Paul, Minn.—Application for modification of license to change from local channel 1370 kc. to regional channel 1360 kc., increase power from 100 watts night, 250 watts day, unlimited, to 250 watts, unlimited.

WKZO—WKZO, Inc., Kalamazoo, Mich.—Application for special experimental authorization to operate with 250 watts night, 1 KW day, unlimited time for period from date of approval to March 1, 1937.

NEW—Wichita Broadcasting Co., Wichita Falls, Tex.—Amended application for C. P. for new station at Wichita Falls, Tex., to operate on 620 kc., 250 watts night, 1 KW day, unlimited time.

NEW—West Texas Broadcasting Co., Wichita Falls, Tex.—Amended application for C. P. for new broadcast station to operate on 1380 kc., 1 KW, unlimited time, employing directional antenna for nighttime use.

ORAL ARGUMENTS CANCELLED

NEW—Ex. Rep. No. 1-272: Gulf Coast Broadcasting Co., Corpus Christi, Texas.—Oral argument scheduled for December 10, 1936, cancelled.

NEW—Ex. Rep. No. 1-283: Comer Thomas, Bellingham, Wash.—Oral argument scheduled for January 7, 1937, cancelled.

NEW—Ex. Rep. No. 1-279: Eastern States Broadcasting Co., Bridgeton, N. J.—Oral argument scheduled for December 10, 1936, cancelled.

RATIFICATIONS

The Commission ratified the following acts authorized on the dates shown:

WIOD—Isle of Dreams Broadcasting Corp., Miami, Fla.—Granted extension of program test period 30 days from December 1, 1936.

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Granted extension of program test period 30 days from November 27, 1936.

W9XPV-W9XPN-WDZ Broadcasting Co., Tuscola, Ill.—Granted authority to operate W9XPV as licensed, W9XPN under service tests to relay broadcast material connection WPA construction projects on December 6, 7, 9, 11, 13, 14, 16, 18, 20, 21, 23, 25, 27, 28, 30 and January 1, 1937.

WCBA—B. Bryan Musselman, Allentown, Pa.—Granted extension special temporary authority to use 50-watt portable test transmitter between the hours of 12 midnight and 6 a. m., EST, for a period beginning December 1 to December 10, 1936; provided no operation occurs during silent periods designated for monthly monitoring schedule.

WSAN—WSAN, Inc., Allentown, Pa.—Granted extension of special temporary authority to use 50-watt portable test transmitter between hours of 12 midnight and 6 a. m., EST, for period December 1 to December 10, 1936, provided no operation occurs during silent periods designated for monthly monitoring schedule.

WBBZ—Adelaide L. Carrell, Ponca City, Okla.—Granted extension of special temporary authority for Adelaide Lillian Carrell to operate station WBBZ for period December 1, 1936, to January 1, 1937.

KALE—KALE, Inc., Portland, Ore.—Granted extension of special temporary authority to operate unlimited time for the period

December 1 to December 30, 1936, pending construction of vertical radiator.

KGCX—E. E. Krebsbach, Wolf Point, Mont.—Granted extension of special temporary authority to rebroadcast Naval Observatory time signals from NAA at Washington, D. C., for period December 1, 1936, to May 1, 1937.

KFNF—KFNF, Inc., Shenandoah, Iowa.—Granted extension of special temporary authority to operate simultaneously with WILL from 8 to 11 a. m., CST, daily except Sundays during month of December, 1936.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Granted extension of special temporary authority to operate with 50 watts power from local sunset to 11 p. m., EST, Tuesdays, Thursdays, Saturdays and Sundays during month of December, 1936, pending compliance with Rule 131.

WTRC—The Truth Publishing Co., Inc., Elkhart, Ind.—Granted special temporary authority to operate simultaneously with WLBC from 7:30 p. m. to 9 p. m., CST, December 7, 1936, to broadcast high school football banquet.

WJTN—A. E. Newton, Jamestown, N. Y.—Granted voluntary assignment of C. P. from A. E. Newton to James Broadcasting Co., Inc.

Mutual Broadcasting System, Inc., Chicago, Ill.—Granted extension of authority to transmit commercial and sustaining programs by means of commercial telephone wire and through the telegraph office of the Canadian Pacific Railway at Windsor, Ontario, to station CKLW and the Canadian Broadcasting Corp. for period December 1, 1936, to June 1, 1937.

The Broadcast Division, upon its own motion, extended the effective date of its order of October 13, 1936, in granting the application of American Broadcasting Co. (WOL) for C. P. from December 1 to December 8, 1936.

The Broadcast Division, upon its own motion, extended the effective date of its order of November 17, 1936, in granting the application of Rensselaer Polytechnic Inst. (WHAZ) for modification of license, from December 1 to December 8, 1936.

The Broadcast Division, upon its own motion, extended the effective date of its order of November 17, 1936, in granting the application of Mrs. C. A. S. Heaton for C. P. from December 1 to December 8, 1936.

The Broadcast Division, upon its own motion, extended the effective date of its order of November 17, 1936, in granting the application of S. W. Warner and E. W. Warner, d/b as Warner Bros., for modification of license, from December 1 to December 8, 1936.

In the matter of the application of the Rensselaer Polytechnic Institute (WHAZ), Troy, N. Y., for modification of license, on which an order was heretofore entered on November 17, 1936, the Broadcast Division adopted and published a statement of facts and grounds for decision.

In the matter of the application of the American Broadcasting Co. (WOL), Washington, D. C., for C. P., on which an order was heretofore entered on October 13, 1936, the Broadcast Division adopted and published a statement of facts and grounds for decision.

Granted permission to Arthur T. George, Attorney, to file a brief in support of exceptions to the Examiner's proposed decisions in the matters of the applications of H. D. Pillsbury, N. R. Powley, C. E. Fleager, C. S. Casassa, F. J. Reagan, M. R. Sullivan and H. K. Taylor, Dockets Nos. 3383 to 3388, inclusive, and 3737, said brief to be filed concurrently with the filing of the exceptions. The Commission approved a telegram notifying Mr. George of its action.

ORAL ARGUMENTS

WKZO—Ex. Rep. 1-306: WKZO, Inc., Kalamazoo, Mich.—Oral argument granted to be held February 4, 1937.

NEW—Ex. Rep. 1-307: North Jersey Broadcasting Co., Inc., Paterson, N. J.—Oral argument granted to be held February 4, 1937.

MISCELLANEOUS

WPRO—Ex. Rep. 1-248: Cherry & Webb Broadcasting Co., Providence, R. I.—Extended effective date of order from December 15 to December 22, 1936.

KFOX—Ex. Rep. 1-233: Nichols & Warinner, Inc., Long Beach, Calif.—Extended effective date of order from December 15 to December 22, 1936.

KDYL—Ex. Rep. 1-242: Intermountain Broadcasting Corp., Salt Lake City, Utah.—Extended effective date of order from December 15 to December 22, 1936.

WHB—Ex. Rep. 1-229: WHB Broadcasting Co., Kansas City, Mo.—Extended effective date of order from December 15, 1936, to January 12, 1937.

NEW—United States Broadcasting Co., Columbus, Ohio.—Granted petition to waive Rule 104.6(b) regarding time for filing notice of appearance and decided to permit applicant's appearance to be received in re application for new radio station at Columbus, Ohio, to operate on 1310 kc., 100 watts, unlimited.

KFUO—Evangelical Lutheran Synod, St. Louis, Mo.—Granted petition asking Commission to withhold proceedings on application of KSD, Pulitzer Publishing Company, St. Louis, Mo., for modification of license. Directed Examiner to withhold the report on KSD hearing until the application of KFUE for authority to operate one-half time on 550 kc., sharing with KSD, is heard. KFUE application also requests change in equipment and operation with 5 KW day, 1 KW night using directional antenna.

The Commission, on its own motion, ordered a hearing de novo, on the applications of the Watertown Broadcasting Corp. (Docket 3374), and the Black River Valley Broadcasts, Inc. (Docket 3972), to be heard together with the applications of the Brockway Company for assignment of license and C. P. to move station WCAD from Canton, N. Y., to Watertown, N. Y.

APPLICATIONS RECEIVED

First Zone

WSYR-WSYU—Central New York Broadcasting Corp., Syracuse, N. Y.—License to cover construction permit (B1-P-109) as modified for new equipment, increase in power, and move of transmitter.

WMBO—WMBO, Inc., Auburn, N. Y.—Authority to transfer control of corporation from Roy L. Albertson to Auburn Publishing Co., 180 shares common stock.

WHDL—Olean Broadcasting Co., Inc., Olean, N. Y.—License to 1420 cover construction permit (B1-P-787) for changes in equipment, change frequency, increase power, and move transmitter.

WNBF—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—1500 License to cover construction permit (B1-P-1271) for new antenna and move of transmitter.

Second Zone

WKRC—WKRC, Inc., Cincinnati, Ohio.—Voluntary assignment 550 of special experimental authorization (B2-SA-213) from WKRC, Inc., to Columbia Broadcasting System, Inc.

WHAS—The Courier Journal Co. and The Louisville Times Co., Louisville, Ky.—Construction permit to install a vertical antenna; move transmitter from Rural Route No. 1, near Jeffersonton, Ky., to site to be determined, Oldham County, Ky. Amended: Changes in transmitter, and give definite transmitter site as 18 $\frac{3}{4}$ miles from center of Louisville, Ky.; change name by omitting name of The Courier-Journal Company.

WPAP—Ohio Valley Broadcasting Corp., Parkersburg, W. Va.—1420 Authority to transfer control of corporation from Harold McWhorter, Marion McDowell and Wayne Van Gilder to The Exponent Co., 89 shares of common stock.

Third Zone

NEW—Wichita Broadcasting Co., Wichita Falls, Tex.—Construction permit for a new station to be operated on 620 kc., 1 KW, unlimited time. Amended to change requested power from 1 KW to 250 watts night, 1 KW day, and install vertical antenna instead of directional antenna.

NEW—Wichita Broadcasting Co., Wichita Falls, Tex.—Construction permit for a new station to be operated on 630 kc., 1 KW, unlimited time. Amended to change frequency from 630 kc. to 620 kc.

WKY—WKY Radiophone Co., Oklahoma City, Okla.—Authority 900 to determine operating power by direct measurement of antenna.

NEW—The Tribune Co., Tampa, Fla.—Construction permit for a
940 new station to be operated on 550 kc., 1 KW night, 5 KW
daytime, unlimited time. Amended to change frequency
from 550 kc. to 940 kc. and make changes in antenna.

KUOA—KUOA, Inc., Siloam Springs, Ark.—License to cover con-
1260 struction permit (B3-P-1070) for equipment changes, new
antenna, increase in power, and move of station.

WATL—J. W. Woodruff and S. A. Cisler, d/b as Atlanta Broad-
1370 casting Company, Atlanta, Ga.—Voluntary assignment of
construction permit (B3-P-1228) from S. A. Cisler, Jr., and
J. W. Woodruff, d/b as Atlanta Broadcasting Co., to J. W.
Woodruff, tr. as Atlanta Broadcasting Company.

KTEM—Bell Broadcasting Co., Temple, Tex.—License to cover
1370 construction permit (B3-P-657) as modified for a new
station.

WGPC—Americus Broadcast Corp., Albany, Ga.—License to cover
1420 construction permit (B3-P-1077) as modified for new equip-
ment, changes in antenna, and move of studio and trans-
mitter.

KPLC—Calcasieu Broadcasting Co. (T. B. Lanford, R. M. Dean,
1500 L. M. Sepaugh), Lake Charles, La.—Modification of con-
struction permit (B3-P-1407) for equipment changes, in-
crease in day power and move of transmitter, further re-
questing approval of transmitter site at corner LaGrange
and Ernest St., Lake Charles, La.

NEW—Eustace H. Taylor, Shawnee, Okla.—Construction permit
for a new experimental broadcast station to be operated on
6425, 8655 kc., 5 watts (not in proper form).

Fourth Zone

KFRU—KFRU, Inc., Columbia, Mo.—License to cover construc-
630 tion permit (B4-P-1344) for new equipment.

WBBM—WBBM Broadcasting Corp., Chicago, Ill.—Voluntary
770 assignment of special experimental authorization (B4-SA-202)
from WBBM Broadcasting Corp. to Columbia Broadcasting
System, Inc.

KMA—May Seed and Nursery Co., Shenandoah, Iowa.—Modifica-
930 tion of license to change power from 1 KW night, 5 KW
day, to 5 KW day and night.

WMFG—Head of the Lakes Broadcasting Company, Hibbing,
1210 Minn.—License to cover construction permit (B4-P-1213)
for equipment changes, and increase in power.

WOC—Tri-City Broadcasting Co., Davenport, Iowa.—Construc-
1370 tion permit to change frequency from 1370 kc. to 1450 kc.

and increase power from 100 watts night, 250 watts day-
time, to 250 watts day and night (wrong form).

KCKN—The WLBK Broadcasting Co., Kansas City, Kans.—
1420 License to cover construction permit (B4-P-1377) for changes
in equipment.

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—
1460 License to cover construction permit (B4-P-888) for changes
in equipment and move of transmitter.

Fifth Zone

KVI—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—Au-
570 thority to determine operating power by direct measurement
of antenna.

KVI—Puget Sound Broadcasting Company, Inc., Tacoma, Wash.—
570 License to cover construction permit (B5-P-602) for new
equipment, increase in power, and move of transmitter.

NEW—Vancouver Radio Corp., Vancouver, Wash.—Construction
880 permit for a new station to be operated on 880 kc., 250
watts, daytime.

KFVD—Standard Broadcasting Co., Inc., Los Angeles, Calif.—
990 Modification of license to change frequency from 1000 kc.
to 990 kc.

KFVD—Standard Broadcasting Co., Inc., Los Angeles, Calif.—
1000 License to cover construction permit (B5-P-1389) for a new
transmitter.

KSL—Radio Service Corporation of Utah, Salt Lake City, Utah.—
1130 Construction permit to make changes in transmitting equip-
ment, install a vertical antenna, and increase power from
50 to 500 KW. Amended to make antenna changes.

KOOS—Pacific Radio Corp., Marshfield, Ore.—Authority to in-
1200 stall a new automatic frequency control apparatus.

KDON—Monterey Peninsula Broadcasting Co., Del Monte, Calif.
1210 —Construction permit to change frequency from 1210 kc.
to 1280 kc., install a new transmitter, and increase power
from 100 watts to 250 watts, 1 KW daytime. Amended to
change requested frequency from 1280 kc. to 1400 kc.

KVOR—Out West Broadcasting Co., Colorado Springs, Colo.—
1270 Construction permit to install a new transmitter.

KGEZ—Donald C. Treloar, Kalispell, Mont.—Construction permit
1310 to install a new antenna and move transmitter from 1200
block Fourth Avenue, E., to 2¼ miles south of city limits,
on Highway 93, Kalispell, Mont.

NEW—Chase S. Osborn, Jr., Fresno, Calif.—Construction permit
1440 for a new station to be operated on 1440 kc., 500 watts,
unlimited.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

NAB REPORTS

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SEASON'S GREETINGS

to all

NAB MEMBERS

from the

WASHINGTON OFFICE STAFF

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DENIAL OF NEW STATION RECOMMENDED

Walker Jamar filed an application with the Federal Communications Commission asking for a construction permit for a new station to be erected at Duluth, Minn., to use 1200 kilocycles, 100 watts and unlimited time on the air.

Examiner Robert L. Irwin in Report No. I-314 recommended that the application be denied inasmuch as "the Commission having considered and denied the applicant's petition to withdraw the application, and the applicant having failed to submit evidence in support of his application, it is recommended that the same be denied."

NAB REPORTS BINDERS

New NAB REPORTS Binders for 1937-38 will be mailed to all members this month. The cost of the binders viz: \$2.00, will be added to the invoices for dues as of January 1, 1937.

SUPREME COURT REMANDS KVOs CASE TO LOWER COURT BY UNANIMOUS DECISION

The United States Supreme Court in a decision rendered Monday in the case of broadcasting station KVOs, Bellingham, Wash., against the Associated Press, remanded the case to the lower court

without taking jurisdiction itself. The unanimous decision was as follows:

SUPREME COURT OF THE UNITED STATES

No. 28.—October Term, 1936.

KVOs, Inc., Petitioner, } On Writ of Certiorari to the United States
vs. } Circuit Court of Appeals for the Ninth
The Associated Press. } Circuit.

[December 14, 1936.]

Mr. Justice Roberts delivered the opinion of the Court.

This suit was brought to enjoin petitioner, the proprietor of a radio station at Bellingham, Washington, from appropriating, using, or disseminating news gathered by the respondent or its members during the period such news has commercial value to respondent and its members. The prayers were for temporary and permanent relief. The district court directed the petitioner to show cause why an injunction should not be granted and entered a temporary restraining order.

In summary, the allegations of the bill follow.

Respondent is a New York corporation and petitioner a Washington corporation; "the damage to which complainant is being subjected . . . is in excess of the sum of Three Thousand (\$3000.00) Dollars, exclusive of interest and costs, and the amount involved herein and in controversy herein is in excess of said sum of Three Thousand (\$3000.00) Dollars, exclusive of interest and costs.

The respondent, a membership corporation, is composed of proprietors or representatives of newspapers published throughout the United States whose business is the gathering, by its own instrumentalities, and by exchange with members, and other means, news, intelligence, and information from all over the world for the benefit of its members, and distribution of the material so gathered amongst them for newspaper publication, conformably to the by-laws.

The respondent has representatives in every important capital and city in the world and has reciprocal arrangements for interchange of news with many important agencies in foreign countries; has more than twelve hundred members, each owning or representing a daily newspaper, each supplying respondent, as required by the by-laws, with the news gathered locally by the newspaper he represents; the cost of respondent's transactions, amounting yearly to many millions of dollars, is equitably divided among the members; the association's service to members is of financial and business importance to them, due to its promptness, accuracy, and impartiality; the by-laws require that the news furnished shall

remain confidential until publication has been fully accomplished by all members.

The petitioner conducts a radio station at Bellingham, Washington, and, as part of its daily broadcast, sends out, three times a day, morning, noon, and evening, what is styled "The Newspaper of the Air" in which petitioner announces what it claims to be, and what usually is, the leading and most interesting news of the day. The *Bellingham Herald*, published at Bellingham, is a member of the association and, under the by-laws, the respondent is entitled to be furnished by the *Herald* with all the news from the territory served by that paper; the *Seattle Post Intelligencer* and the *Seattle Daily Times* are published at Seattle, Washington, and are represented by memberships in the association which has the same rights to news gathered by those papers.

The petitioner broadcasts news as part of its business and, by so doing, enhances the profits obtained from advertising broadcasts; the newspapers affiliated with the respondent derive a large portion of their revenues from the sale of advertising space, the value of which depends in great measure upon the freshness and interest of the news furnished by them. The petitioner, in the conduct of its station, has become, and is, a competitor of respondent and its members in the obtaining and early distribution of news, for the purpose of popularizing advertising.

The petitioner has no organization of its own for gathering news, but adopts the practice of "pirating" news gathered by the respondent and its members. This practice consists in procuring copies of the *Herald*, the *Post Intelligencer*, and the *Daily Times* and broadcasting parts, or all, of items therein published, whether gathered by these newspapers or received by them from the respondent, the repetition being sometimes verbatim and sometimes a rearrangement of the wording. The copies of the three newspapers do not reach their subscribers for some time (in some cases as much as twenty-four hours) after publication; whereas petitioner, promptly obtaining the papers, is able to pirate and broadcast their contents and to anticipate the receipt of the news by the newspapers' subscribers. This practice constitutes unfair competition with the respondent; wrongfully deprives the respondent of the just benefits of its labors and expenditures; similarly injures respondent's members; and prejudices the respondent with its members.

The petitioner, though repeatedly requested to desist from the practice, has refused so to do, although neither the association nor any member has granted permission to make use of the news gathered by them; and the continuance by the petitioner of its practice will increasingly cause irreparable injury and damage to the respondent because the effort and expenditures to gather and obtain news will be rendered largely without reward or value so far as concerns the territory served by petitioner's station.

Prior to the return day of the order to show cause why a temporary injunction should not issue, the petitioner filed a motion to dismiss, assigning the following grounds, amongst others: the bill fails to recite facts entitling the plaintiff to the relief prayed and is without equity; there is a non-joinder of parties plaintiff since the bill discloses that the *Bellingham Herald*, *Seattle Post Intelligencer*, and *Seattle Daily Times* are necessary parties; the court is without jurisdiction because the matter in controversy does not exceed three thousand dollars, exclusive of interest and costs, and an inspection of the allegations of the complaint shows the complainant cannot recover any amount in excess of three thousand dollars or any other amount and the sum named in the ad damnum clause of the complaint is not a true statement of complainant's damages and is not alleged in good faith, the facts being that the amount paid to the complainant for furnishing the Associated Press news in the city of Bellingham, to any of its members, is fixed and determined by the size of the city's population, and is not affected by any other condition and complainant has not lost any amount and never will lose any amount by reason of this controversy, and defendant is not a competitor of complainant in any sense of the word; the *Bellingham Herald* is the real party in interest and the Associated Press has no interest in the cause.

Affidavits were presented in support of and in opposition to the granting of an injunction, and counsel were heard upon the prayer for preliminary injunction and upon the motion to dismiss. The court found the allegations as to citizenship of the parties were true; found "the amount in controversy herein, by reason of defendant's motion to dismiss, must be construed to be in excess of \$3,000.00, exclusive of interest and costs"; found the facts as to the business and conduct of the parties substantially as alleged in the complaint; but found that the petitioner had not interfered with the normal operation of respondent's business or diverted any of respondent's profit.

As conclusions of law the court held that it had jurisdiction of

the parties and the subject matter "since defendant's motion to dismiss admits for the purpose of pleading all facts well pleaded in the bill of complaint and particularly the necessary diverse citizenship between complainant and defendant and the allegation that there is involved in the controversy herein more than \$3,000.00, exclusive of interest and costs" and that "the complainant is a proper party to prosecute this action on its own behalf and on behalf of its members." Based upon certain of the findings of fact the court concluded the acts of the petitioner did not amount to unfair competition with respondent or any of its members and did not violate their property rights; held, therefore, that the complaint failed to state facts sufficient to constitute a cause of action; vacated the temporary restraining order, refused a preliminary injunction, and granted the petitioner's motion to dismiss with prejudice.¹

The Circuit Court of Appeals reversed² and ordered that a preliminary injunction issue restraining the petitioner from appropriating and broadcasting any of the news gathered by the respondent for the period following publication in respondent's newspapers during which the broadcasting of the pirated news to petitioner's most remote auditors may damage the business of respondent's papers in procuring and maintaining their subscriptions and advertising. On the merits the court thought the case controlled by *International News Service v. Associated Press*, 248 U. S. 215. Dealing with the petitioner's insistence that the amount in controversy was not shown to exceed three thousand dollars the court held that the *International News Service* case required the conclusion that the respondent was in competition with the petitioner because the decision in that case indicated that the profit seeking business of the constituent newspapers is an integral part of the corporate purpose of the respondent; and that "The several millions of dollars here alleged to be invested in the Association's business (the bill contains no such allegation) may well be damaged to the extent of \$3,000 by the pirating practices described." After referring to the character and scope of the respondent's activities the court states:

"It is obvious that the business of gathering and distributing to members, before profitable publication, could conceivably be damaged to the extent of \$3,000 by the misappropriation and premature publication of the news material. To hold otherwise would warrant the inference that no corporation could be damaged by a wrongful attack on its business, when that business happened to be run at no profit or at a loss. Also, we are unable to hold irrational the claim that the piracy caused a \$3,000 damage to the Association's quasi property right in the news."

Although the decision with respect to the amount in controversy was assigned as error in this court, the parties have in the main directed their arguments to the merits; the respondent insisting that *International News Service v. Associated Press* fully sustains the decree below; the petitioner contending this cause may be distinguished from the one there adjudicated, or, if not, that decision should be modified. We have no occasion to consider the soundness of these conflicting contentions, for we hold that in the circumstances the respondent had the burden of showing that the case was within the District Court's jurisdiction, and failed to carry it.

The bill seeks redress for damage to the respondent's business and for damage to the business of some or all of its members. The right for which the suit seeks protection is, therefore, the right to conduct those enterprises free of the alleged unlawful interference by the petitioner. No facts are pleaded which tend to show the value of that right. The complaint contains nothing to the purpose save the general statement that the damage to which the respondent is being subjected is in excess of three thousand dollars and the amount involved is in excess of that sum. Such a formal allegation is sufficient, unless the bill contains others which qualify or detract from it in such measure that when all are considered together it cannot fairly be said that jurisdiction appears on the face of the complaint, in which case the suit should be dismissed by the court *sua sponte*³ or upon the defendant's motion.⁴ In this case the formal allegation is not reinforced or strengthened by other portions of the complaint; neither is it neutralized or weakened by qualifying or detracting allegations. In effect it stands alone. Therefore the court would not have been bound to dismiss upon a motion based solely on alleged insufficient pleading of the amount in controversy; though it might, of its own motion, have entered

¹ 9 F. Supp. 279.

² 80 F. (2d) 575.

³ *Mansfield, C. & L. M. Ry. v. Swan*, 111 U. S. 379, 382, 383; *Bucyrus Co. v. McArthur*, 219 Fed. 266.

⁴ *Coal Co. v. Blatchford*, 11 Wall. 172; *Ladew v. Tennessee Copper Co.*, 179 Fed. 245; affirmed 218 U. S. 357.

upon an inquiry to ascertain whether the cause was one over which it had jurisdiction.⁵ But where the allegations as to the amount in controversy are challenged by the defendant in an appropriate manner, the plaintiff must support them by competent proof.⁶ The petitioner's motion was an appropriate method of challenging the jurisdictional allegations of the complaint. It did not operate merely as a demurrer, for it did not assume the truth of the bill's averments and assert that in spite of their truth the complaint failed to state a case within the court's jurisdiction. On the contrary the motion traversed the truth of the allegations as to amount in controversy and in support of the denial recited facts dehors the complaint. This could have been done by answer but the time for answer had not arrived when the rule to show cause was issued and petitioner was faced with the possibility of an injunction. The motion required the trial court to inquire as to its jurisdiction before considering the merits of the prayer for preliminary injunction. And in such inquiry complainant had the burden of proof.⁷ The only attempt to meet that burden is a reply affidavit filed on behalf of respondent, wherein it is deposed "that the payments made by newspapers for said news sold to them by complainant in the territory served by said radio station is upwards of \$8,000 per month, which is being imperilled and jeopardized by the acts of defendant . . . by its unlawful and wrongful appropriation of complainant's news, and said sum greatly exceeds the sum of Three Thousand Dollars, exclusive of interest and costs, and complainant is in danger of losing said memberships and payments if defendant's practices in respect to pirating said news is not enjoined." This deposition must be read in connection with the statement in the bill that the respondent makes no profit from furnishing news to its members but equitably divides the expense amongst them. The association cannot therefore lose the \$8,000 in question. If the three newspapers in the affected territory cease to pay the sum, they will save it, not lose it, and, as to any other damage they may suffer from petitioner's competition, the affiant is silent. Assuming, without deciding, that in the circumstances disclosed the respondent has standing to maintain a suit to redress or prevent damage caused its members by petitioner's conduct, the allegation of possible damage to them is wholly inadequate, because the asserted danger of loss of members is a mere conclusion unsupported by even a suggestion that withdrawal has been threatened by any newspaper, and no intimation is given of the character or extent of the damage they would suffer by such withdrawal. The respondent having failed to support the allegations as to amount in controversy the District Court should have dismissed the bill.

The suggestion is made in the respondent's argument, and in the opinion below, that, as the allegations in the *International News Service* case, *supra*, were substantially like those of the bill now before us, this court must have been of opinion that the District Court had jurisdiction in the *International* case or it would not have considered the merits. But in that case the answer did not challenge the jurisdiction, there was no assignment of error raising the question and no argument on the subject was presented to this court. "The most that can be said is that the point was in the case if anyone had seen fit to raise it. Questions which merely lurk in the record, neither brought to the attention of the court nor ruled upon, are not to be considered as having been so decided as to constitute precedents." *Webster v. Fall*, 266 U. S. 507, 511.

The Circuit Court of Appeals sustained the District Court's jurisdiction on the ground that the finding upon that point was not without support, and the appellate tribunal could not say it was wrong, in view of the magnitude of the respondent's operations and expenditures. As pointed out in *McNutt v. General Motors & Co. Corporation*, *supra*, at pages 180 and 181, these factors are irrelevant upon the issue of the value of the right for which protection is here sought.

Since the allegation as to amount in controversy was challenged in appropriate manner, and no sufficient evidence was offered in support thereof, the bill should have been dismissed. *McNutt v. General Motors & Co. Corp.*, *supra*, p. 190. The Circuit Court of Appeals had jurisdiction of the appeal and as the District Court lacked jurisdiction its decree dismissing the bill should have been affirmed on that ground.

The decree of the Circuit Court of Appeals is reversed and the cause is remanded to the District Court with directions to dismiss the bill of complaint for want of jurisdiction.

⁵ Act of March 3, 1875, § 5, c. 137, 18 Stat. 470, 472; Jud. Code, § 37, 28 U. S. C. § 80; *McNutt v. General Motors & Co. Corp.*, 298 U. S. 178, 182, 184.

⁶ *McNutt v. General Motors & Co. Corp.*, *supra*, p. 189.

⁷ *McNutt v. General Motors & Co. Corp.*, *supra*, p. 189.

WARING AGAINST WDAS

The final decree of the Court of Common Pleas in this case was signed Saturday, December 12th. The station immediately appealed from the decree to the Supreme Court of Pennsylvania, the appeal being taken Monday, December 14th. It is expected that the appeal will be heard by the Pennsylvania Supreme Court in April, 1937.

BROADCASTING STUDIO DECISION

The owners of the New Amsterdam Theatre in New York City who lease the roof to some of the networks for use as a broadcasting studio were required by the City of New York to procure a license from the city for the use of said premises as a studio. This the owners did under protest following which they brought suit in the New York Supreme Court for a declaratory judgment. The following is the decision just handed down by Mr. Justice Valentine on a preliminary motion in the case "Dry Dock Sav. Institution v. Valentine." This motion is made to dismiss the amended complaint in an action for a declaratory judgment. Plaintiff is using the roof of the New Amsterdam Theatre, formerly used as a public theatre, for radio broadcasting purposes. The city authorities insist that under the code of ordinances a broadcasting studio requires a license. Plaintiff has complied with the city's demand under protest, and now asks for a declaration of its rights to continue without a license and to obtain the return of the license fee heretofore paid. The ground of the motion is that the complaint does not state facts sufficient to constitute a cause of action. Plaintiff has made allegations in its complaint to show that in the conduct of the broadcasting studios its lessees do not give any public exhibitions within the language of the statute. What do they perform? The term 'Broadcasting Studio' is not an expression of sufficiently general connotation to enable the court to take judicial notice of its general character. Plaintiff should give a general statement of the lessee's activities so that the court may judge whether their work is of the nature of public performances. Such description is a part of the ultimate facts and not a pleading of evidence. It is for the court then to judge whether such activities constitute theatrical performances. This may not necessarily appear from the pleadings, but may require the presentation of evidence at a trial of disputed facts. Possibly no issues of fact may appear, but on the conceded facts in the pleadings a determination may be possible as a matter of law. In any event, the complaint should tell what a broadcasting radio studio does. The mere statement that it broadcasts radio programs over the air is insufficient. It does not enable the court to judge whether the physical situation at the initiation of the broadcast is such as to justify police and licensing regulations within the intent of the ordinances. Motion to dismiss is granted with leave to amend settle order" (New York Law Journal, December 15, 1936).

RECOMMENDS DENIAL OF NEW STATION

Dr. E. P. Cerniglia applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Monroe, La., to use 1500 kilocycles, 100 watts power and unlimited time.

Examiner George H. Hill in Report No. I-316 recommended that the application be denied. The Examiner states that objectionable interference would be caused with existing facilities if the applicant were allowed nighttime service. While some showing was made, the Examiner states, as to the need for additional broadcast facilities at Monroe "there is not such a showing as will warrant the establishment of an additional 100 watt station."

FTC RADIO ADVERTISING CASES

The Federal Trade Commission in its annual report released this week devotes a part of the report to its special procedure in certain types of advertising cases including radio. On the question of radio advertising the Commission says:

The Commission began the review of advertising copy broadcast over the radio at the beginning of the fiscal year 1934-35. At the outset, the Commission, through the Special Board of Investigation, made a survey of all commercial continuities, covering the broadcasts of all radio stations during July 1934. The volume of returns received and the character of the announcements indicated that a satisfactory continuous scrutiny of current broadcasts could be maintained with a limited force and at small expense, by adopting a plan of grouping the stations for certain specific periods.

Consequently, beginning with September 1934, quarterly calls have been issued to individual radio stations according to their

licensed power and location in the five radio zones established by the Federal Communications Commission. These returns cover specified 15-day periods.

National and regional networks, however, respond on a continuous weekly basis, submitting copies of commercial continuities for all programs wherein linked hook-ups are used involving two or more affiliated or member stations.

Producers of electrical-transcription recordings submit regular weekly and monthly returns of typed copies of the commercial portions of all recordings manufactured by them for radio broadcast. As the actual broadcast of a commercial recording is not always known to the manufacturer of a commodity being advertised, the Commission's knowledge of current transcription programs is supplemented by special reports from individual stations from time to time, listing the programs of recorded transcriptions with essential data as to the names of the advertisers, and the articles sponsored.

The combined material received from the individual stations for specified periods, from the weekly returns on regional and national network broadcasts, and from the special transcription reports, furnishes the Commission with representative and specific data on the character of radio advertising which has proven of great value in its efforts to curb false and misleading trade representations.

During the last fiscal year, the special board received copies of 299,334 commercial broadcasts by individual radio stations and 38,109 commercial broadcasts by networks, or chain originating key stations. The broadcasts from the independent stations averaged 1½ pages each and from the networks 10 pages each.

The special board and its staff read and marked about 947,000 pages of typewritten copies during the year, an average of 3,105 pages every working day. Of these, 19,572 commercial broadcasts were marked as containing representations that appeared to be false or misleading. These broadcasts were assembled in 1,314 prospective cases for further review and procedure in instances that appeared to require it.

In its examination of advertising, the Commission's purpose is to prevent false and misleading representations. It does not undertake to dictate what an advertiser shall say, but rather indicates what he may not say. Jurisdiction is limited to cases which have a public interest as distinguished from a mere private controversy, and which involve practices held to be unfair to competitors in interstate commerce.

The Commission is receiving the helpful cooperation of the nearly 600 active commercial and radio stations and of newspaper and magazine publishers generally, and notes a desire on the part of these broadcasters and publishers to aid the Commission in the elimination of false and misleading advertising.

DENIAL OF STATION CHANGES RECOMMENDED

Broadcasting Station WSBT, South Bend, Ind., applied to the Federal Communications Commission to change its frequency from 1360 to 1010 kilocycles, to increase its power from 500 to 1,000 watts and to increase from sharing time to unlimited time. Also station WEMP, Milwaukee, Wis., asked to change its frequency from 1310 to 1010 kilocycles, to increase its power from 100 to 250 watts and 500 watts LS and to increase its operation time from daytime to unlimited time.

Examiner Melvin H. Dalberg in Report No. I-315 recommends that both of the applications be denied. The Examiner found that granting these changes would cause interference in both cases. He states that "the authorization of additional stations to regional facilities under circumstances such that their service will be limited to the extent described, is undesirable allocation practice and represents an uneconomic use of facilities involved."

ANNUAL CONVENTION

Under date of November 23rd the NAB office sent a mimeographed letter to members asking for suggestions as to what month would be most desirable for holding the 1937 Annual Convention. Since replies have been received from only about fifty per cent of the members you are urged to forward your preference at once.

RECOMMENDATION AGAINST WHAT CHANGE

Broadcasting station WHAT, Philadelphia, applied to the Federal Communications Commission asking that its frequency be changed from 1310 to 1220 kilocycles, and its power increased from 100 to 1,000 watts. It now shares time with WTEL and the application asked for full time operation.

Examiner Melvin H. Dalberg in Report No. I-317 recommended

that the application be denied. In connection with the recommendation of denying this application the Examiner says "it is unfortunate that the present operating assignment is unsatisfactory with respect to the irregular schedule of operating hours and restricted nighttime coverage which is involved, but it appears that the granting of this application would merely substitute other objectionable features in the place of these."

TEN KILOCYCLE SEPARATION

John B. Reynolds, acting secretary of the Federal Communications Commission is sending out the following statement in connection with the ratio of desired to undesired signals for 10 kilocycle separation between broadcast stations:

At the October 5th informal engineering hearing on broadcasting, recommendations were made by various participants as to the permissible ratio of desired to undesired signal between broadcast stations operating 10 kilocycles removed in frequency. These recommendations varied rather widely and in general would allow a much higher undesired signal than is now permissible under the present empirical standard of the Engineering Department. These empirical standards were adopted in 1932 and were based on the characteristics of receiving sets manufactured from 1929 to 1932. Since that time there has been a marked change in receiver characteristics and practically all receivers now manufactured for broadcast reception have superheterodyne circuits, whereas at that time the majority of receivers employed were of the tuned radio frequency type.

The present empirical standard requires that the desired signal be twice the undesired signal. This does not let the primary service areas of stations on adjacent channels overlap and requires a mileage separation between stations, depending on the power.

After carefully studying the recommendations made by the various engineers, the Engineering Department is not satisfied that this subject has been sufficiently investigated to accept any of the various recommendations made. The recommendations by certain engineers were based on receiver characteristics with regards to selectivity and apparently little consideration was given to the fidelity characteristics of the receivers.

There is no question but that a receiver can be designed and manufactured at a nominal cost that will separate a desired signal from an undesired signal 10 kilocycles removed in frequency when the intensity of the undesired signal is 50 to 100 times the desired signal. (In fact many receivers now on the market will do this.) But, in obtaining this selectivity the high frequency audio response of the receiver is materially reduced. The amount of the reduction varies widely with individual receivers. Therefore, before a new ratio of desired to undesired signal can be adopted as a standard for broadcast allocation, it will be necessary for the industry to assist the Commission in determining the maximum audio frequencies that are to be transmitted and received.

Under the present plan of allocation, stations separated by 10 kilocycles are also required to maintain a mileage separation; thus, two 1-kilowatt stations, 10 kilocycles removed in frequency, must be separated by 200 miles at night and two 50-kilowatt stations by 800 miles at night. This allocation provides for the transmission of all audio frequencies to 7.5 kilocycles and for the reception in the primary service area of frequencies to this value and in the secondary service area of frequencies to 5 kilocycles. If the ratio of desired to undesired signals of 1 to 10 or 50 be adopted, it is evident that this plan could no longer be retained and it would be necessary to require all broadcast stations to cut off all audio frequencies above, say, 5 kilocycles. Also, with the above stated ratio, broadcast stations of the same power, 10 kilocycles removed in frequency, could be placed in the same service area, and, thereafter it would not be possible ever to accomplish high fidelity transmission and reception on such stations.

W. B. Snow, in the July 1931 issue of the *Journal of the Acoustical Society of America*, gives a complete report on the frequency band that must be reproduced before sounds can be practically indistinguishable in quality from the original sound. It is shown that 90 percent of the observers considered the reproduced sound indistinguishable from the original sound when the frequencies between 90 cycles and 7500 cycles are faithfully reproduced. Stations transmitting this band without more than 2 to 4 percent harmonic distortion may be considered as accomplishing high fidelity transmission. When the higher frequencies were cut off at 5 kilocycles, 72 percent of the observers considered the reproduction satisfactory. The four network program systems employ telephone lines for distribution. These lines cut off at approximately 5000 cycles.

The following table shows the extent of the variation in the response at 3000 cycles and at 5000 cycles as compared to the

response at 400 cycles for the receivers used as a basis for the recommendations made in behalf of the National Association of Regional Broadcast Stations:

	3000 cycles	5000 cycles
G. E. E-71.....	—4	—11
Detrola 101A.....	—9	—20
Philco 37-89.....	—12	—24
RCA 6T2.....	—7	—20

A similar table based on the receiver data submitted at the hearing by Van Dyck on behalf of the National Broadcasting Company is as follows:

	3000 cycles	5000 cycles
Average of 36— 1935 receivers		
All price classes.....	—7	—15
Average of 47— 1936 receivers		
All price classes.....	—7	—17

The fidelity curves for the receivers used as a basis for the recommendations of the clear channel group were not submitted in evidence.

It is seen that these receivers were substantially down in response both at 3000 cycles and at 5000 cycles. The Engineering Department hesitates to recommend an allocation based on receiving sets of the selectivity and high frequency response as given without the assurance from the industry that it is unnecessary to reproduce faithfully frequencies above 3000 or 4000 cycles and that at 5000 cycles it is satisfactory to have the response down some 11 to 24 decibels below that at 400 cycles.

Unfortunately the characteristics of a receiver having an acceptance band of 10 kilocycles (audio frequency response to 5 kilocycles) are not available nor are characteristics of receiving sets having an acceptance band of 15 kilocycles (audio frequency response to 7.5 kilocycles) available. If the selectivity characteristics were known of receivers which had acceptance bands of these widths and if the audio response characteristics faithfully covered the same frequencies, then an allocation could be made based on the ratio of desired to undesired signal for such receivers. In other words, should we not base the allocation on receivers with the desired output characteristics, rather than on receivers of very poor output characteristics which do not approach the ideal and thus seriously limit development in the future?

Although broadcast stations are separated by only 10 kilocycles, by requiring an adequate geographical separation between stations on adjacent channels, it has been possible to permit transmission and reception of emissions with a frequency range greater than 5 kilocycles. Or, in other words, by maintaining certain geographical separation, it has been possible to accomplish an equivalent of a substantially greater frequency separation than 10 kilocycles in the primary service areas.

Figure 1, Curve 1, of a chart with this statement shows the distribution of audio energy per cycle for the average of 4 selections played by a 75-piece orchestra.¹ Curves 2, 3, 4, 5 and 6 are plotted for a 10-kilocycle separation between carriers with the undesired signal 0.5, 1, 2, 10 and 50 times the desired signal, and for similar modulation on the undesired station. From these curves, it is obvious that with the undesired signal 10 times the desired signal it would be necessary to prevent the transmission of audio signals above approximately 5 kilocycles because at 7800 cycles from the undesired carrier, the energy is the same as that at 2200 cycles from the desired carrier. This manifestly would produce hopeless monkey chatter.

The Engineering Department of the Commission wishes to ask the radio industry the following questions with respect to changing the policy of allocating broadcast stations 10 kilocycles removed in frequency:

1. The allocation of broadcast stations should provide for what maximum audio frequencies to be transmitted?
2. The allocation should provide for what maximum audio frequency reception in the primary service area? In the secondary service area? (Consider usual and variable selectivity receivers.)
3. What selectivity characteristics can be obtained from a receiver that will reproduce audio frequencies flat within 4 decibels, to 7.5 kilocycles? To 5 kilocycles?

¹ See "Absolute Amplitudes and Spectra of Certain Musical Instruments and Orchestras" by L. J. Sivian, H. K. Dunn, and S. D. White, in the January 1931 issue of the *Journal of the Acoustical Society of America*.

4. Should the characteristics of the average receiver sold today, which is substantially limited in response above 3 to 4 kilocycles, be taken as a basis for a change in the present standard of desired to undesired signal?

5. Is not an allocation which provides for transmission of frequencies to 7.5 kilocycles, for reception of frequencies to 7.5 kilocycles in the primary service area, and for reception in the secondary service area to 4 or 5 kilocycles (or less as controlled by the selectivity control or the tone control of the receiver) a fair allocation?

6. Would not a substantial increase in the permissible undesired signal materially impair this allocation?

7. Is there any need to reduce materially the mileage separation between stations on adjacent channels so that the above conditions of transmission and reception can no longer be maintained?

8. If the industry decides that the characteristics of the various selective receivers now being manufactured should be taken as a basis of allocation for 10-kilocycles frequency separation, then does the industry accept the responsibility for all broadcast stations so allocated to be limited in transmission and reception to an audio response not exceeding 5 kilocycles?

Before changing the present engineering policy in these regards, the Engineering Department of the Communications Commission wishes to be assured that all interested parties are fully aware of the practical results which would be obtained and of the limitations which would then be imposed on broadcasting if the recommendations made on this subject at the October 5th hearing were followed. The Commission therefore requests all interested parties to participate in an informal conference (round table discussion with the Engineering Department) to be held at the office of the Commission in Washington, D. C., on January 18, 1937.

NORTH CAROLINA STATION RECOMMENDED

The *Asheville Daily News* filed an application with the Federal Communications Commission asking for a construction permit for the erection of a new broadcasting station to be located at Asheville, N. C.

Examiner George H. Hill in Report No. I-318 recommended that the application be granted "on condition that an approved transmitter site is selected and also subject to compliance with Rule 132." The Examiner found that there appears "to be a definite need for the services of the proposed station and the tentative programs submitted appear to be well balanced and will serve the public interest." Any interference caused, the Examiner states, "would not be serious."

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

- Halle Brothers Company, Cleveland, Ohio. (2-2651, Form A-2)
- Chicago Venetian Blind Co., Chicago, Ill. (2-2652, Form A-1)
- Trustees General Utilities Co., Jersey City, N. J. (2-2653, Form F-1)
- Wentworth Mfg. Co., Chicago, Ill. (2-2654, Form A-2)
- Committee Philip Schuyler Corp, bonds, Albany, N. Y. (2-2655, Form D-1)
- Zoller Brewing Company, Davenport, Iowa. (2-2656, Form A-1)
- Minneapolis Gas Light Co., Minneapolis, Minn. (2-2657, Form A-2)
- Transcontinental & Western Air Inc., Kansas City, Mo. (2-2658, Form A-1)
- Committee Skinner Mfg. Co., New York City. (2-2659, Form D-1)
- Investors Fund, Inc., New York City. (2-2660, Form A-2)
- Automobile Finance Co., Pittsburgh, Pa. (2-2661, Form A-1)
- The Clark Controller Company, Cleveland, Ohio. (2-2663, Form A-2)
- Lockheed Aircraft Corporation, Burbank, Calif. (2-2664, Form A-2)
- Filtrol Company of California, Los Angeles, Calif. (2-2665, Form A-2)
- R. G. Letourneau, Inc., Stockton, Calif. (2-2666, Form A-2)
- Globe Steel Tubes Co., Milwaukee, Wis. (2-2667, Form A-2)
- Purex Corporation, Ltd., Los Angeles, Calif. (2-2668, Form A-1)
- Pollock's Incorporated, Asheville, N. C. (2-2669, Form A-1)
- World Electric Appliance Corp., New York City. (2-2670, Form A-1)

Davidson-Boutell Company, Kansas City, Mo. (2-2671, Form E-1)
 American Hide and Leather Company, Boston, Mass. (2-2675, Form A-2)
 Seattle Times Company, Seattle, Wash. (2-2676, Form A-2)
 Newton P. Frye, et al., voting trustees of Community Public Service Company, Chicago, Ill. (2-2678, Form F-1)
 United Specialties Co., Detroit, Mich. (2-2681, Form A-1)
 Interstate Home Equipment Company, Inc., Providence, R. I. (2-2683, Form A-2)
 Mutual American Securities Trust, Boston, Mass. (2-2684, Form A-1)
 Carnegie Metals Company, Pittsburgh, Pa. (2-2685, Form A-1)
 The Weisbaum Bros.-Brower Company, Cincinnati, Ohio. (2-2687, Form A-2)
 Automatic Quotation Co., New York, N. Y. (2-2688, Form A-1)
 North American Investment Corporation, San Francisco, Calif. (2-2689, Form A-2)
 Bagdad Copper Corporation, Hillside Post Office, Arizona. (2-2690, Form A-1)
 Public Service Company of New Hampshire, Manchester, N. H. (2-2691, Form A-2)
 Michigan Silica Company, Rockwood, Mich. (2-2692, Form A-2)
 Romec Pump Company, Elyria, Ohio. (2-2693, Form A-1)
 American Fidelity and Casualty Co., Inc., Richmond, Va. (2-2694, Form A-2)
 Pacific Distillers, Inc., Culver City, Calif. (2-2695, Form A-1)
 Kentucky Valley Distilling Co., Louisville, Ky. (2-2696, Form A-1)
 Central Violeta Sugar Company, Havana, Cuba. (2-2697, Form E-1)
 Consumers Credit Corporation, New York City. (2-2699, Form A-1)
 Goldblatt Bros., Inc., Chicago, Ill. (2-2700, Form A-2)
 Sherrard Power System, Orion, Ill. (2-2703, Form A-2)
 National Tax Investment Corporation, Washington, D. C. (2-2704, Form A-1)

A. T. & T. AND RADIO

During the course of hearings this week by the Federal Communications Commission in connection with the American Tel. & Tel. investigation the Commission introduced a detailed report on the "Bell System Policies and Practices in Radio Broadcasting." The Commission's conclusions in this report include the following:

(1) The Bell System's original aim in the broadcasting industry, as defined in 1923, was to control, subject to limited concessions to Radio Corporation of America, General Electric Company, and Westinghouse Electric & Manufacturing Company, the manufacture and sale of radio transmitting equipment, operation of radio stations, and the wire facilities associated therewith.

(2) When it became apparent to the American Company that its rights under the License Agreement of July 1, 1920, were not, according to the views of the Referee in Arbitration (1924), as broad as at first anticipated, the Telephone Group (a) gave up its broadcasting business (1926); (b) granted General Electric Company, and others, equal rights with itself in the sale of transmitting equipment (1926); and (c) through the acquisition of exclusive patent rights (1926) and the continuance of certain practices (1923 to 1936) sought to make the furnishing of wire facilities an exclusive Bell System function.

(3) The Bell System used its position as a utility in control of extensive networks of local and long distance telephone circuits to protect the patents of American Telephone and Telegraph Company which were useful in the manufacture and sale of broadcasting apparatus. The American Company directed the Associated Telephone Companies to defend its patents by denying wire services to broadcasting stations not licensed under American Telephone and Telegraph Company's patents (1923 to 1928) without any contractual obligation on the part of the Associated Companies (according to the opinion of the Legal Department of American Telephone and Telegraph Company).

(4) Prior to July, 1926, New York Telephone Company denied network service to two or more stations, because it was the policy of American Telephone and Telegraph Company not to give such service. The American Company and Associated Companies were at the same time giving such service to the Bell-owned station WEAf. The New York Telephone Company protested such unequal treatment, but the American Company wished to retain this business for Bell-owned radio stations. Network service was given to non-Bell stations after American Telephone and Telegraph Company agreed to sell Station WEAf to Radio Corporation of America (July 1, 1926).

(5) The Bell System, under the aegis of the American Company, has refused to interconnect with the wire facilities owned by others, in order to eliminate competition in the furnishing of wire facilities for radio program transmission. Thus, the Bell System has used its strategic position in control of telephone circuits to extend and protect its control over the wire facilities necessary in transmission of radio programs.

(6) The Bell System, by virtue of its policy with respect to interconnections, limits the distribution of programs unless they are routed over Bell circuits exclusively.

(7) The Bell System has practiced discrimination in the exercise of its monopoly position and in the application of its policies in giving wire services to broadcasting stations, and with respect to interconnections with other wire-using companies. Although American Telephone and Telegraph Company licenses were required from broadcasting stations before they could obtain wires from the Associated Companies, in many cases exceptions were made, often with a view to public relations. Similarly, although refusal to interconnect Bell wires with those of others is a long-standing policy of the Bell System and is now incorporated in tariffs filed with the Federal Communications Commission, there have been many exceptions which permitted some radio stations to avail themselves of the less expensive telegraph company circuits, whereas others have been denied the same privilege.

(8) The Bell System incorporated the policies with respect to wire telephony used in conjunction with broadcasting in tariffs filed with the Federal Communications Commission, using these tariffs as arguments against modification of long-established policies.

(9) Various Bell Telephone Companies have allowed violations of their filed tariffs in specific cases with respect to interconnections. Thus, there has been discrimination by the Bell System in the application of their tariffs to different broadcasting stations.

(10) Certain Associated Bell Telephone Companies have amended their filed tariffs with the Federal Communications Commission to allow exceptions to their policies, thus giving rise again to discriminations between favored interests and others.

(11) The desire to prevent unfavorable publicity, and on occasion, uncertainty with regard to the legal foundations of the policies, have been principal reasons in the discriminatory application of policies and tariffs.

EDUCATIONAL RADIO CONFERENCE

It is estimated that about 1,000 persons attended the First National Conference on Educational Broadcasting, held at the Mayflower Hotel, the latter part of last week. The conference held many sessions, divided into various groups, and was addressed by well known persons in the radio and educational field.

Among those talking were Secretary of the Interior Harold Ickes; Anning S. Prall, chairman of the Federal Communications Commission, and John W. Studebaker, United States Commissioner of Education.

Among others who talked were: David Sarnoff, president of the Radio Corporation of America; George F. Zook, chairman of the executive committee of the conference; William Mather Lewis, president of Lafayette College; Prof. Arthur N. Holcombe, Harvard University; T. A. M. Craven, chief engineer of the Federal Communications Commission; C. B. Jolliffe, chief of the Frequency Bureau of the Radio Corporation of America; C. M. Jansky, Jr., consulting radio engineer; and many others.

Chairman Prall had the following to say:

There once wandered through the length and breadth of the land called Greece, a singer of songs and a teller of tales named Homer. Long years he, himself, traveled and sang. Many a time and oft were his tales repeated by himself and others, until at length—long after his death—all Greece could repeat the opening lines of his Iliad.

Today by virtue of the remarkable development of broadcasting his theme could be "featured" internationally and sent forth on the "winged words," of which he prophetically sung, to the ends of the earth and back again. Why make the suggestion? Because it points out the difference between the slow imperfect spread of knowledge through the ancient telling of tales and the instantaneous and ubiquitous reception of the modern broadcast, which is, in its essential details, still a telling of tales, a recital of facts, a stirring of emotions.

There remains the old magic of the human voice, its strong personal appeal, but to these have been added the new magics, the sorcery of music, the vividness of drama, the stark realism of the "March of Time." But what have such programs to do with education per se? Many of you have taken serious issue with so-called educational broadcasts of today. Many of you have implied that such programs have dealt too much with formal curriculum

topics only, prepared by teachers inexperienced in radio technique, without adequate funds and without adequate administrative and technical staffs, and with little or no time for preparation or rehearsal. That may be so. You educators should be the best judges.

Radio education has travelled a long road since its early pioneering. It has broadened its field and has slowly grown to a full recognition of its possibilities. My mission here is not to attempt to portray to you any solution. You are the experts and this meeting, I understand, has been called for the purpose of appraising the present status of educational radio, and of devising suggested means of improving it in the public interest. I do, however, desire to make a few random observations for what they may be worth.

An adequate conception of what radio can do for education in America demands a fair consideration and study of the three types of radio systems. There is the system common to many European countries, but best exemplified in Great Britain where sponsored programs are not a source of income, revenue being derived solely from a percentage of the annual license fee of ten shillings which all owners of receiving sets have to pay, and from proceeds from the sale of and advertising in British Broadcasting Corporation publications. There is no broadcast advertising.

It is my personal opinion that American listeners would not stand for the payment of a receiving set tax. It is my judgment that it would be most unpopular in this country. It is not the American way of accomplishing things.

I have said much in the past with respect to the so-called American system of broadcasting as compared with Government owned or operated systems. I shall not devote any considerable time to this subject today.

There is one fact, however, that I trust there may be no uncertainty about and that is the attitude of the Federal Communications Commission concerning the subject of educational broadcasting.

The Commission is sincerely interested in and is wholeheartedly supporting the movement looking toward the development of a comprehensible plan for education by radio. We believe it can be done. And, if in the final analysis, it fails to crystallize, it will not be because of any lack of cooperation on the part of the Commission.

The so-called American system of supporting a radio station or network by means of payments made to the broadcaster by sponsors of advertising programs is by no means confined to the United States. It is found in France, Italy, Norway, Poland, Spain, Turkey, Australia, Canada and all the South American states.

The two systems are found existing together in France, Irish Free State, Norway, Poland, Australia and Canada. In Germany and Russia, radio is an instrument of the state and under absolute control.

What is the outlook so far as it concerns the possibility of meeting the demands for educational broadcasting? There have been many theories on this as attested by the volume of testimony presented to the Federal Communications Commission in May, 1935, during the educational radio hearings. Following these hearings, a special committee of educators and broadcasting officials was appointed. This committee is the Federal Radio Education Committee. I believe you are all familiar with its scope and objectives.

Dr. John W. Studebaker, U. S. Commissioner of Education, was appointed chairman of this committee and is directing an experimental study of the entire broad subject, with the end in view of submitting to the proper parties at a later date a definite and all-embracing plan to cope with it.

This committee is functioning as an arm of the Federal Government. I am of the opinion that whatever conclusions you may reach at these sessions; whatever recommendations you may decide upon, should be conveyed to Dr. Studebaker's Committee, for it is functioning as the coordinating agency.

And at this time I would like to bring to your attention another matter of great import. From time to time various educational groups have proposed that additional facilities be allocated for educational broadcasting. I think it is only fair that I impress upon you ladies and gentlemen the fact that the broadcast band is rigidly limited. We must bear in mind that the practical application of the use of the radio spectrum does not permit unlimited facilities. At the present state of the art there are serious technical limitations which make available only a relatively few number of radio channels to supply a world-wide demand for communications. Not only must the United States share the radio spectrum with other nations, but we must also provide communication facilities for services which are dependent solely upon radio and

cannot use land line, such as, for example, ships and aircraft, where radio is an absolute necessity in connection with safety of life and property, as well as for communications.

Likewise it is essential that we provide radio spectrum facilities for direct communication between the United States and other nations of the world, a long established and wise policy of this Government. And, again not only are facilities in the radio spectrum used by the national defense and civilian departments of our Government, but they are also used most effectively in the combat of crime.

Therefore, in the consideration of the technical phases of the problem of education by radio, technicians should remember the needs of other worthy services, and endeavor to provide a practicable procedure which will permit the fullest use of radio by all. In the educational institutions of the country there are many fountains of science which contribute much toward the progress in the technical phases of the art of communications, and I have confidence that if these scholars, physicists and scientists in your educational institutions have a full understanding of the limitations with which we are now confronted, they will assuredly endeavor to find technical ways and means to overcome the obstacles. Because of these physical limitations, it is impossible to gratify the demands of all groups for facilities. The Commission, pursuant to the law, has adopted the definite policy of licensing stations for general service in the public interest. It does not license farm stations as such, or religious stations as such, or educational stations because they are in that category. If it did, then it probably would have to consider the licensing of stations to every conceivable type of educational, religious, fraternal or social organization.

The Communications Commission has but one real function to perform. That is to see that broadcasting facilities are used for the maximum benefit of all the people. We believe that we are meeting that mandate successfully at this time.

There is no doubt in my mind but that radio, properly used, can become an even greater instrument of instruction than the printing press since it provides a dramatic medium, not only because of its immediacy and directness but because it represents communication by the human voice.

You delegates assembled at this meeting are looking forward to a radio educational Utopia, I assume—one in which states, and cities in them, will sponsor educational broadcasts. I have observed that educators in this country usually look to Europe as an example of what might be accomplished in this country. Therefore, an overview of the present educational use of radio in Europe may prove interesting.

The following summary is made by Arthur R. Burrows, Director of the International Broadcasting Union at Geneva:

"A special feature of an ever growing number of European countries is school broadcasting—that is, the systematic broadcasts to the schools, during school hours, of talks by recognized experts, and of musical and dramatic performances directly associated with the educational courses. These talks are arranged several months in advance of their broadcasts, after the closest possible collaboration with all the interested educated groups. The teachers in charge of classes taking these broadcasts are provided with specially prepared and profusely illustrated pamphlets to enable them to supplement the broadcast material. No attempt is made to displace the existing educational machinery, but only to give to the children the stimulating experiences of experts, which naturally gain by first-hand presentation. It would appear from recent reports that certain technical difficulties in the reception of school broadcasts have not yet been entirely surmounted. Nevertheless, there are tens of thousands of schools in Europe today where the broadcast programs are eagerly anticipated." (A. R. Burrows. *Broadcasting Outside the United States, Radio the Fifth Estate.*)

Other speakers at this session unquestionably are prepared to discuss European educational methods. They warrant consideration. But you must keep in mind that Europe's problems are not America's; that Europe's radio is not America's; that Europe's tastes differ widely from our own, and that in attempting to devise improvements in educational broadcasting in this country you must take into account those practical considerations, and forget illusory plans that cannot succeed in the United States where they might in other nations.

And in considering potential expansion of education's use of radio, I assume you educators have in mind the possibilities of linking present broadcast facilities with television. This is staggering to the imagination. Think for an instant of the tremendous emotional reaction that would result from a televised broadcast of actual conditions in Spain today!

The consideration—in a free America—of the potentialities of

radio in the development of public opinion, offers opportunity for intriguing speculation. That is, of course, nothing more nor less than "propaganda" and today propaganda has a sinister connotation. Yet propaganda, radio's greatest function in Germany and Russia, can spread the ideas and ideals of America, can "sell" America to Americans and thus forge a weapon of national unity that no other agency can create. Why cannot propaganda be used for good as well as directed to evil ends? Who are so well equipped as those engaged in the education of our youth to guarantee an unselfish, idealistic and patriotic extension through radio of the ideals of citizenship, which they are now engaged in presenting in the narrower field of their individual classrooms?

Radio offers an outlet to the more gifted of these educators and to them affords a national audience. Is there a danger here, perhaps, or cannot a nation of one hundred and thirty millions achieve a common ground of national ideals, devoid of partisanship and divorced from foreign propaganda, and having achieved such common ground, cannot that nation build upon it a stronger patriotism, a finer citizenship? Here—to me—is radio's real and greatest educational opportunity.

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them:

No. 3008. False representations concerning the therapeutic effects of electric belts and electric insoles manufactured and sold by **The Electric Appliance Co., Burlington, Kans.**, are alleged in a complaint against that company. The respondent company's practices are said to constitute unfair methods of competition in violation of Section 5 of the Federal Trade Commission Act.

Advertisements appearing in newspapers, magazines and circulars allegedly represent that the company's electric belt is effective in the treatment of nervous disorders, rheumatism, diseases of the heart, liver and kidneys, and other ailments, and that the electric insoles are effective in treating rheumatism, cramps, cold and sweaty feet, and gout.

No. 3009. **Wain's Laboratory, Inc.**, 1500 N. Vermont Ave., Los Angeles, is charged in a complaint with use of unfair methods of competition in connection with the sale of a medicinal preparation offered as a treatment for asthma, hay fever and bronchial ailments and designated "Wain's Compound."

The respondent company is said to advertise that "Wain's Compound" is a new and startling remedy, competent in the treatment of hay fever, asthma and bronchial ailments; that it has overcome asthma and hay fever for thousands of sufferers, and is free from all dangerous drugs, opiates and heart depressants.

According to the complaint, the preparation is not an accepted or effective remedy for hay fever, although it is to some degree a competent treatment for minor bronchial irritations; it is an old, commonly-known compound, and the assertion that it is a new and startling remedy is erroneous.

No. 3010. Charging unauthorized appropriation of a well-known trade name, a complaint has been issued against **Philadelphia Rubber Waste Co.**, a Delaware corporation, of Philadelphia, and a partnership including **Albert Schwartz**, in charge of the corporation's business in Philadelphia; **Isadore M. Engel**, in charge of the partnership's Washington, D. C., store, and **Simon Sperberg**, in charge of the partnership's Richmond, Va., store. The partnership distributes the corporation's products and trades under the names **Phileo Rubber Co.**, **Phileo Rubber Sales Co.**, **Phileo Auto Supply**, **Phileo Auto & Rubber Supply**, and **Phileo Spark Plug Co.**

Manufacturing and selling tire patches, tire reliners, spark plugs, inner tubes, and other accessories, the respondents are alleged to have used the word "Phileo" as a trade name or brand for their products, having adopted this name at a date long subsequent to its adoption and use by the Philadelphia Storage Battery Co., manufacturer and distributor of radio and television receiving and broadcasting equipment and other apparatus under the name "Phileo."

No. 3013. Charging unfair competition through use of misleading trade representations, a complaint has been issued against **Jean G. Subin**, **Israel Subin** and **John N. Kinderman**, of 131 Market St. and 301 Green St., Philadelphia, trading as **American Remedy Co.**

In the sale of aspirin, the respondents are alleged to have represented it as "American Purest Aspirin", tending to lead the public

into believing that the product was the purest aspirin obtainable in America, when according to the complaint, this was not true.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

No. 2426. **James Van Dissen Distilling Co.**, 1401 Boyd St., Los Angeles, has been ordered to discontinue representing, through use of the word "Distilling" in its corporate name, on labels, or in any other manner, that it is a distiller of whiskies, gins or other spirituous beverages; that it manufactures such products through the process of distillation, or that it owns or operates a place where it distills spirituous beverages, unless and until it shall actually own or operate such a place.

No. 2677. **Fall River Wholesale Grocers' Association** and nine member firms, of **Fall River, Mass.**, have been served with a cease and desist order prohibiting any understanding, agreement or combination in restraint of trade. The respondents are wholesalers of groceries in the Fall River region which includes part of Rhode Island.

Under the order, the respondent association and its members are directed to stop adopting, enforcing or attempting to put into effect any understanding, agreement, combination or conspiracy among and between themselves to restrict and eliminate competition in the sale of grocery products by interfering with the source of supply of retailers.

The respondents, in answering the Commission's complaint, had refused to admit that they interfered with the sources of supply of wholesale grocers, as alleged in the complaint, and the Commission's order contains no reference to unfair competition on the part of the respondents with non-member wholesalers, as alleged in the complaint.

The order also prohibits the respondents from persuading, threatening or coercing manufacturers to distribute their products only through wholesalers and to refrain from dealing with retailers.

Wholesale grocers named as respondents are: **Allen Slade & Co.**, **American Wholesale Grocery Co.**, **Chabot Bros.**, **Fall River Economy Wholesale Grocery Co.**, **Fall River Paper & Supply Co.**, **Joseph Horvitz & Co.**, **New England Wholesale Grocery Co.**, **Portuguez Wholesale Grocery Co.**, and **Roy Paper Co.**, all of Fall River, Mass.

No. 2701. **George Landon** and **M. M. Warner**, trading as **Landon & Warner**, 360 N. Michigan Ave., Chicago, have been ordered to discontinue advertising that an elastic, fabricated abdominal belt designated "Director", which they sell in interstate commerce, will permanently reduce the waistline, eliminate excess fat around the abdomen, or that it provides a remedy or constitutes a safe, efficacious method of treatment for abdominal obesity.

Representations that the wearing of the belt will produce results formerly obtained by massage and exercise, or cure constipation without use of irritating cathartics, are prohibited.

No. 2721. **R. M. Barnett**, of Philadelphia, trading as **Home and School Education Society**, has been ordered to cease and desist from making unfair representations in the sale of an encyclopedia set, a loose-leaf extension service and memberships in a "Perpetual Bureau of Research". Barnett has headquarters in the Real Estate Trust Building, Philadelphia.

Among representations prohibited are that the encyclopedia known as "Source Book" is given free to subscribers to the loose-leaf service, and that the total cost of both is less than the amount actually charged therefor.

Advertisement that a staff of educators, writers, photographers and illustrators is maintained in every part of the world to prepare a review of current events, is prohibited in the order, as is the assertion that the respondent Barnett maintains a research bureau to give subscribers information on any question.

The order also bars the representation that the respondent Barnett maintains a competent staff to whom are available the expert services of teachers who are authorities in every branch of education, and that the services of such staff and the entire list of editors and contributors to the work are available to purchasers.

No. 2793. **Premier Peat Moss Corporation**, 150 Nassau St., New York City, has been ordered to cease and desist from certain unfair competitive methods in the sale of imported peat moss to wholesalers and retailers. Peat moss is used as a soil conditioner.

Among the practices prohibited is the misrepresentation of statistics of the United States Government with respect to the supply of, demand for, and quality or merits of the respondent company's products as compared with competing peat moss.

Also barred by the order is the use in advertisements of analyses or tests of the merits of the respondent company's own and com-

peting peat moss, with the representation, express or implied, that such analyses or tests were made by or under the supervision of, or had the United States Government's approval, when this was not a fact.

No. 2796. Lumber Mills Co., 11 S. LaSalle St., Chicago, selling sash, windows, doors, molding and mill work made from wood, has been ordered to cease and desist from using the words "White Pine" or the letters "W. P." to designate lumber products manufactured from trees of any species other than *Pinus Strobus*; and from representing through use of such words or letters, that products manufactured from wood of the tree species *Pinus Ponderosa*, or from any species other than *Pinus Strobus*, are made from white pine.

The respondent company is directed to discontinue representing in its business or advertising literature through use of the word "Mills", alone or with words of similar meaning, that it is the manufacturer of the products which it sells or that it owns or controls any mills in which such products are made.

No. 2817. Discontinuance of certain unfair methods of competition in connection with the sale of St. Joseph Aspirin has been directed in an order to cease and desist entered against **Plough, Inc., Memphis, Tenn.**

Prohibited by the order are representations in advertising matter and in radio broadcasts that the respondent company's product gives quicker relief than other aspirin and is the "best thing in the world" to stop pain; that it is fully effective for pains and colds and always brings prompt relief to sufferers from such conditions, and that it exceeds in purity and accuracy of ingredients the rigid standards set by the United States Government.

No. 2820. An order has been entered directing **Jean Vivadou** and **Henry G. Lubin**, trading as **Jean Vivadou Co.** and dealing in toilet sundries, to cease representing, through use of the word "Paris" on letter heads and in advertising matter, that they own or maintain offices, branches or factories at Paris, France, or in any other city where they do not actually own or maintain such establishments. Findings are that the respondents' principal and only place of business is at 135 W. 20th St., New York City.

In connection with the sale of a toilet article advertised as a "Swansdown Puff", the order prohibits the respondents from representing an article made of maribou feathers as being swansdown, and from using the term "Swansdown" with the word "Puff" to designate an article which is not manufactured from the down of a swan or from the specially prepared skin of a goose with its original down attached.

FTC DISMISSES CASE

No. 2661. The Federal Trade Commission has ordered dismissal and closing of its case in the matter of **Chattanooga Automotive Jobbers' Association, of Chattanooga, Tenn.,** and others, and **Tennessee Automotive Jobbers' Association, of Knoxville, Tenn.,** and others, charged with entering into understandings and conspiracies to fix and maintain uniform prices for automobile parts and accessories and with boycotting customers and manufacturers, and other practices.

The Commission's action was ordered following dissolution of the two associations. The order noted that it also appeared the officers, directors and members of the Tennessee Automotive Jobbers' Association had not engaged in the practices charged in the complaint.

The complaint was dismissed as to both associations and as to members of the Tennessee association, but, as to individual and company members of the Chattanooga association, the case was closed without prejudice to the right of the Commission, should the facts so warrant, to reopen and resume prosecution of the complaint.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, December 21

HEARING BEFORE AN EXAMINER (Broadcast)

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Modification of license, 1210 kc., 100 watts, unlimited time. Present assignment: 1210 kc., 100 watts, specified hours.

Because of the holidays there will be no further meeting of the Broadcast Division of the Commission until January 5.

APPLICATIONS GRANTED

- WJBL—Commodore Broadcasting, Inc., Decatur, Ill.**—Granted C. P. to install new transmitter.
- WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.**—Granted C. P. to move transmitter site locally, install vertical radiator and new equipment.
- KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.**—Granted C. P. to change transmitter site locally and install vertical radiator.
- KRRV—Red River Valley Broadcasting Corp., Sherman, Tex.**—Granted C. P. to make changes in equipment and increase day power from 100 watts to 250 watts.
- KLRA—Arkansas Broadcasting Co., Little Rock, Ark.**—Granted C. P. to make change in composite equipment, and increase day power from 2½ to 5 KW.
- WBRB—Monmouth Broadcasting Co., Red Bank, N. J.**—Granted C. P. to make changes in equipment.
- WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.**—Granted license to cover C. P. authorizing changes in equipment.
- KFAC—Los Angeles Broadcasting Co., Inc., Los Angeles, Calif.**—Granted license to cover C. P. for installation of new equipment.
- KVCV—Golden Empire Broadcasting Co., Redding, Calif.**—Granted license to cover C. P. authorizing new station; 1200 kc., 100 watts, unlimited.
- KVI—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.**—Granted license to cover C. P. as modified for changes in transmitter location; installation of directional antenna and new equipment; increase day power from 1 to 5 KW; 570 kc., 1 KW night, unlimited. Also granted authority to determine operating power by direct measurement of antenna input.
- KRKO—Lee E. Mudgett, Everett, Wash.**—Granted license to cover C. P. for installation of new transmitter.
- WHEC—WHEC, Inc., Rochester, N. Y.**—Granted license to cover C. P. as modified for local move of transmitter and installation of new equipment and vertical radiator.
- WHFC—WHFC, Inc., Cicero, Ill.**—Granted license to cover C. P. for changes in equipment, installation of vertical radiator, increase in day power to 250 watts, change time of operation from specified hours to unlimited; 1420 kc., 100 watts night, 250 watts day.
- WAWZ—Pillar of Fire, Zarephath, N. J.**—Granted license to cover C. P. for installation of new transmitter and antenna.
- KFVD—Standard Broadcasting Co., Los Angeles, Calif.**—Granted license to cover C. P. for installation of new equipment.
- KGHI—Arkansas Broadcasting Co., Little Rock, Ark.**—Granted C. P. to move transmitter locally and install vertical radiator.
- KVOR—Out West Broadcasting Co., Colorado Springs, Colo.**—Granted C. P. to install new transmitter.
- KCKN—WLBK Broadcasting Co., Kansas City, Kans.**—Granted license to cover C. P. for changes in equipment.
- KSTP—National Battery Broadcasting Co., St. Paul, Minn.**—Granted license to cover C. P. for changes in transmitter location to 4½ miles northwest of city and erection of vertical radiator.
- KTEM—Bell Broadcasting Co., Temple, Tex.**—Granted license to cover C. P. for new station; 1370 kc., 100 watts, daytime only.
- WNBF—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.**—Granted license to cover C. P. for move of transmitter site locally and installation of vertical radiator.
- WHDL—Olean Broadcasting Co., Inc., Olean, N. Y.**—Granted license to cover C. P. for changes in equipment; change in transmitter location to town of Allegany, N. Y.; change frequency from 1420 kc. to 1400 kc.; and increase day power from 100 watts to 250 watts.
- WSYR-WSYU—Central New York Broadcasting Corp., Syracuse, N. Y.**—Granted license to cover C. P. for change in transmitter site to Darwin Ave. and Valley Drive; installation of new equipment and directional antenna system; and increase in power from 250 watts to 1 KW, unlimited.
- WSAU—Northern Broadcasting Co., Inc., Wausau, Wis.**—Granted modification of C. P. approving antenna and transmitter site at 113-115 Third St.
- WSYR-WSYU—Central New York Broadcasting Co., Syracuse, N. Y.**—Granted modification of C. P. as modified for extension of completion date to 1-1-37.

KRLC—H. E. Studebaker, Lewiston, Idaho.—Granted authority to make changes in automatic frequency control equipment.

KOOS—Pacific Radio Corp., Marshfield, Ore.—Granted authority to install automatic frequency control.

KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska.—Granted extension of present license for a period of 2 months.

KRGV—KRGV, Inc., Weslaco, Tex.—Granted special temporary authority to use equipment authorized to operate with 500 watts pending installation of new antenna system.

KUOA—KUOA, Inc., Siloam Springs, Ark.—Granted license to cover C. P. for change in transmitter and studio location to John Brown University, Siloam Springs; install new equipment, and increase day power from 1 to 2½ KW; 1260 kc.

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Granted modification of C. P. approving transmitter site at 26th St. and Crescent Road, and set for hearing application to increase time of operation from daytime to limited, sunset at Abilene, Kans.

WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Granted modification of license to make changes in antenna and increase night power from 500 watts to 1 KW.

KCMO—Lester E. Cox, Thomas L. Evans, and C. C. Payne, Kansas City, Mo.—Granted voluntary assignment of license to KCMO Broadcasting Co.; 1370 kc., 100 watts, S.H. (SA for unlimited time).

WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Granted authority to transfer control of corporation from Marion K. Gilliam to Floyd Williams; 550 kc., 500 watts daytime.

NEW—National Broadcasting Co., Inc., New York City.—Granted modification of extension of authority to transmit recorded programs to all broadcast stations under control of Canadian authorities that may be heard consistently in the U. S.

W9XPY—American Broadcasting Corp. of Kentucky, Mobile, Lexington, Ky.—Granted C. P. for experimental relay broadcast station; frequencies 31100, 34600, 37600, 40600 kc., 10.5 watts.

NEW—American Broadcasting Corp. of Kentucky, Mobile, Lexington, Ky.—Granted C. P. for experimental relay broadcast station; frequencies 31100, 34600, 37600, 40600 kc., 2 watts.

KOOS—Tribune Printing Co., Jefferson City, Mo.—Granted modification of C. P. approving transmitter site at St. Mary's Blvd., and studio location at 400 E. Capital St., and approving new equipment and vertical radiator.

NEW—Keystone Broadcasting Corp., Mobile, Harrisburg, Pa.—Granted C. P. for experimental relay broadcast station; frequencies 31100, 34600, 37600, 40600 kc., 50 watts, unlimited.

NEW—Keystone Broadcasting Corp., Mobile, Harrisburg, Pa.—Granted C. P. for experimental relay broadcast station; frequencies 31100, 34600, 37600, 40600 kc., 5 watts, unlimited.

NEW—Roy L. Albertson, Mobile, Buffalo, N. Y.—Granted C. P. for experimental relay broadcast station; frequencies 31100, 34600, 37600 kc. and 40600, 2.5 watts, unlimited.

NEW—Symons Broadcasting Co., Mobile (Spokane, Wash.).—Granted C. P. for experimental relay broadcast station; frequencies 31100, 34600, 37600, 40600 kc., 15 watts, unlimited.

NEW—WSMB, Inc., Mobile (New Orleans, La.).—Granted C. P. for relay broadcast station; frequencies 1606, 2022, 2102, 2758 kc., 40 watts.

NEW—WSMB, Inc., Mobile (New Orleans, La.).—Granted C. P. for relay broadcast station; frequencies 1606, 2022, 2102, 2758 kc., 40 watts.

WBAM—Bamberger Broadcasting Service, Inc., Mobile, Newark, N. J.—Granted modification of C. P. to make changes in equipment and increase power to 30 watts. Also granted license to cover same.

WBAN—Bamberger Broadcasting Service, Inc., Mobile, Newark, N. J.—Granted modification of C. P. for changes in equipment and reduction in power from 50 to 30 watts. Also granted license covering same.

WJLF—WBNS, Inc., Mobile (Columbus, Ohio).—Granted license to cover C. P. for new station; frequencies 1646, 2090, 2190 and 2830 kc., 20 watts.

W3XAD—RCA Mfg. Co., Inc., Portable, New York, N. Y.—Granted license for portable television broadcast station for relaying television programs from one plant to another (W3XAD and W3XAL formerly used for aural broadcast

deleted under new rules); frequencies 124000-13000 kc., 500 watts.

WENA—Westinghouse Electric and Manufacturing Co., Mobile (Chicopee Falls, Mass.).—Granted C. P. for new relay broadcast station; frequencies 1606, 2022, 2102 and 2758 kc., 15 watts. Also granted license covering same.

WGBD—WBNS, Inc., Mobile (Columbus, Ohio).—Granted license to cover C. P. for new relay broadcast station; 1646, 2090, 2190 and 2830 kc., 3 watts.

W8XAB—Olean Broadcasting Co., Inc., Mobile (Olean, N. Y.).—Granted license to cover C. P. for new relay broadcast experimental station; frequencies 31100, 34600, 37600 and 40600 kc., 25 watts.

W8XKC—Miami Valley Broadcast Corp., Mobile (Dayton, Ohio).—Granted license to cover C. P. for new relay broadcast station; frequencies same as above, 40 watts.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KORE, Eugene, Ore.; WMFO, Decatur, Ala.; WNBK, Birmingham, N. Y.; WOC, Davenport, Iowa; WPAD, Paducah, Ky.; WPAR, Parkersburg, W. Va.; WPAY, Portsmouth, Ohio; WRAC, Williamsport, Pa.; WRGA, Rome, Ga.; WRJN, Racine, Wis.; KBIX, Muskogee, Okla.; KFGQ, Boone, Iowa; KFJM, Grand Forks, N. Dak.; KIUP, Durango, Colo.; KPLC, Lake Charles, La.; KPQ, Wenatchee, Wash.; WABY, Albany, N. Y.; WAGF, Dothan, Ala.; WAZL, Hazleton, Pa.; WBTM, Danville, Va.; WCBM, Baltimore, Md.; WCHV, Charlottesville, Va.; WEED, Rocky Mount, N. C.; WJBK, Detroit, Mich.; WJBO, Baton Rouge, La.; WKBV, Richmond, Ind.; WLEU, Erie, Pa.; WLLH, Lowell, Mass.; WMAS, Springfield, Mass.; WMBC, Detroit, Mich.; WMBH, Joplin, Mo.; WMBR, Jacksonville, Fla.; WMFD, Wilmington, N. C.; WMFJ, Daytona Beach, Fla.; WNLC, New London, Conn.; KABC, San Antonio, Tex.; KABR, Aberdeen, S. Dak.; KALB, Alexandria, La.; KCKN, Kansas City, Kans.; KFIZ, Fond du Lac, Wis.; KFJZ, Fort Worth, Tex.; KFRO, Longview, Tex.; KGAR, Tucson, Ariz.; KGFF, Shawnee, Okla.; KGFL, Roswell, N. Mex.; KGGC, San Francisco; KGIW, Alamosa, Colo.; KGKB, Tyler, Tex.; KGKY, Scottsbluff, Nebr.; KGKL, San Angelo, Tex.; KICA, Clovis, N. Mex.; KIDW, Lamar, Colo.; KLUF, Galveston, Tex.; KMAC, San Antonio, Tex.; KNEL, Brady, Tex.; KNET, Palestine, Tex.; KRE, Berkeley, Calif.; KRLC, Lewiston, Idaho; KRNR, Roseburg, Ore.; KVL, Seattle; KWYO, Sheridan, Wyo.; W DAS and auxiliary, Philadelphia, Pa.; WFOR, Hattiesburg, Miss.; WIBM, Jackson, Mich.; WJMS, Ironwood, Mich.; WKEU, Griffin, Ga.; WLAP, Lexington, Ky.; WSYB, Rutland, Vt.; WTMV, E. St. Louis, Ill.; WWRL, Woodside, L. I.; WWSW, Pittsburgh, Pa.

The following stations were granted renewal of licenses on a temporary basis subject to whatever action may be taken by the Commission upon pending applications for renewals:

KVOE, Santa Ana, Calif.; KXL, Portland, Ore.; WMBQ, Brooklyn, N. Y.

WGPC—Americus Broadcast Corp., Albany, Ga.—Granted renewal of license on a temporary basis subject to whatever action may be taken by the Commission upon the renewal application of this station and upon the application of H. Wimpy.

WJTN—James Broadcasting Co., Inc., Jamestown, N. Y.—Granted renewal of license for the period ending June 1, 1937.

APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were dismissed at request of applicants:

NEW—Berks Broadcasting Co., Pottsville, Pa.—C. P., 580 kc., 250 watts, daytime.

NEW—R. E. Chinn, Moorhead, Minn.—C. P., 1500 kc., 100 watts, unlimited.

NEW—Julius Brunton & Sons Co., San Jose, Calif.—C. P., 970 kc., 250 watts, daytime.

KQW—Pacific Agr. Foundation, Ltd., Sacramento, Calif.—C. P., 1010 kc., 1 KW, 5 KW LS, unlimited.

KVOD—Colorado Radio Corp., Denver, Colo.—Modification of license, 630 kc., 500 watts, unlimited.

APPLICATIONS DENIED

- WCAX—Burlington Daily News, Inc., Burlington, Vt.—Denied special temporary authority to operate with power of 100 watts, daily except Friday, Saturday and Sunday, 7:30 to 9 a. m., 11:30 a. m. to 2 p. m., 4:30 to 7 p. m.; Friday and Saturday, 7:30 to 9 a. m., 11:30 to 2 p. m., 4:30 to 8 p. m., EST, for period not to exceed 30 days.
- KUOA—KUOA, Inc., Siloam Springs, Ark.—Denied special authority to operate with power of 5 KW from midnight to 6 a. m., CST, for a period not to exceed 10 days, to broadcast special test program.

SET FOR HEARING

- WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—Hearing before Broadcast Division on application for modification of license to increase nighttime power to 5 KW, with directional antenna.
- WCAE—WCAE, Inc., Pittsburgh, Pa.—Hearing before Broadcast Division on application for modification of license to increase nighttime power from 1 KW to 5 KW.
- NEW—Wm. W. Ottaway, Port Huron, Mich.—Application for C. P. for new broadcast station at Port Huron, Mich., to operate on 1370 kc., 250 watts, daytime only. Transmitter and studio sites to be determined with Commission's approval.
- KFUO—Evangelical Lutheran Synod of Missouri, Ohio and other states, Rev. R. Kretschmar, Chairman of Board of Control of Concordia Seminary, Clayton, Mo.—Application for C. P. to install new equipment and directional antenna system for nighttime operation; increase night power from 500 watts to 1 KW, day power from 1 KW to 5 KW; and increase time of operation from sharing with KSD to one-half time.
- WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Hearing before Broadcast Division on application as amended 11-17-36 for C. P. to install new equipment and vertical radiator and increase power from 100 watts daytime only to 5 KW night, 5 KW day, limited to sunset at Chicago. Site to be determined.
- WSOC—WSOC, Inc., Charlotte, N. C.—Application for C. P. to move transmitter site locally; install new equipment, with directional antenna system for nighttime use; change frequency from 1210 kc. to 600 kc.; increase power from 100 watts night, 250 watts day, to 250 watts night, 1 KW day, unlimited.
- KFPL—WFTX, Inc., Dublin, Tex.—Application for C. P. to move KFPL from Dublin, Tex., to Wichita Falls, Tex., as well as to install new equipment and vertical radiator, and change frequency from 1310 kc. to 1500 kc.
- KFPL—C. C. Baxter, Dublin, Tex.—Application for voluntary assignment of license of KFPL to WFTX, Inc., a Texas corporation.
- NEW—Chase S. Osborn, Jr., Fresno, Calif.—Application for C. P. for new broadcast station at Fresno, Calif., to operate on 1440 kc., 500 watts, unlimited, exact transmitter site to be determined with Commission's approval.
- NEW—George W. Taylor Co., Inc., Williamson, W. Va.—Application for C. P. for new broadcast station at Williamson, W. Va., to operate on 1210 kc., 100 watts, daytime only.
- KSL—Radio Service Corp. of Utah, Salt Lake City, Utah.—Hearing before Broadcast Division on application for C. P. to make changes in equipment and increase power from 50 KW to 500 KW.
- NEW—Faith Broadcasting Co., Inc., Wichita Falls, Tex.—Application for C. P. for new broadcast station at Wichita Falls, Tex., to operate on 1380 kc., 1 KW, unlimited time. Transmitter and studio sites and antenna are to be approved.
- WABY—Adirondack Broadcasting Co., Inc., Albany, N. Y.—Application for modification of C. P. to increase maximum rated carrier power of equipment and increase daytime power from 100 watts to 250 watts.
- WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Application for authority to transfer control of corporation from Clarence H. Taubel to John Iraci. Also application requesting facilities of WRAX to which licensee of WRAX has consented.
- WRAX—WRAX Broadcasting Co., Philadelphia, Pa.—Application for authority to transfer control of corporation to John Iraci.

- WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Application for modification of license to change hours of operation from sharing time with WRAX to unlimited.
- WIRE—Indianapolis Broadcasting Co., Indianapolis, Ind.—Application for transfer of control of corporation from William E. Vogelback and Douglas E. Kendrick to Central Newspapers, Inc. WIRE operates on 1400 kc., 500 watts night, 1 KW day, and has a C. P. for 1000 watts night, 5000 watts day.

SPECIAL TEMPORARY AUTHORIZATIONS

- WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Granted special temporary authority to operate from 11 p. m. until 1 a. m., EST, on Tuesday, Thursday, Saturday and Sunday nights, using 50 watts power, for remainder of December in order to use station's facilities to raise food and supplies for unfortunates of Hagerstown; also to operate unlimited time nights of December 24 and 31, 1936, in order to broadcast special features, with 50 watts.
- KGFX—Mrs. Dana McNeil, Pierre, S. Dak.—Granted special temporary authority to Mrs. Dana McNeil to operate station for period beginning December 16, 1936, and ending in no event later than January 14, 1937, pending action on application for consent to involuntary assignment of license.
- WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Granted extension of special temporary authority to operate on 560 kc., with power of 1 KW at night, during month of January, 1937, pending filing of and action on license application to cover construction permit for this authority.
- KGNC—Plains Radio Broadcasting Co., Amarillo, Tex.—Granted special temporary authority to operate with reduced power of 250 watts for period of 4 days beginning December 18, 1936, while certain changes in the transmitting equipment are being made pursuant to C. P.
- WMBG—Havens and Martin, Inc., Richmond, Va.—Granted extension of special temporary authority to operate from 6:30 p. m. to 7 p. m., EST, on Sundays during month of January, 1937 (provided WBBL remains silent), in order to broadcast special programs.
- KWSC—State College of Washington, Pullman, Wash.—Granted special temporary authority to remain silent from 9:30 p. m. on Friday, December 18, 1936, until 6:45 a. m., PST, Monday, January 4, 1937, in order to make changes and improvements in equipment preparatory to operating on 5 KW as authorized by C. P.
- KUMA—Albert H. Schermann, Yuma, Ariz.—Granted special temporary authority to operate from 10 p. m. to 11:30 p. m., MST, Tuesday, December 15, 22, 29, 1936, in order to broadcast wrestling and boxing bouts.
- WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 2 p. m. to 4 p. m., CST, January 5, 6, 7, 11, 12, 13, 14, 18 and 19, 1937, in order to broadcast special educational programs (provided KGGF remains silent).
- KGGF—Hugh J. Powell and Stanley Platz, d/b as Power & Platz, Coffeyville, Kans.—Granted special temporary authority to operate from 7:15 p. m. to 9:15 p. m., CST, January 21, 26 and 28, 1937, and from 8:15 p. m. to 9:15 p. m., CST, January 20 and 27, 1937 (provided WNAD remains silent), so that WNAD may remain silent during University examinations and the vacation between semesters.
- WHAT—Independence Broadcasting Co., Inc., Philadelphia, Pa.—Granted special temporary authority to remain silent all day Christmas Day, Friday, December 25, 1936.
- KWLC—Luther College, Decorah, Iowa.—Granted special temporary authority to reduce hours of operation to 1½ hours per week during the period of Christmas holidays at Luther College, beginning December 19, 1936, and ending in no event later than January 5, 1937.
- WOW—Woodman of the World Life Insurance Company, Omaha, Nebr.—Granted extension of special temporary authority to operate with power of 5 KW at night for period beginning December 28, 1936, and ending in no event later than January 26, 1937.
- WCBS—WCBS, Inc., Springfield, Ill.—Granted special temporary authority to operate from 10 p. m. to 12 midnight, CST, for period ending in no event later than December 25, 1936, in order to broadcast talent programs, asking listeners for donations of food to fill baskets for American Legion.

WTRC—The Truth Publishing Co., Inc., Elkhart, Ind.—Granted special temporary authority to operate simultaneously with station WLBC from 7:30 p. m. to 8:30 p. m., CST, Tuesday, December 22, 1936, for purpose of presenting a Christmas program, and from 7:30 p. m. to 10 p. m., CST, Wednesday, December 30, 1936, in order to broadcast La Porte-Elkhart High School basketball game.

WAPO—W. A. Patterson, Chattanooga, Tenn.—Granted special temporary authority to operate unlimited time nights of December 21, 22, 23 and 24, 1936, in order to broadcast programs for charity in behalf of the United Civic Societies and business men of Chattanooga.

WCBS—WCBS, Inc., Springfield, Ill.—Granted special temporary authority to operate from 10 p. m., CST, Thursday, December 31, 1936, until 1 a. m., CST, Friday, January 1, 1937, in order to broadcast special New Year's Eve program.

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Granted extension of special temporary authority to operate with additional power of 750 watts at night for period beginning December 27, 1936, and ending in no event later than January 25, 1937.

WELI—City Broadcasting Corp., New Haven, Conn.—Granted special temporary authority to operate unlimited time Wednesday, December 16, 1936, in order to broadcast a testimonial banquet in honor of the entire state ticket, to be held in the Pavilion Royale, and to operate unlimited time Tuesday, December 29, 1936, in order to broadcast a testimonial banquet in honor of Gov. Wilbur L. Cross, to be held at Hotel Taft.

WPAX—H. Wimpy, Thomasville, Ga.—Granted special temporary authority to operate from 5:30 p. m. to 10 p. m., EST, the night of Sunday, December 27, 1936, in order to broadcast a special farewell address and church service of Rev. Ansley G. Moore of Presbyterian Church of Thomasville.

KGDM—E. F. Pepper, Stockton, Calif.—Granted special temporary authority to operate from local sunset (4:45 p. m.), PST, December 29, 1936, until 1 a. m. PST, December 30, 1936, and from local sunset, December 30, 1936, until 1 a. m., PST, December 31, 1936, in order to bring to listeners in the Central Valley (known as Sacramento-San Joaquin Valleys) the inaugural program of KGDM when it becomes an affiliate of Don-Lee Mutual Broadcasting System.

KGKB—East Texas Broadcasting Co., Tyler, Tex.—Granted special temporary authority to operate nights from 8 to 10 p. m., CST, December 8 to January 1, pending compliance with C. P. granted for 250 watts day, unlimited time.

RATIFICATIONS

The Commission ratified the following acts authorized on the dates shown:

WEAN—Shepard Broadcasting Service, Inc., Providence, R. I.—Granted equipment test period extension for 10 days from December 6; no tests to be made from 4 to 4:20 a. m., EST, December 12, due to monitoring schedule.

WABY—The Adirondack Broadcasting Co., Inc., Albany, N. Y.—Granted extension of program test period for 30 days from December 6.

WKY—WKY Radiophone Co., Oklahoma City, Okla.—Granted extension of program test period for 30 days from December 12.

KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Granted extension of program test period for 30 days from December 12.

KFRU—KFRU, Inc., Columbia, Mo.—Granted extension of program test period for 30 days from December 18.

WHFC—WHFC, Inc., Cicero, Ill.—Granted extension of program test period for 30 days from December 11.

WAWZ—Pillar of Fire, Zarephath, N. J.—Granted extension of program test period for 30 days from December 7.

WTAW—Agr. and Mech. College of Texas, College Station, Tex.—Granted extension of special temporary authority to suspend operation beginning December 12 and ending December 21, 1936, pending rebuilding of transmitter and installation of automatic frequency control apparatus.

The Division granted the petition of Fred A. Baxter in so far as it requests cancellation of oral argument scheduled to be held on his application for C. P. to erect a new station at Superior, Wis. (Docket No. 3358); and denied the petition in so far as it requests a grant of said application.

The Broadcast Division denied the motion of Ted R. Woodward requesting that the Commission strike the appearance filed by Lincoln Memorial University in connection with that University's application (Docket No. 4064) and granted the petition of Ted R. Woodward for an extension of time of 10 days from December 5 within which to file his answer to the appearance of said applicant.

The Broadcast Division granted the motion of the Brooklyn Daily Eagle Broadcasting Co., Inc., for leave to file late answer as respondent in the proceedings pending upon the application of State Broadcasting Corp. (WNBC), New Britain, Conn. (Docket No. 2917).

The Broadcast Division granted the petition of May Seed and Nursery Co. (KMA), Shenandoah, Iowa, requesting authority to intervene in the proceedings on the application of City Broadcasting Corp. (WELI), New Haven, Conn., for modification of license (Docket No. 3761).

The Broadcast Division denied the petition of the Educational Broadcasting Corp. (KROW), Oakland, Calif., requesting authority to intervene in the hearing upon the application of City Broadcasting Corp. (WELI), New Haven, Conn.

The Broadcast Division granted the petition of Harold Thomas requesting authority to intervene in the proceedings upon the application of Lawrence K. Miller, Pittsfield, Mass., for a C. P. (Docket No. 4187).

ACTION ON EXAMINER'S REPORTS

NEW—Ex. Rep. 1-259: Kidd Brothers (K. K. Kidd and A. C. Kidd), Taft, Calif.—Denied C. P. for new broadcast station to operate on 1420 kc., 100 watts, daytime. Order effective February 2, 1937. Examiner R. H. Hyde reversed.

NEW—Ex. Rep. 1-320: WRBC, Inc., Youngstown, Ohio.—Denied, as in cases of default, application for C. P. for new station to operate on 890 kc., 1 KW, unlimited time. Examiner R. H. Hyde sustained.

MISCELLANEOUS

WABY—Adirondack Broadcasting Co., Inc., Albany, N. Y.—Denied petition to grant, without a hearing, application for modification of C. P. to make changes in equipment and increase daytime power to 250 watts.

NEW—Peninsula Newspapers, Inc., Palo Alto, Calif.—Granted petition for continuance of hearing on its application for C. P. to erect a new station at Palo Alto, to operate on 1160 kc., 250 watts, daytime only, from January 11, 1937, to first week in March, 1937, date to be fixed by Docket Section.

KSLM—Oregon Radio, Inc., Salem, Ore.—Granted petition for continuance of hearing from January 5, 1937, for a period of approximately 30 days, the new date to be fixed by the Docket Section, on application for C. P. to change frequency from 1370 kc. to 1240 kc., and increase power from 100 watts, unlimited, to 250 watts, unlimited time.

NEW—Harold Thomas, Pittsfield, Mass.—Denied petition to reconsider and grant without hearing application for C. P. for new station to operate on 1310 kc., 100 watts night, 250 watts day, unlimited time, site to be approved, which was designated for hearing September 22, 1936.

NEW—United States Broadcasting Co., Toledo, Ohio.—Granted petition requesting Acceptance of Appearance and Statement of Desire to be Heard in connection with application for C. P. for new station at Toledo, to operate on 1200 kc., 100 watts, daytime only, hearing on which is scheduled for January 4, 1937; additional 10 days also given other interested parties who have not done so to file answers.

NEW—Birmingham News, Birmingham, Ala.—Granted petition requesting Commission to waive requirements of Rule 106.28 and accept exceptions and request for oral argument in connection with Examiner's Report recommending grant, subject to Rule 131, of application of WKZO, Inc., of Kalamazoo, Mich., for change in hours of operation from daytime to unlimited and to change power from 1 KW to 250 watts night, 1 KW LS.

NEW—Golden Empire Broadcasting Co., Marysville, Calif.—Denied motion to consolidate and remand for further hearing applications of Golden Empire Broadcasting Co. and Marysville-Yuba City Publishers, Inc., for new stations at Marysville, Calif., to operate on 1140 kc., 250 watts day. However, it was ordered that further action by the Commission be deferred on application of Marysville-Yuba City Publishers, Inc. (Ex. Rep. 1-264), until such time as the appli-

cation of the Golden Empire Broadcasting Co. becomes available for Commission action. Examiner has not as yet made his report on the Golden Empire Broadcasting Co., while oral argument was held on December 3, 1936, in connection with Ex. Rep. No. 1-264, recommending grant of application of the Marysville-Yuba City Publishers, Inc.

The Broadcast Division, upon consideration of petition filed by the Florida Broadcasting Co. (WMBR), Jacksonville, Fla., and the consents received thereto, directed that the hearing on that company's application (Docket No. 4135), scheduled for December 16, 1936, be cancelled.

WHBL—Press Publishing Co., Sheboygan, Wis.—Granted petition to postpone hearing on application of Press Publishing Co. for C. P. to increase daytime power of station WHBL to 1 KW, until after the Commission reaches a decision on application of Milwaukee Broadcasting Co. (WEMP) to change frequency from 1310 kc. to 1010 kc., and increase power from 100 watts daytime to 250 watts night, 500 watts day, unlimited time, hearing on which was held September 12, 1936. Docket Section will fix new hearing date.

APPLICATIONS RECEIVED

First Zone

WLBZ—Maine Broadcasting Co., Inc., Bangor, Maine.—License 620 to cover construction permit (B1-P-1390) for new transmitter.

WABI—Community Broadcasting Service, Bangor, Maine.—1200 License to cover construction permit (B1-P-1128) for a new transmitter and antenna, increase in power, change hours of operation, and move transmitter.

WSAY—Brown Radio Service & Laboratory (Gordon P. Brown, owner), Rochester, N. Y.—Construction permit to make changes in equipment, increase power from 100 watts to 100 watts night, 250 watts day, and change hours of operation from daytime to unlimited time.

WNBZ—Earl J. Smith and Wm. Mace, d/b as Smith & Mace, 1290 Saranac Lake, N. Y.—Construction permit to make changes in transmitting equipment.

WABY—The Adirondack Broadcasting Co., Inc., Albany, N. Y.—1370 License to cover construction permit (B1-P-1191) for new transmitter, antenna, and move studio and transmitter. Amended re-equipment.

WSYB—Philip Weiss, tr/as Philip Weiss Music Co., Rutland, Vt.—1500 Modification of license to change specified hours from 10 a. m. to 1 p. m., 5 p. m. to 9 p. m. daily, Sunday 10 a. m. to 11 a. m., to 9 a. m. to 1 p. m., 5 p. m. to 9 p. m. daily. Amended to add the hours now licensed for Sunday 10 a. m. to 11 a. m.

Second Zone

WCHS—Charleston Broadcasting Co., Charleston, W. Va.—Construction permit to install a vertical antenna, increase night power from 500 watts to 1 KW.

WLW—The Crosley Radio Corp., Cincinnati, Ohio.—Construction 700 permit to make changes in equipment.

WBLV—Herbert Lee Blye, Lima, Ohio.—License to cover construction permit (B2-P-643) as modified for a new station. KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Construction permit 1380 to make changes in equipment; change power from 500 watts to 1 KW, hours of operation from simultaneous day WSMK, specified hours night, to unlimited time, using directional antenna at night.

NEW—Staunton Broadcasting Co., Inc., Staunton, Va.—Construction permit for a new station to be operated on 1500 kc., 100 watts night, 250 watts day, unlimited time. Amended to change hours of operation from unlimited to daytime, using 250 watts power.

W8XIK—The Crosley Radio Corp., Mobile.—Construction permit to increase power from 30 watts to 50 watts and make changes in equipment.

W8XIL—The Crosley Radio Corp., Mobile.—Construction permit to make changes in equipment and increase power from 30 to 50 watts.

NEW—The Crosley Radio Corp., Mobile.—Construction permit for a new low frequency relay broadcast station to be operated on 1622, 2058, 2150, 2790 kc., 50 watts.

NEW—The WGAR Broadcasting Co., Mobile.—Construction permit for a new low frequency relay broadcast station to be operated on 1622, 2058, 2150, 2790 kc., 100 watts.

NEW—The WGAR Broadcasting Co., Mobile.—License to cover above.

Third Zone

NEW—R. W. Page Corp., Columbus, Ga.—Construction permit 610 for a new station to be operated on 950 kc., 250 watts, unlimited time. Amended to change frequency from 950 kc. to 610 kc.

NEW—El Paso Broadcasting Co., El Paso, Tex.—Construction 940 permit for a new station to be operated on 940 kc., 1 KW, unlimited time.

WNOX—Continental Radio Co., Knoxville, Tenn.—Modification 1010 of construction permit (B3-P-1295) for new transmitter and antenna, increase in power, and move of transmitter, requesting new transmitter and extend commencement and completion dates.

WRBL—WRBL Radio Station, Inc., Columbus, Ga.—Modification 1200 of construction permit (B3-P-1396) for new transmitter and antenna, increase power, move studio and transmitter locally, requesting further changes in equipment, change frequency from 1200 kc. to 950 kc., and power from 100 watts, 250 watts day, to 250, 500 watts day.

KADA—C. C. Morris, Ada, Okla.—Modification of license to 1200 change hours of operation from daytime to unlimited time, using 100 watts power.

KGHI—Arkansas Broadcasting Co., Little Rock, Ark.—Construction 1200 permit to move transmitter from 319 West Second St., Little Rock, Ark., to 3rd and Louisiana Street, Little Rock, Ark., and install a vertical antenna.

WIOD—Isle of Dreams Broadcasting Corp., Miami, Fla.—Construction 1300 permit to install a 250-watt auxiliary transmitter to be located at 600 Biscayne Blvd., Miami, Fla.

KFPL—WFTX, Inc., Wichita Falls, Tex.—Construction permit 1310 to change frequency from 1310 kc. to 1500 kc.; install a new transmitter; make changes in antenna system; move transmitter from north city limits, Dublin, Tex., to site to be determined, Wichita Falls, Tex., and studio from 205 Grafton, Dublin, Tex., to site to be determined, Wichita Falls, Tex.

KFPL—C. C. Baxter, Dublin, Tex.—Voluntary assignment of 1310 license from C. C. Baxter to WFTX, Inc.

KFRO—Voice of Longview, Longview, Tex.—Modification of construction permit (B3-P-1308) to make changes in authorized equipment and extend commencement date from 12-7-36 to 30 days after grant.

NEW—Faith Broadcasting Co., Inc., Wichita Falls, Tex.—Construction 1380 permit for a new station to be operated on 1380 kc., 1 KW, unlimited time.

KRBC—Reporter Broadcasting Co., Abilene, Tex.—License to cover 1420 construction permit (B3-P-1502) for new equipment and increase in power.

KAAD—Fort Worth Broadcasters, Inc., Mobile.—License to cover construction permit for a new relay broadcast station.

W4XCH—Wilton E. Hall, Mobile.—License to cover construction permit for a relay broadcast experimental station.

W4XCI—The Atlanta Journal Co., Mobile.—License to cover construction permit for a new relay broadcast station.

WAAK—WSOC, Inc., Mobile.—License to cover construction permit as modified for a new low frequency relay broadcast station.

W4XH—Virgil V. Evans, d/b as The Voice of South Carolina, Spartanburg, S. C.—Modification of license to add frequency 25950 kc. in addition to present frequencies. Amended to delete the present assigned frequencies and request 25950 kc. only.

NEW—Isle of Dreams Broadcasting Corp., Mobile.—Construction permit for a new high frequency relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 10 watts.

Fourth Zone

WREN—The WREN Broadcasting Co., Inc., Lawrence, Kans.—1220 Authority to transfer control of corporation from R. R. Jackman, Jean Jackman Carter, R. C. Jackman, F. C. Jackman, O. E. Jackman, Katherine Jackman Smith, Vernon H. Smith to The Kansas City Star Co., 6,000 shares of stock.

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—
1250 Authority to determine operating power by direct measurement of antenna.

KOIL—Central States Broadcasting Co., Omaha, Nebr.—Construction permit to make changes in equipment; install a vertical antenna; increase power from 1 KW, 2½ KW day, to 1 KW, 5 KW day; and move transmitter from 600 Huntington Ave., Fairmont Park, Council Bluffs, Iowa, to Twp. 74 N., Range 44 W., Pottawattamie County, Iowa. Amended to change transmitter site to NW¼ of NW¼ of NW¼ Section 2, Twp. 15 N., Range 12 East, near Omaha, Nebr.

KWOS—Tribune Printing Co., Jefferson City, Mo.—Modification of construction permit (B4-P-1023) for a new station, requesting change in type of equipment, approval of antenna and approval of transmitter site at St. Mary's Blvd., Jefferson City, Mo., and studio site at 400 E. Capital St., Jefferson City, Mo. Amended to make changes in equipment.

WSAU—Northern Broadcasting Co., Inc., Wausau, Wis.—Modification of construction permit (B4-P-725) as modified for a new station, requesting change of hours of operation from daytime to unlimited time, using 100 watts power.

KPLT—North Texas Broadcasting Co., Paris, Tex.—License to cover construction permit (B3-P-442) as modified for a new station.

NEW—Frank N. Adcock, Plainview, Tex.—Construction permit 1500 for a new station to be operated on 1500 kc., 100 watts, unlimited time.

NEW—Howard A. Miller, Galesburg, Ill.—Construction permit 1500 for a new station to be operated on 1500 kc., 100 watts, specified hours (6 a. m. to 10 p. m.). Amended to give transmitter site as Galesburg, Ill., and studio site at Weinberg Arcade, corner Simmons and Prairie Streets, Galesburg, Ill., and make changes in antenna.

W9XPT—Woodmen of the World Life Insurance Assn., Mobile.—License to cover construction permit for a new high frequency relay broadcast station.

W9XPX—Woodmen of the World Life Insurance Assn., Mobile.—License to cover construction permit for a new high frequency relay broadcast station.

Fifth Zone

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—
780 Modification of license to increase power from 1 KW, 5 KW, to 5 KW day and night.

KVOD—Colorado Radio Corp., Denver, Colo.—Construction permit to change frequency from 920 kc. to 630 kc.; change hours of operation from share KFEL to unlimited; increase power from 500 watts to 1 KW; install directional antenna for night use; and move transmitter from outside of Denver, Colo., to north of Denver, Colo.

NEW—Radiotel Corporation, San Diego, Calif.—Construction per-

mit for a new station to be operated on 920 kc., 500 watts, unlimited time.

KROW—Educational Broadcasting Corp., Oakland, Calif.—Construction permit to install a new transmitter; erect a vertical antenna; increase power from 1 KW to 5 KW; and move transmitter from 1520 8th Avenue, Oakland, Calif., to site to be determined, Alameda, Calif.

KFWB—Warner Bros. Broadcasting Corp., Hollywood, Calif.—
950 Authority to determine operating power by direct measurement of antenna.

KFWB—Warner Bros. Broadcasting Corp., Hollywood, Calif.—
950 License to cover construction permit (B5-P-202) as modified for new equipment, increase in power, and move of transmitter.

KWJJ—KWJJ Broadcast Co., Inc., Portland, Ore.—Authority to
1060 determine operating power by direct measurement of antenna.

KWJJ—KWJJ Broadcast Co., Inc., Portland, Ore.—License to
1060 cover construction permit (B5-P-837) as modified for changes in equipment, move of transmitter and studio.

KFXJ—R. G. Howell and Chas. Howell, d/b as Western Slope
1200 Broadcasting Co., Grand Junction, Colo.—Authority to install automatic frequency control equipment.

KFXD—Frank E. Hurt, Nampa, Idaho.—License to cover construction permit (B5-P-1358) for new equipment.

KVOA—Arizona Broadcasting Co., Inc., Tucson, Ariz.—License to
1260 cover construction permit (B5-P-1096) as modified for changes in equipment, install new antenna, increase in power and move of transmitter locally.

KID—KID Broadcasting Co., Inc., Idaho Falls, Idaho.—License
1320 to cover construction permit (B5-P-559) as modified for new equipment, increase in power and move of transmitter.

KIDO—Frank L. Hill and C. G. Phillips, d/b as Boise Broadcast
1350 Station, Boise, Idaho.—Construction permit to make changes in equipment and increase power from 1 KW, 2½ KW day, to 5 KW.

NEW—Salinas Newspapers, Inc., Salinas, Calif.—Construction
1390 permit for a new station to be operated on 1390 kc., 250 watts, daytime.

NEW—Roberts-MacNab Hotel Co., Arthur L. Roberts, R. B.
1420 MacNab, A. J. Breitbach, General Manager, Bozeman, Mont.—Construction permit for a new broadcast station to be operated on 1420 kc., 100 watts night, 250 watts daytime, unlimited time.

NEW—Harry R. Spence, Centralia, Wash.—Construction permit
1500 for a new station to be operated on 1500 kc., 100 watts, unlimited time. Amended to give transmitter site as County Road, midway between Chehalis and Centralia, Wash.

KDB—Santa Barbara Broadcasters, Ltd., Santa Barbara, Calif.—
1500 License to cover construction permit (B5-P-1331) for changes in equipment and increase in power.

W6XKG—Ben S. McGlashan, Los Angeles, Calif.—Modification of license to delete frequencies 31600, 35600, 38600, 41000 kc. and add the frequency 25950 kc.

The National Association of Broadcasters

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COMMITTEE OF FIFTEEN MEETS

A meeting of the Joint Committee on Radio Research was held in New York City, December 16. This Committee, often referred to as the "Committee of Fifteen", represents the National Association of Broadcasters, the American Association of Advertising Agencies and the Association of National Advertisers. The meeting was called to deal with a number of important issues which are arising in the work of the Committee.

The Committee had before it for consideration the report of Paul Peter, Committee investigator, who had completed his report on coverage of radio stations and on methods used to determine such coverage. This report had been the subject of study and examination by the Technical Committee headed by L. D. H. Weld and the full Committee had before it also the latter's recommendations. There was also before the Committee the question of retaining the services of Mr. Peter who was engaged during the summer to prepare a report on the subject of coverage and listener habits. The Committee agreed to retain the services of Mr. Peter and approved the recommendations of the Technical Committee which are directed toward field tests designed to evaluate methods used to determine station coverage. The representatives of the NAB (Arthur B. Church, KMBC; J. O. Maland, WHO; Roy Witmer, NBC; H. K. Boice, CBS, and James W. Baldwin) agreed that the project should be proportionately financed consistently with the resolution adopted by the NAB at the Fourteenth Annual Convention.

It is expected that the field tests will have been conducted and that analyses of the results of such tests will be made in sufficient time for the whole problem of research to receive serious attention and consideration at the next Annual Convention.

DENIAL OF NEW STATION RECOMMENDED

Smith, Keller & Cole, filed an application with the Federal Communications Commission asking for a construction permit for the erection of a new broadcasting station at San Diego, Cal., to use 1200 kilocycles, 100 watts power and daytime operation.

Examiner P. W. Seward in Report No. I-327 recommended that the application be denied. The Examiner states that the applicants are not financially qualified to construct and operate the proposed station. He also calls attention to the fact that there is already an application pending for the same frequency which would cause objectionable interference if both applications were granted.

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

- J. C. Penney Company, New York City. (2-2706, Form A-2)
- Mohawk Liquer Corporation, Detroit, Mich. (2-2707, Form A-1)
- Sunset Mines, Inc., Forbestown, Cal. (2-2708, Form A-1)
- Westgate-Greenland Oil Company, San Antonio, Texas. (2-2709, Form A-2)

- Edison Salt Electric Company, Salt Ste. Marie, Mich. (2-2710, Form A-2)
- National Unit Corporation, Boston, Mass. (2-2711, Form C-1)
- Small Industry Management Corp., Buffalo, N. Y. (2-2712, Form A-1)
- Thermold Company, Trenton, N. Y. (2-2713, Form A-2)
- Brooklyn Daily Eagle Corp., Brooklyn, N. Y. (2-2714, Form A-1)
- Brooklyn Daily Eagle, Brooklyn, N. Y. (2-2715, Form A-2)
- Potash Company of America, Denver, Colo. (2-2716, Form A-1)
- United Securities Co., Missouri, Kansas City, Mo. (2-2717, Form A-2)
- Puritan Mills, Inc., Chicago, Ill. (2-2718, Form A-1)
- Mount Baker Chromium Corp., Seattle, Wash. (2-2719, Form A-1)
- Rath Packing Company, Waterloo, Ia. (2-2720, Form A-2)
- Anglo American Mining Corp., Ltd., San Francisco, Cal. (2-2722, Form A-1)
- Buffalo Stratford Corp., Buffalo, N. Y. (2-2723, Form E-1)
- Financial Independence Founders Inc., New York City. (2-2724, Form C-1)
- Eastern Consolidated Gas Co., Baltimore, Md. (2-2725, Form A-1)
- Tri Metal Mining Corp. of New Mexico, Albuquerque, N. M. (2-2726, Form A-1)
- American Rock Wool Corp., Wabash, Ind. (2-2727, Form A-1)

SOCIAL SECURITY TAXES

The NAB has received numerous inquiries regarding certain provisions of the Social Security Act, particularly as to whether artistic talent including musicians used by radio stations are employees subject to the tax provisions.

Taxes levied under the Act are to be collected by the Bureau of Internal Revenue. Your attention is directed to Treasury Department Regulations 90 and 91 which deal with the collection of these taxes and define in general what constitutes employment. Regular employees of a station, including staff personnel and house orchestras on the regular payroll, are without doubt employees within the meaning of the Act. Talent, including musicians, however, hired for one or more broadcasts by the station or through someone else presents a problem. As yet, no definite ruling of general application has been issued on this point.

In the calculation of your Federal tax, the taxability of talent will have to be determined in the light of the facts in each particular case depending on the contractual relationship between the station and the artist. For the distinction between employees and independent contractors we suggest that you consult your local counsel in order to comply with the Federal statute and your own state law.

The following quotations from *Prentice Hall—Labor and Unemployment Insurance Service*—may be of some value in approaching your own problems:

Entertainers As Independent Contractors, (New York)—"Please be advised that orchestras, bands, artistic talent, etc., engaged by advertising agencies, or by the proprietor of a ballroom, are considered independent persons with respect to the principal engaging their services. The orchestra or band leaders in the cases referred to above should be considered the employers of the members of their bands." (U. I. D. letter to Prentice Hall, Inc., dated July 24, 1936, Prentice Hall, New York, 29,539).

Entertainers—(New York)—"Question: Hotels, restaurants, advertising agencies and the like frequently engage the services of orchestras, bands, entertainers and artistic talent. How should such performers and their personnel be classified?

"Answer: Musicians, entertainers, and the like who are hired directly by hotels and restaurants will be considered employees of such hotels and restaurants unless a contract has been entered into

between the principal engaging such services and the leader or manager of such personnel whereby the leader or manager hires and dismisses the members of his orchestra, band, etc., directs and controls the performance of their work and actually pays their wages; in which case the leaders or managers will be deemed to be the employers of the members of the orchestras, bands, artistic talent, etc." Prentice Hall, New York, 29,544.22.

"*Status of Radio Artists on Sponsored Programs (Wisconsin)*—The following letter is from the Wisconsin Commission regarding liability for contributions on salaries paid to radio artists appearing on sponsored radio broadcasting programs:

"Your letter of July 24 inquires concerning the status of artists other than staff artists appearing on a radio broadcasting sponsored program, under the Wisconsin Unemployment Compensation Act.

"The Unemployment Compensation Act, as amended on June 26, provides that each individual engaged by any employer performing services for pay shall be treated as in an employment (and consequently, as an employee) unless and until the employer has satisfied the Commission that such individual has been and will continue to be free from the employer's control and direction over the performance of his work both under his contract of service and in fact, and that such work is either outside the usual course of the employer's enterprise or performed outside of all the employer's places of business, and that such individual is customarily engaged in an independently established trade, business, profession or occupation.

"It would, therefore, appear that such artists, being engaged in the usual line of business of the broadcasting company, and being employed in the broadcasting company's place of business and, in all probability, being subject to more or less detailed direction and control, should be considered as employees under the Unemployment Compensation Act.

"You also inquire whether, if an advertising agency handles all of the details incidental to the organization and preparation of the radio broadcasting program (including hiring of artists), and if the agency receives therefor a stipulated fee from the sponsor of the program, the artists are the employees of the advertising agency, the sponsor, or the broadcasting company.

"It would seem that the artists are the employees of the organization which actually enters into the contract of hire. Since you indicate in your question that the agency is assumed to hire the artists, the artists should be considered the employees of the agency." (Letter from Unemployment Compensation Department of Industrial Commission of Wisconsin, to Prentice Hall, Inc., dated August 16, 1935. Prentice Hall—Wis. 26,131).

MARKET AND NEWSPAPER STATISTICS

Section B of the fifth volume of "Market and Newspaper Statistics" has just been released by the American Association of Advertising Agencies.

This section deals with the 62 cities in the United States and Canada over 100,000 population for which A.B.C. Audit Reports were issued for periods ended March 31 and June 30, 1936.

It contains figures on population, number of families, English reading persons (for Canadian cities, English speaking persons), income tax returns, audited newspaper circulations, local rates, national rates, the differential between local and national rates, lineage, and an analysis of sections of A.B.C. Audit Reports dealing with inducements.

"Market and Newspaper Statistics" is a part of a program for the advancement of newspaper advertising being conducted by the A.A.A.A. Committee on Newspapers, of which J. J. Hartigan of Campbell-Ewald Company, Detroit, is Chairman, and Lester M. Malitz of Cecil, Warwick & Cecil, New York, Vice-Chairman.

These studies aim to help space buyers determine:

- (1) The size and character of markets as indicated by population, families, percentage of English reading persons and income tax returns,
- (2) The cost of reaching these markets with newspapers, including comparison between markets,
- (3) The differential between local and national rates,
- (4) The amount of circulation obtained through inducements.

A supplement entitled "Changes in General and Retail Milline Rates Together with Circulation and Rates Changes Which Have Caused Them," comparing Section B, Volume V with Volume IV, will be issued shortly.

Copies of Section B are available to other than A.A.A.A. members at \$6.00 each (including the supplement, when issued. The same price applies to Section A.

IS RADIO LIVING UP TO ITS PROMISE?

Commissioner George Henry Payne, member of the Federal Communications Commission, speaking at the University of the Air, College of the City of New York Auditorium December 18, said:

"In the first place let me say that the question I was asked to discuss—'Is Radio Living up to its Promise?'—poses a pretty problem.

"If you take 'radio' as the scientific world regards it as the transmission through the ether of messages—it has more than met its promises. If you mean by 'radio', *broadcasting*, you are on debatable ground.

"It is important to remember that 'broadcasting' is but one of the twenty-seven services. A few of the more important radio services other than broadcast service may be mentioned here.

"Radio is used extensively in telegraph and telephone services to foreign countries and in maritime service, which includes radiotelegraph and radiotelephone communication between ships at sea and between ships and the shore. It has become indispensable to aviation and to the police of the country. It is used in the transmission of news to the newspapers by means of what is known as the multiple address radiotelegraph service, the messages being automatically recorded by means of printers. There are also maintained a number of experimental services which permit further research and development in the radio science.

"Not far off is a new service which is associated with broadcasting and is very much in the public eye at the present time. I refer to television, which is still in the experimental stage but is bound some day to play an important part in our social and business life. In these services radio has certainly lived up to its promise.

"Assuming then that the problem that I am to discuss is 'broadcasting' I can say that I have received many protesting letters and messages from people who felt that through inferior broadcasting programs their homes were being invaded by doctrines and ideas calculated to create unhappiness in their homes and to invade their rights.

"The situation recalls the keen analysis of Sainte-Beuve in his delightful essay on Cardinal De Bernie. That interesting character had astonished the world by suddenly changing from a flippant man of the world and maker of whimsical, gay, and not always decorous verse, to a serious-minded statesman and prime minister. Sainte-Beuve's explanation was that he had suddenly come to the conclusion that inasmuch as it took just as much trouble to accomplish little things as it did to accomplish large things, he would devote himself, hereafter, to accomplishing the great things of life.

"So with broadcasting—the same amount of effort would give us nobler programs instead of the jazz and trash of today.

"Every movement that tends to make broadcasting more cultural and more intelligent is deserving of the greatest respect and the most earnest support. I am glad, therefore, to be included in the program of the Fifth Anniversary of the University of the Air, especially under its present distinguished sponsors.

"It is not an easy problem, however, that you have posed for me—'Is Radio Broadcasting Living up to its Promise?' Frankly, my own opinion is that it is not, but I feel I would be unfair if I did not qualify that statement by saying that elements, mainly political and some economic, have been as much to blame as the broadcasting industry itself. Nor would it be fair to say that broadcasting has not come up to expectations when some fine programs have been the delight of American audiences.

"But—and this is the question—when we have allowed private corporations to develop a national resource that elsewhere in the world is government owned and controlled, should not those who are making large fortunes from this resource give us better programs?

"To anyone who studies the situation from the inside there is quite evident a contempt for educational and cultural influences that is most unusual in any field of scientific development.

"What would have happened in the field of medicine, philosophy, law, science, literature, politics or journalism if the first impulse had been money-making? When we look back over the long struggle of humanity to achieve civilization and some surcease from the sorrow and the ills that flesh is heir to, how little would have been accomplished if there had not been, in all those fields, men and women ready to suffer and even to die that humanity might benefit. What untold tragedies might have resulted if the men and women who made all those sacrifices were actuated by a desire to make a million dollars rather than by a love of humanity.

"Fortunately in the radio field, while the great actuating impulse of those who are in control of the industry is money, the engineers and scientists on whom they depend for the development of their fortunes are, in the main, men who are unselfish.

Some of them, and I am speaking of those who are associated with the Federal Communications Commission, have a devotion to high ideals that will challenge comparison with any other time.

"A more disagreeable aspect, and a more sinister one, deterring radio from living up to its promise, is the fact that the radio lobby in Washington has filled the radio 'industry' with the novel idea that they control the government.

"For two and a half years I have watched the operations of this lobby which has endeavored to dictate the actions of the Federal Communications Commission.

"When I speak of its contemptuous attitude toward educational and cultural matters I am not hazarding any guess. I am speaking from facts. An important broadcaster, a man who has acted as an official of an organization, sat in my office one day arguing about the perfectability of the radio program. We were naturally at different ends of the question—he declaring that the programs as given today were perfect. Finally I drew out some letters and extracts from letters of many college presidents throughout the country and showed him that they were far from satisfied with the present set-up.

"His answer was, 'What the hell do them college presidents know!'

"One argument, effective though unreal, that has kept public opinion from forcing the production of better programs has been that the pioneers of the radio art are entitled to a just share of credit and profits for their pioneering. But have the real pioneers had any sizeable share in the profits?

"Of the forty-three scientists who, since 1912, have contributed most to radio's scientific development and progress, only two have received compensation in any way commensurate with their achievements.

"We have here a complex and serious economic phenomenon. Great discoveries are made and the discoverers profit little. The public which owns the ether is amused, delighted and astonished, but spiritually profits little. A third party steps in and, discovering nothing, inventing nothing and owning nothing, nevertheless makes great fortunes.

"Mr. Gifford, President of the American Telephone and Telegraph Company, went so far as to say in a paper, brought out by the Federal Communications Commission telephone investigation, as follows:

"If anyone tries to tell me that he is acting in a business capacity in the public interest, I am inclined to say, 'Oh, bunk!' in my own mind, unless the public interest and his interest coincide."

"Here we have the philosophy of decline and decay, denying the very principle of altruism.

"For two years I have argued and pleaded and reasoned with this most difficult division of our activities to take a fairer attitude toward the public. I finally came to the conclusion that I could get better results if I appealed to them from a public forum, and so I accepted invitations from Harvard, Columbia and other universities to enunciate under dignified auspices what I thought were proper reforms.

"You can imagine my surprise when instead of getting the co-operation of those whom this Commission is supposed to regulate, I was told publicly in their trade journal that I 'should mind my own business.'

"Attacking every endeavor of the cultural and educational interests to improve the quality of radio programs is a most vicious lobby. It is not a particularly intelligent lobby for, if it knew its business, it would see that the education and cultural interests ask so little that they could be easily conciliated by small concessions. But, arrogant in its belief that it controls the Commission, it is not inclined to concede anything.

"Developments and inventions that are now going on and being made in the radio field will affect the mental life and education and possibly the material interests of every person in the country. Behind this development, fraught with so much importance to our people, a fierce struggle is going on for the control of the great resource of the air.

"Private interests favoring private monopoly are naturally anxious that there be just as little governmental 'interference' (regulation) as possible in what they call their 'business'. Those who believe that we must not repeat the mistakes of the past and allow the wasteful private exploitation of our resources are just as keenly aroused in behalf of the government taking a strong stand to protect the public interest.

"The indifference of the public to the importance of this struggle is lamentable. Fascinated by the wonders of radio and the astonishing developments in the entire field of communications, the people have given little attention to the economic control of these new developments. Unless the public is aroused, its interests are

apt to be neglected and lax administration is apt to creep in. In this way private monopoly, without warrant of law, establishes itself, and, too late, the public bestirs itself to recover ground that never should have been lost.

"I lunched a few days ago with Dr. Alexis Carrel and Dr. Ward Crampton, and the subject of discussion was the upbringing of the human race, the awakening of man to something like an appreciation of his powers—spiritual and mental—and the possibilities of his future for happiness and usefulness.

"The fruitfulness of that conversation I could not relate if I took the two hours of its actual duration. But this thought I can give as a summation. What a blessing radio would be, if under the direction of Dr. Carrel and Dr. Crampton, it stimulated the American public to find some answers to the questions that Dr. Carrel propounded in his great book 'Man, The Unknown!' What a blessing radio would be, instead of urging children to harass their tired mothers to buy various nostrums, time and attraction were given to the endeavors of Dr. Crampton to bring our boys to a better understanding of their future needs and to a greater knowledge of their possibilities for usefulness and happiness.

"To sum up, I do not hesitate to say that radio has not lived up to its promise because its promise is limitless and its development has hardly begun. It has failed, however, in that it has catered to the lesser intelligent rather than to the greater.

"To those who are battling for a more intelligent discussion of the problems of broadcasting, in fact, all the problems of communications, I would say, be of good cheer and of great hope. If the solution—an intelligent and honest solution—is not just around the corner, like Mr. Hoover's prosperity, it is not as far away as it was a year ago, and certainly not as far away as it was when the Federal Communications Commission came into existence. If we, the Commissioners, have not seemed to live up to our opportunities the trouble lies, as it lies with the question of radio, in the fact that the opposition—those who are organized for selfish and greedy purposes, have been stronger than we thought and more arrogant than it is possible to believe. But in their very arrogance there lies their self-destruction. The increasing interest in radio is stimulating hundreds of thousands of people to think more clearly as to their rights. It is stimulating the great mass of people to see that radio does live up to its promise. More and more we hear of men and women in far off places rebelling against the conditions as they are and demanding better and more intelligent programs. More and more as we fight for better radio and more enlightened governmental supervision, I see the truth of what John Stuart Mill so beautifully said:

"All the grand sources of human suffering are in a great degree, many of them almost entirely, conquerable by human care and effort, and though their removal is grievously slow, though a long succession of generations will perish in the breach before the conquest is completed, yet every mind sufficiently intelligent and generous to bear a part, however small and unobtrusive—will draw a noble enjoyment from the contest itself which he would not for any bribe in the form of selfish indulgence consent to be without."

BROADCAST ADVERTISING IN OCTOBER

Highlights of the Month

Broadcast advertising experienced the greatest month in the history of the medium during October. Gross time sales amounted to \$11,514,505, an increase of 34.8% over September and a gain of 37.2% over October 1935. All portions of the medium registered the greatest volume of sales in history. Total gross time sales for the first ten months of the current year were 20.5% ahead of the 1935 level for the corresponding period. Radio broadcasting showed the greatest gain over September of any major medium.

Total non-network advertising increased 31.4% over the preceding month. The greatest gain was shown by the clear channel group which rose 38.8%, although all classes of stations registered substantial increases. All sections of the country shared in the increased business, the South Atlantic-South Central Area and the North Central Area leading with increases over the preceding month of 36.9% and 36.3%, respectively. All classes of stations and sections of the country were well ahead of October 1935 non-network sales.

Transcriptions showed the greatest increase of any type of rendition over last month, rising 41.6%. All types of rendition, however, enjoyed marked increases. Announcements and transcriptions showed the principal

gains in the national non-network field, while transcriptions and live talent led in the local field.

All sponsor groups with a few minor exceptions gained as compared to September. Mainly because of sponsored political broadcasts, the miscellaneous group enjoyed the greatest increase over September, rising 94.2%. Principal gains were registered in the automotive, clothing, drugs and pharmaceuticals, foodstuffs, soap and kitchen supply and department store sponsor groups. The miscellaneous group showed nearly a threefold increase over last October. Soap and kitchen supply volume rose 90.4% and department store advertising 63.1% as compared to the corresponding month of last year.

Total Broadcast Advertising

Total broadcast advertising for the month of October is set forth in Table I.

TABLE I

TOTAL BROADCAST ADVERTISING

1936 Gross Time Sales

Class of Business	September	October	Cumulative Jan.-Oct.
National networks	\$4,894,494	\$6,722,926	\$47,408,601
Regional networks	117,524	154,979	1,145,671
National non-network	1,697,900	2,401,800	18,806,960
Local	1,831,300	2,234,800	17,723,570
Total	\$8,541,218	\$11,514,505	\$85,084,802

Total broadcast advertising volume increased 34.8% over the preceding month. All portions of the medium registered substantial gains. National network volume rose 37.3%, regional network volume 31.9%, national non-network business 41.5%, and local advertising 22.0%. As in past years, local advertising experienced the smaller gain, this portion of the medium being less subject to seasonal fluctuation than other types of broadcast advertising.

Compared to the corresponding month of last year, total broadcast advertising rose 37.2%. National non-network business showed the greatest increase, rising 59.6%. National network volume rose 33.9%, regional network volume 16.7%, and local business 28.5%.

Cumulative figures for the first ten months of the current year compared to those of the corresponding period of last year, showed the following increases: National network volume 16.8%, regional network volume 34.0%, national non-network business 37.2%, and local advertising 14.6%. Total broadcast advertising was 20.5% ahead of the 1935 level.

Comparison with Other Media

Advertising volume by major media during the month of October is found in Table II.

TABLE II

ADVERTISING BY MAJOR MEDIA

1936 Gross Time and Space Sales

Advertising Medium	September	October	Cumulative Jan.-Oct.
Radio broadcasting	\$8,541,218	\$11,514,505	\$85,084,802
National magazines ¹	11,118,077	14,324,291	117,611,600
National farm papers ¹	597,036	624,835	5,774,152
Newspapers ²	46,247,000	55,242,000	462,364,000
Total	\$66,503,331	\$81,705,631	\$670,834,554

¹ Publishers' Information Bureau.

² Estimated.

Radio broadcast advertising showed the greatest increase over the preceding month of any medium. Whereas broadcasting volume increased 34.8% over September, national magazine volume increased 28.8%, national farm paper advertising 4.7%, and newspaper lineage 19.4%.

Compared to the corresponding month of last year, national

magazine volume increased 35.1%, national farm paper advertising 18.9%, and newspaper lineage 13.6%.

National magazine volume for the first ten months of the current year exceeded the previous year's level by 13.9%, national farm papers 24.7%, and newspaper lineage 10.2%.

Non-network Advertising

Total non-network advertising increased 31.4% over last month, all classes of stations showing substantial gains. Non-network advertising over clear channel and high powered regional stations rose 38.8% and regional station and local station volume increased 28.4% and 22.4%, respectively. Compared to October of last year, total non-network advertising rose 42.9%. Gains over the different classes of stations were as follows: clear channel and high powered regional stations 42.9%, regional stations 49.2%, and local stations 27.1%.

Non-network advertising by power of station is shown in Table III.

TABLE III

NON-NETWORK ADVERTISING BY POWER OF STATION

1936 Gross Time Sales

Power of Station	September	October	Cumulative Jan.-Oct.
Over 1,000 watts	\$1,329,200	\$1,845,600	\$15,442,340
250-1,000 watts	1,616,700	2,076,900	15,325,050
100 watts	583,300	714,100	5,763,140
Total	\$3,529,200	\$4,636,600	\$36,530,530

Compared to the preceding month, all sections of the country experienced an increase in non-network advertising. The South Atlantic-South Central Area and the North Central Area showed the greatest gains, rising 36.9% and 36.3%, respectively. Non-network advertising in the New England-Middle Atlantic Area rose 21.5% and in the Pacific and Mountain Area 29.0%.

Likewise, non-network advertising experienced increases in all sections of the country when compared to the corresponding month of last year. Gains were as follows: New England-Middle Atlantic Area 49.5%, South Atlantic-South Central Area 53.3%, North Central Area 42.5%, and Pacific and Mountain Area 24.7%.

Non-network advertising by major geographical districts is found in Table IV.

TABLE IV

NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

1936 Gross Time Sales

Geographical District	September	October	Cumulative Jan.-Oct.
New England-Middle Atlantic Area	\$922,900	\$1,121,400	\$8,143,550
South Atlantic-South Central Area	683,900	936,900	7,324,670
North Central Area	1,354,400	1,845,600	14,339,330
Pacific and Mountain Area	568,000	732,700	6,722,980
Total	\$3,529,200	\$4,636,600	\$36,530,530

Non-network Advertising by Type of Rendition

All types of rendition showed marked increases during October both when compared to the preceding month and the corresponding month of last year. Total transcription volume rose 41.6% over the September level, live talent business 27.8%, records 12.6%, and announcements 31.5%. Compared to October of last year, total transcriptions increased 56.5%, live talent 42.7%, records 28.6%, and announcements 33.4%.

In the national non-network field, transcription volume rose 39.4%, live talent business 32.8%, and announcements 71.4%. Record volume, which is relatively unimportant in the national non-network field, declined 15.4%. When compared to last October, both transcriptions and live talent business increased more than 50.0%, while records rose 66.4% and announcements 83.9%.

Transcription volume showed an increase of 50.0% in the local field over the previous month. Live talent business rose 23.7%, records 18.5%, and announcements 12.9%. Compared to the

corresponding month of the previous year, local transcriptions increased 50.3%, live talent business and records more than one-third, and announcements 11.7%.

For the first ten months of 1936, transcription volume was 47.4%

above the 1935 level for the corresponding period. Live talent business showed a gain of 25.9% and records and announcements increases of 7.5% and 9.3%, respectively.

Broadcast advertising by type of rendition is found in Table V.

TABLE V
RADIO BROADCAST ADVERTISING BY TYPE OF RENDITION

<i>Type of Rendition</i>	<i>National Non-network</i>		<i>1936 Gross Time Sales Local</i>		<i>Total</i>		<i>Cumulative Jan.-Oct.</i>
	<i>September</i>	<i>October</i>	<i>September</i>	<i>October</i>	<i>September</i>	<i>October</i>	
Electrical transcriptions	\$595,790	\$830,800	\$157,290	\$235,920	\$753,080	\$1,066,720	\$9,024,850
Live talent programs	791,180	1,051,000	966,930	1,196,470	1,758,110	2,247,470	17,547,350
Records	14,780	12,500	69,580	82,480	84,360	94,980	741,700
Announcements	296,150	507,500	637,500	719,930	933,650	1,227,430	9,216,630
Total	\$1,697,900	\$2,401,800	\$1,831,300	\$2,234,800	\$3,529,200	\$4,636,600	\$36,530,530

Sponsor Trends in October

Marked increases were experienced in practically all sponsor groups as compared with the preceding month. The greatest gain was registered in the miscellaneous group which contains sponsored political broadcasts. This group increased 94.2% over September, with the national network volume increasing 165.2%. Automotive advertising increased 72.9% over September, all portions of the medium showing increases. Clothing, drugs and pharmaceuticals, foodstuffs, soap and kitchen supply and department store advertising also experienced substantial gains. Amuse-

ment, confectionery, financial, and tobacco groups declined to a small extent.

The miscellaneous group showed nearly a threefold increase over the October 1935 level. Soap and kitchen supply advertising rose 90.4% and department store advertising 63.1% as compared to the previous October. Substantial gains were also registered in the gasoline and accessories, foodstuffs, beverage and financial sponsor groups. Only the amusement and confectionery groups experienced declines.

Broadcast advertising during October on the part of various sponsoring groups is found in Table VI.

TABLE VI
RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS
(October, 1936)

<i>Type of Sponsoring Business</i>	<i>Gross Time Sales</i>			<i>Local</i>	<i>Total</i>
	<i>National Networks</i>	<i>Regional Networks</i>	<i>National Non-network</i>		
1a. Amusements	—	—	\$10,960	\$37,710	\$48,670
1-2. Automobiles and accessories:					
(1) Automobiles	\$694,062	\$560	225,060	103,780	1,023,462
(2) Accessories, gas and oil	469,456	41,129	178,430	70,130	759,145
3. Clothing and apparel	50,986	658	46,560	306,230	404,434
4-5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals	472,504	4,783	431,310	59,140	967,737
(5) Toilet goods	1,002,738	5,535	119,040	22,950	1,150,263
6-8. Food products:					
(6) Foodstuffs	1,131,056	34,054	464,970	261,280	1,891,360
(7) Beverages	394,251	7,470	67,640	110,750	580,111
(8) Confections	33,984	2,680	48,350	7,300	92,314
9-10. Household goods:					
(9) Household equipment and furnishings	8,091	3,340	78,100	219,110	308,641
(10) Soap and kitchen supplies	457,224	4,088	152,920	4,330	618,562
11. Insurance and financial	53,320	1,984	17,770	68,910	141,984
12. Radios	121,527	—	29,260	34,610	185,397
13. Retail establishments	64,964	616	18,500	200,850	284,930
14. Tobacco products	359,076	9,350	89,930	7,120	465,476
15. Miscellaneous	1,409,687	38,732	423,000	720,600	2,592,019
Total	\$6,722,926	\$154,979	\$2,401,800	\$2,234,800	\$11,514,505

Detailed information regarding various sponsor groups during the month of October is as follows:

1a. **Amusements.** National non-network volume increased 34.3% over September, while local business declined 25.9%. Total down 19.2%. National non-network three times over the October 1935 level. Local decreased 21.9%. Total volume 5.9% below October of last year.

1. **Automotive.** Total volume 72.9% over preceding month. National network advertising rose 101.7%, national non-network 36.4%, and local 26.8%. Regional network business amounted to \$560. Compared to last October, national network rose 4.0%, national non-network 10.0%, and the total volume 4.9%. No change occurred in volume of local advertising.

2. **Gasoline and accessories.** National network volume up 10.2% over September, regional network business 94.9%, national non-network advertising 61.6%, and total volume 17.1%. Local advertising declined 22.5%. Compared to the corresponding month of last year, national network increased 21.3%, regional network

71.2%, national non-network 139.3%, and total volume 31.9%. Local advertising 21.9% below last October.

3. **Clothing.** Gains compared with September as follows: national networks 115.2%, national non-network 28.1%, local 33.3%, and total volume 39.4%. Regional network business amounted to \$658. National networks increased as against October 1935 by 33.9%, national non-network 17.5%, local 2.5%, and total volume 5.9%. Regional network advertising declined materially.

4. **Drugs and pharmaceuticals.** National network advertising 39.6% above preceding month, national non-network 80.8%, local 52.9%, and total volume 55.7%. Regional network volume down 21.1%. Compared to October 1935, national networks down 7.7%, regional networks 65.7%, and local 11.4%. National non-network advertising up 25.2% and total volume increased 3.2%.

5. **Toilet goods.** National network volume 7.3% greater than during previous month. Regional networks up 4.8%, national non-network 33.7%, local 1.8%, and total volume 9.4%. Compared to the corresponding month of last year, national networks

increased 9.9%, national non-network 54.3%, local 23.6%, and total volume 14.2%.

6. **Foodstuffs.** Increases as against previous month as follows: national networks 22.8%, regional networks 13.0%, national non-network 17.7%, local 13.8%, and total volume 20.0%. Compared to last October, increases as follows: national networks 13.3%, regional networks 17.8%, national non-network 46.8%, local 37.1%, and total volume 23.3%.

7. **Beverages.** National network advertising 19.8% over September, national non-network 8.9%, local 6.9%, and total 15.4%. Regional network business down 5.7%. National networks 51.1% over October 1935, national non-network 5.8%, local 28.6%, and total volume 38.4%. Regional network advertising declined 8.3%.

8. **Confectionery.** Total volume 13.5% below September and 41.9% below October 1935. Regional network volume increased 263.5% as compared to September, national non-network 145.7%, and local 130.3%, while national network volume declined 59.1%. Compared to last October, national networks declined 74.5% and regional networks 52.5%. National non-network volume increased threefold and local business 62.2%.

9. **Household equipment.** National network and regional network business down 69.8% and 6.2%, respectively, as compared to September. National non-network advertising up 22.6%, local 28.8%, and total volume 16.8%. Compared to the corresponding month of last year, national network and regional network volume down 73.5% and 63.3%, respectively. National non-network up 44.0%, local 22.8%, and total volume 13.4%.

10. **Soaps and kitchen supplies.** National network volume 33.6% above September. National non-network up 38.1% and total volume 32.5%. Regional networks down 50.5% and local 21.1%. Total volume 90.4% above October 1935 level. National networks up 76.6% and national non-networks 242.6%. Regional network and local business down 62.3% and 58.2%, respectively.

11. **Financial and insurance.** Total volume 2.2% below September, national non-network declining 30.1% and local 7.3%. National network business increased 21.8% and regional network volume 22.7%. Total increased 32.6% as compared to October of last year. Gains as follows: national networks 58.9%, regional networks four times as great, national non-network 5.6%, and local 22.6%.

12. **Radios.** National network advertising 9.1% greater than September. National non-network increased 5.8%, local business 75.9%, and total volume 16.8%. Compared to last October, national network volume declined less than 2.0% and national non-network volume 5.2%. Local business up 29.5% and total increased 2.3%.

13. **Department and general stores.** Mail order house advertising over national networks amounted to \$64,964 during October. Regional network advertising amounted to \$616. National non-network advertising 43.6% greater than during September, local 5.7%, and total volume 40.0%. Compared to the corresponding month of last year, national non-network volume rose 55.5%, local 36.8%, and total volume 63.1%.

14. **Tobacco products.** Total declined 10.6% compared to September, national networks declining 18.2% and local business 16.6%. Regional networks up 4.2% and national non-network volume 40.6%. Total increased 17.4% as compared to previous October, national non-network increasing threefold and local business 17.1%. National network declined 4.1% and regional networks 41.4%.

15. **Miscellaneous.** Increases as against previous month as follows: national networks 165.2%, regional networks 84.4%, national non-network 57.0%, local 40.6%, and total volume 94.2%. Compared to last October, increases as follows: national networks 416.0%, regional networks 267.2%, national non-network 132.5%, local 76.5%, and total volume 196.5%.

Retail Broadcast Advertising

Total retail broadcast advertising for October showed an increase of 20.3% over the previous month and a gain of 20.1% over the corresponding month of last year. Automotive advertising rose 31.9% over September, clothing 32.1%, grocery stores 53.4%, furniture stores 49.2%, and radio retailers 65.7%. Beverage and confectionery volume increased materially. Compared to October 1935, restaurant advertising rose 25.2%, household equipment dealers 46.9%, furniture stores 43.6%, radio retailers 65.7%, and department stores 38.2%. Confectionery advertising increased materially.

Broadcast advertising by retail establishments of various types is set forth in Table VII.

TABLE VII

RETAIL BROADCAST ADVERTISING OVER INDIVIDUAL STATIONS

Type of Sponsoring Business	1936 Gross Time Sales	
	September	October
Automobiles and accessories:		
Automobile agencies and used car dealers	\$82,670	\$109,100
Gasoline stations, garages, etc.	43,250	33,660
Clothing and apparel shops	247,750	327,050
Drugs and toilet goods:		
Drug stores	15,340	16,180
Beauty parlors	6,670	9,550
Food products:		
Grocery stores, meat markets, etc.	36,000	55,230
Restaurants, eating places	20,090	21,750
Beverage retailers	370	990
Confectionery stores	1,530	6,390
Household goods:		
Household equipment dealers	65,850	76,120
Furniture stores	86,640	129,260
Hardware stores	18,760	18,330
Radio retailers	18,990	31,460
Department and general stores	202,950	219,360
Tobacco shops	—	—
Miscellaneous	144,730	138,300
Total	\$991,590	\$1,192,730

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

No. 3015. A complaint charging unfair competition in the sale of hosiery has been issued against **Louis A. and Abram Burd**, 112-120 North 12th Street, **Philadelphia**, trading as **Burd Knitting Mills Company**.

Use by the respondents of the words "knitting mills" in their firm name and of the word "manufacturers" in the phrase "hosiery manufacturers" in connection with or separate from their trade name, to describe their business, is alleged to be a violation of Section 5 of the Federal Trade Commission Act.

These representations, according to the complaint, tend to deceive purchasers by causing them to believe the respondents actually own and operate or control a factory in which their products are made, when this is not a fact. The complaint notes that many purchasers prefer to buy directly from a manufacturer or mill, believing that a saving of a middleman's profit may be obtained.

No. 3017. **Charles of the Ritz, Incorporated**, and **Charles of the Ritz Distributors Corporation**, both of 9-11 University Place, **New York City**, engaged in the sale of cosmetics and toilet goods, are named respondents in a complaint alleging violation of three sections of the Robinson-Patman Anti-Price Discrimination Act and Section 5 of the Federal Trade Commission Act.

Under Section 2(a) of the Robinson-Patman Act, the respondent corporations are charged with discriminating in price between different purchasers of their products of like grade and quality, by allowing certain of such purchasers prices different from those granted to others who are competitively engaged in the sale of such products in interstate commerce.

According to the complaint, customers whose purchases are less than \$4,000 a year are allowed a discount of 33⅓ per cent, plus 5 per cent of the retail or list price of the respondent corporations' commodities of like grade and quality; and those whose total annual purchases amount to \$4,000 or more are given a discount of 33⅓ per cent, plus 10 per cent of the retail or list price. It is alleged that these same discounts are made to a group of purchasers, depending upon whether their purchases are less than \$18,000 annually, or more than that amount.

The effect of these price discriminations, the complaint alleges, may be to lessen competition substantially in the sale of toilet articles and cosmetics between the respondent corporations and competitors, and between favored purchasers and those who do not receive discriminatory allowances.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

No. 01510. **Harold C. Breckenridge, 20030 Russell St., Detroit, trading as Quality Chemical Co.,** agreed that in the sale of medicinal preparations, a hair shampoo, and a cleanser designated "Magic Concentrates", he will cease advertising that any article is free when the price therefor is included in the price charged for a combination of articles or that any article is worth more than the price charged. Among other representations he will discontinue are that "Dolora Alice Healthy Hair Shampoo" will make hair grow, that "Nature's Blood Purifier and Laxative Tonic" will benefit the liver, stomach, kidneys or nerves; that "Magic Cough Syrup" is a germ killer and meets all the requirements of the Pure Food and Drug Act, that "Magic Hits The Spot Liniment" will relieve sprains, lumbago and rheumatism, and that "Scientific" restores original luster to the surface of new objects or leaves the surface so that it will not collect dust or so that the weather will not affect it.

No. 01511. **William E. Huber, 2905 W. North Ave., Milwaukee, trading as Wonderene Company and selling a washing fluid designated "Huber's Wonderene Solution",** agreed to discontinue advertising that the product thoroughly disinfects wherever it is used, unless specific directions are set forth in equally conspicuous type, providing that the object to be disinfected must be cleansed thoroughly before application of the solution. The respondent also will stop representing that "Wonderene" is not a poison, will kill all germs, and is a disinfectant for poultry and dogs.

No. 01512. **Chamberlain Laboratories, Des Moines, Iowa,** will cease and desist from representing in advertising that "Chamberlain's Lotion" will revitalize and enable the skin to retain the radiance of youth, that it is a complete beauty treatment containing a blend of 13 imported oils, each of which is noted for a specific skin need; that it will prevent sunburn, windburn and cracked or irritated skin in all cases, and that it is a competent treatment for athlete's foot.

No. 01513. **Eugene Munk, 1851 Washington Ave., New York, trading as Duad Company, Duad Laboratories and Duo-Beaute Laboratories, in selling a sensitizing solution designated "Duo-Print",** will cease representing that his 50-cent "treatment" is sufficient to print 200 pictures, three by five inches in size; that results are guaranteed, no dark room or special equipment is required, and that it takes but four minutes to complete a picture. The stipulation sets out that the respondent admits that, according to the weight of scientific opinion, the "treatment" is sufficient to sensitize not more than 35 prints of the size referred to in the advertising.

No. 01514. **Associated Pharmacists of Massachusetts, Inc., Salem, Mass.,** selling a preparation designated "Chaulmex," will discontinue assertions in advertising that its product will heal any condition of the skin or that it is an effective remedy for various skin disorders, unless the representations are limited to the relief of such skin conditions as the product reasonably may be expected to benefit. The respondent corporation admitted that its president is the only pharmacist connected with the firm and agreed to cease using as a part of its trade name the term "Associated Pharmacists of Massachusetts", or otherwise implying that it is an association of individuals engaged in the practice of pharmacy.

No. 01515. **Kenneth M. Wickware, trading as K-W Company, 7392 Churchill St., Detroit,** will stop representing that "Wick's Hair-Root Stimulant" will correct sluggish scalp circulation, inactive hair roots, dandruff or premature loss of hair; that it contains no irritants or harmful ingredients and that any offer is a special offer or is limited to a definite period of time, unless there is a definite time limit, after which offers to purchase are refused. Wickware stipulated that he will desist from using the words "Hair Root Stimulant" as part of the trade name for his product.

No. 01516. **J. E. Ledger, operating as Standard Chemical Company, 113 E. 2nd St., Dayton, Ohio,** is engaged in selling several preparations for use in making a cleaning compound, food flavorings and home remedies. Under his stipulation he will cease advertising that one can make from his products suitable flavorings of the "highest" quality, "wonderful" lemon and tar shampoo, effective cough remedy, and a herb laxative compound which he describes as a valuable aid in liver or kidney disorders. Ledger agrees to stop representing certain merits of, and results to be obtained from the use of his products which include a cleaning preparation designated "Quickleen". He further stipulates that he

will not represent as maximum earnings any amount in excess of what actually has been earned by his salesmen or dealers under normal business conditions.

No. 01517. **Dr. J. Douglas Thompson, 330 Fifteenth St., Oakland, Calif.,** in selling a medicinal preparation designated "Dubla" and health and diet publications, entered into a stipulation to discontinue representations that infectious and contagious diseases are caused by acidosis; that through use of "Dubla" and a chart called a "Colorimeter" the percentage of acid in one's system may be determined; that by use of the preparation and the chart, with the aid of Dr. Thompson's "specially planned diet control", any specified percentage of acid in the system may be overcome, and that such diet plan enables one to overcome rheumatism, arthritis and diseases of the skin, stomach, heart and liver. Among other claims to be discontinued are that Dr. Thompson taught in a leading college, that his text books are used by universities or colleges, that he is recognized as international authority on the subject of nutrition, or is the leader in the science of diet.

No. 2317. **Galion Metallic Vault Company, Galion, Ohio,** has been ordered to discontinue unfair methods of competition, in violation of Section 5 of the Federal Trade Commission Act, in connection with the sale of metal burial vaults.

The order prohibits the respondent company from representing in purported certificates of warranty, in guarantees, or in advertising matter that its Air Seal vaults are water-proof, or that they are airtight either at the time of interment or after burial.

No. 2329. An order to cease and desist has been issued against seven companies manufacturing pin tickets for use in marking prices and stock numbers on garments offered for sale. The orders direct cessation of certain unfair competitive trade practices.

A. Kimball Co., 307 West Broadway, New York City; The Reyburn Manufacturing Co., Allegheny Ave. and 32nd St., Philadelphia; Waterbury Buckle Co., Waterbury, Conn.; American Tag Co., 6151 South State Street, Chicago; Dancyger Safety Pin Ticket Co., 4704 Detroit Ave., Cleveland; Adam Sutcliffe Co., Central Falls, R. I., and Noesting Pin Ticket Co., Mt. Vernon, N. Y., are the respondents.

The order prohibits the respondent companies from entering into any agreement or understanding among themselves to fix figures for the sale of pin tickets, and from restricting or suppressing competition among themselves or with others by any other similar concert of action.

No. 2373. Under an order issued, **Robert R. Dunn, Jr., and Tom Keek, 1260 Fourth Ave., San Diego, Calif.,** trading as **Iokelp Co.,** are prohibited from using certain unfair trade representations in the sale of a medicinal preparation called "Iokelp", produced by dehydrating and grinding kelp or seaweed.

The respondents are directed to stop representing that "Iokelp" is a remedy for, or will cure, constipation, nervous anemic conditions, prostrate, pituitary, or thyroid gland troubles, including simple goiter.

No. 2416. Under an order to cease and desist, **Nat D. Goldberg, trading as Sunset Distilling Co., 125 N. Racine Ave., Chicago,** is directed to discontinue representing that he is the distiller of the spirituous beverages he sells in interstate commerce, when such is not a fact.

Goldberg is ordered to cease representing, through use of the word "distilling" in his trade name, on labels, or otherwise, that he is a distiller of whiskeys, gins or other spirituous beverages; that such products are manufactured by him through the process of distillation, or that he owns or controls a distillery, unless and until he actually does own or control such a place.

No. 2641. **Albert F. Cooley, of Palms Station, Los Angeles,** has been ordered to cease and desist from unfair trade representations in the sale of certain medicinal products. Cooley does business under the names of **Rango Tablet Company, A. F. Rango, Daddy Rango, Daddy Rango Tablet Company, Rango Company, and Daddy Rango Company.**

Among representations prohibited in the order are: That Daddy Rango's Laxative Herb Tablets are an adequate treatment for headaches, dizzy spells, neuritis, and liver and kidney troubles; that Daddy Rango's Sunshine Kelp Tablets are a cure or competent treatment for goiter and for a run-down condition, and promote growth, and build sturdy bones and teeth in children; that Daddy Rango's Asthma and Hay Fever Remedy is a cure or competent treatment for asthma and hay fever, and other similar representations.

No. 2776. **Bonomo Candy & Nut Corporation, 649 Morgan Ave., Brooklyn,** has been ordered to cease and desist from selling candy so packed and assembled that sales to ultimate purchasers are to be made, or may be made, by means of a lottery, gaming device or gift enterprise.

The order prohibits the respondent company from packing in assortments, for sale to the public at retail, pieces of candy of uniform shape and size and having centers of different color, together with small boxes of candy which are to be given as prizes to purchasers procuring a piece of candy with a center of a particular color.

Nos. 2789 and 2970. Leader Novelty Candy Co., Inc., 23 Marcy Ave., Brooklyn, and Maywood Candy Co., Maywood, Ill., have been ordered to cease and desist from selling candy so packed and assembled that sales to ultimate purchasers are to be made, or may be made, by means of a lottery, gaming device or gift enterprise.

The order against the Brooklyn firm also prohibits placing in the hands of wholesalers and jobbers packages of candy which may be used without alteration to conduct a lottery or gift enterprise, and bars the packing or assembling in the same or separate packages of uniform sized candies having different colored centers, and other articles of merchandise, which other articles are to be given as prizes to the purchaser procuring a piece of candy of a particular color.

FTC ORDER SET ASIDE AND CLOSED

No. 2721. Findings of fact and an order to cease and desist entered against **R. M. Barnett**, trading as **Home and School Education Society**, 1621 Real Estate Trust Building, **Philadelphia**, have been set aside by the Federal Trade Commission.

The respondent's application for oral argument in the case was not brought to the attention of the Commission until after it had issued the order to cease and desist.

The Commission, therefore, set aside the order and fixed January 6, next, as the date for final argument in the Commission's hearing room, 815 Connecticut Ave., N. W., Washington.

The Commission's complaint charges the respondent with making certain unfair representations in connection with the sale of an encyclopedia set, a loose-leaf extension service and memberships in a "Perpetual Bureau of Research."

No. 2487. The Commission has ordered its case closed in the matter of **United Importers & Distillers, Inc.**, of 167 Columbus Ave., **New Haven, Conn.**, charged with misleading use of the word "distillers" in its trade name and in advertising.

The case was ordered closed because the respondent, prior to November 23, 1935, had abandoned the practices alleged and ever since has engaged in business under the corporate name of "United Importers and Distributors, Inc."

FEDERAL COMMUNICATIONS COMMISSION ACTION

Owing to the holidays there was no meeting of the Broadcast Division of the Commission this week.

No hearings are scheduled for the week beginning **Monday**, December 28, for the same reason.

The Broadcast Division, on December 19, granted the petition of **Central Newspapers, Inc.**, to reconsider its action of December 15, in designating for hearing the application of the **Indianapolis Broadcasting, Inc.**, Station **WIRE**, **Indianapolis, Ind.**, to transfer control of **WIRE** to **Central Newspapers, Inc.**, and directed that said application be dismissed from the hearing docket and granted (Commissioner Case dissenting). It was further directed that an order be entered accordingly and forwarded to all interested parties.

APPLICATIONS RECEIVED

First Zone

WEEL—Columbia Broadcasting System, Inc., Boston, Mass.—
590 Modification of construction permit (B1-P-1196) to install a new transmitter and directional antenna, increase power, and move transmitter, requesting increase in power from 1 KW, 5 KW day, to 5 KW day and night. Amended to change name from **WEEL Broadcasting Corp.** to **Columbia Broadcasting System, Inc.**

NEW—Geraldine Alberghane, Pawtucket, R. I.—
720 permit to erect a new station to be operated on **720 kc.**, 1 KW power, daytime operation.

WEAN—Shepard Broadcasting Service, Inc., Providence, R. I.—
780 License to cover construction permit (B1-P-734) as modified for new equipment, directional antenna, move of transmitter, and increase in power.

NEW—McNary & Chambers, near College Park, Md.—
1060 construction permit for a new experimental broadcast station to be operated on **1060 kc.**, 100 watts power, time from 12 mid-night to 6 a. m.

NEW—General Electric Co., near Belmont, Calif.—Construction permit for a new international broadcast station to be operated on **9530, 15330, 21480 kc.**, 20 KW. Amended to delete the frequency **21480 kc.**

WIXLV—The WATR Company, Inc., Mobile.—License to cover construction permit for a new high frequency relay broadcast station.

WIXAL—World Wide Broadcasting Corp., Boston, Mass.—Modification of license to increase power from 10 KW to 20 KW.

Second Zone

NEW—Pottsville News & Radio Corp., Pottsville, Pa.—Construction permit for a new station to be operated on **580 kc.**, 250 watts, daytime only.

WTAR—WTAR Radio Corporation, Norfolk, Va.—Modification of construction permit (B2-P-1073) for changes in equipment, requesting increase in power from 500 watts, 1 KW day, to 1 KW, using directional antenna night, and move auxiliary transmitter from **Virginia Beach Blvd.**, 1.7 miles from **Norfolk, Va.**, to on **Glen Rock-Elizabeth Park Road**, 1.6 miles east of **Norfolk, Va.**, and extend commencement and completion dates.

WRVA—Larus & Bros Co., Inc., Richmond, Va.—Construction permit to install a new transmitter and directional antenna for day and night use; increase power from 5 KW to 50 KW; move transmitter from **Mechanicsville** (4½ miles from city limits), **Virginia**, to 15 miles southeast of **Richmond, Va.**

NEW—Great Lakes Broadcasting Corp., Cleveland, Ohio.—Construction permit for a new station to be operated on **1270 kc.**, 1 KW night, 5 KW day, unlimited time.

NEW—Lou Poller, Scranton, Pa.—Construction permit to erect a new station to be operated on **930 kc.**, 250 watts, daytime operation. Amended to change requested frequency from **930 kc.** to **1370 kc.**

WBLK—The Exponent Co., Clarksburg, W. Va.—Modification of construction permit (B2-P-1127) as modified for a new station, requesting authority to change type of transmitter to be installed.

WBNS—WBNS, Inc., Columbus, Ohio.—Construction permit to install a new transmitter and increase power from 500 watts, 1 KW day, to 1 KW night, 5 KW day. Amended to install directional antenna for night use.

WCBA—B. Bryan Musselman, Allentown, Pa.—Modification of construction permit (B2-P-1381) for new transmitter and vertical antenna, requesting authority to move transmitter from **Mizpah Grove, 14th Ward, Allentown, Pa.**, to near junction of **Route 309** and **W. Catasauqua Road, Allentown, Pa.**

WSAN—WSAN, Inc., Allentown, Pa.—Modification of construction permit (B2-P-1380) for new transmitter and vertical antenna, requesting authority to move transmitter from **Mizpah Grove, 14th Ward, Allentown, Pa.**, to near junction of **Route 309** and **W. Catasauqua Road, Allentown, Pa.**

WJBK—James F. Hopkins, Inc., Detroit, Mich.—License to cover construction permit (B2-P-637) as modified for new equipment.

NEW—Cleveland Radio Broadcasting Corp., Cleveland, Ohio.—Construction permit for a new high frequency broadcast (relay) station to be operated on **31100, 34600, 37600, 40600 kc.**, 10 watts power.

NEW—Cleveland Radio Broadcasting Corp., Cleveland, Ohio (Mobile).—License to cover above.

NEW—Cleveland Radio Broadcasting Corp., Cleveland, Ohio (Mobile).—Construction permit to erect a new high frequency relay broadcast station to be operated on **38900, 39100, 39300, and 39500 kc.**, 100 watts power.

NEW—Cleveland Radio Broadcasting Corp., Cleveland, Ohio (Mobile).—License to cover above.

NEW—Cleveland Radio Broadcasting Corp., Cleveland, Ohio (Mobile).—Construction permit to erect a new high frequency relay broadcast station to be operated on **39700, 39900, 40800, 41400 kc.**, 10 watts power.

NEW—Cleveland Radio Broadcasting Corp., Cleveland, Ohio (Mobile).—License to cover above.

Third Zone

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—License to cover construction permit (B3-P-1048) for change in transmitter and antenna, move of transmitter, and increase in power.

WMC—Memphis Commercial Appeal, Inc., Memphis, Tenn.—Construction permit for move of auxiliary transmitter from intersection U. S. Highways 64 and 70, 2 miles east of Bartlett, Tenn., to $\frac{3}{4}$ mile northwest of five points intersection U. S. Highway No. 70 and Macon Road, near Memphis, Tenn.

WLAK—Lake Region Broadcasting Co., Lakeland, Fla.—Authority 1310 to transfer 25 shares of common stock from E. L. Mack to J. P. Marchant.

KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—1370 Modification of construction permit (B3-P-1463) for new equipment, move of transmitter and studio, requesting approval of transmitter site at 1800 W. Main St., Oklahoma City, Okla., studio at 200 Perrine Bldg., Oklahoma City, Okla., and approval of antenna.

NEW—Beaumont Broadcasting Assn., B. A. Steinhagen, Pres., 1420 Beaumont, Tex.—Construction permit for a new station to be operated on 1420 kc., 100 watts, daytime. Amended to change hours of operation from daytime to unlimited, using 100 watts power.

NEW—Archie E. Everage, Andalusia, Ala.—Construction permit 1420 for a new station to be operated on 1420 kc., 100 watts, 250 watts day, unlimited.

Fourth Zone

KFUO—Evangelical Lutheran Synod of Missouri, Ohio, and other 550 states, Rev. R. Kretschmar, Chairman, Board of Control of Concordia Seminary, Clayton, Mo.—Authority to determine operating power by direct measurement of antenna.

WISN—Hearst Radio, Inc., Milwaukee, Wis.—Construction permit 1120 to move transmitter from 533 East Wells St., Milwaukee, Wis., to 231 West Michigan, Milwaukee, Wis., and install a vertical antenna.

KOIL—Central States Broadcasting Co., Omaha, Nebr.—Construction 1260 permit to make changes in equipment; install a vertical antenna; increase power from 1 KW night, $2\frac{1}{2}$ KW day, to 1 KW night, 5 KW day; and move transmitter from Pottawattamie County, Iowa, to near Omaha, Nebr. Amended to withdraw amendment for change of transmitter site.

WIBA—Badger Broadcasting Co., Inc., Madison, Wis.—Modification 1280 of license to change power from 1 KW, 5 KW day, to 5 KW day and night, and to eliminate directional antenna.

KSCJ—Perkins Bros. Co. (The Sioux City Journal), Sioux City, 1330 Iowa.—License to cover construction permit (B4-P-1391) for new transmitter and increase in power.

NEW—Abraham Plotkin, Chicago, Ill.—Construction permit for 1370 a new special broadcast station to be operated on 1370 kc., 5 KW, hours of operation not given. Amended to change power from 5 KW to 1 KW and give hours of operation as unlimited time.

KOBH—Black Hills Broadcast Co. (Robert Lee Dean), Rapid 1370 City, S. Dak.—License to cover construction permit (B4-P-231) as modified for a new station.

KSO—Iowa Broadcasting Co., Des Moines, Iowa.—Modification 1430 of construction permit (B4-P-996) for changes in equipment and increase in power, requesting further changes in equipment.

WTMV—Mississippi Valley Broadcasting Co., Inc., East St. Louis, 1500 Mo.—Modification of construction permit (B4-P-1256) for new transmitter and increase in power, further requesting changes in type of equipment and extend commencement and completion dates.

NEW—Galesburg Printing & Publishing Co., Galesburg, Ill.—Construction 1500 permit to erect a new station to be operated on 1500 kc., 250 watts, daytime operation.

NEW—Howard A. Miller, Galesburg, Ill.—Construction permit for 1500 a new station to be operated on 1500 kc., 100 watts, specified

hours (6 a. m. to 10 p. m.). Amended to give transmitter site as site to be determined, Galesburg, Ill.

NEW—Rockford Broadcasters, Inc., Rockford, Ill. (Mobile).—Construction permit for a new high frequency relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 2 watts power.

NEW—Rockford Broadcasters, Inc., Rockford, Ill. (Mobile).—Construction permit for a new low frequency relay broadcast station to be operated on 1646, 2090, 2190, 2830 kc., 50 watts power.

Fifth Zone

KEHE—Evening Herald Publishing Co., Los Angeles, Calif.—780 License to cover construction permit (B5-P-599) as modified for changes in equipment, increase in power, change hours of operation, and move transmitter.

KEHE—Evening Herald Publishing Co., Los Angeles, Calif.—Authority 780 to determine operating power by direct measurement of antenna power.

NEW—Anne Jay Levine, Palm Springs, Calif.—Construction permit 1200 for a new station to be operated on 1200 kc., 100 watts night, 250 watts day, unlimited time.

KOOS—Pacific Radio Corp., Marshfield, Ore.—Voluntary assignment 1200 of license from Pacific Radio Corp. to KOOS, Inc.

NEW—Cheyenne Radio Corp., Cheyenne, Wyo.—Construction 1210 permit for a new station to be operated on 1210 kc., 100 watts, 250 watts day, unlimited time, with studio at 16th and Central Avenue, Cheyenne, Wyo., and transmitter as slightly over two miles southeast, near Cheyenne, Wyo.

KFBB—Buttrely Broadcast, Inc., Great Falls, Mont.—Construction 1280 permit to make changes in equipment; increase power from 1 KW, $2\frac{1}{2}$ KW day, to 1 KW, 5 KW day; change frequency from 1280 kc. to 950 kc.; and move transmitter from 5 miles south of town on 13th St., Great Falls, Mont., to site to be determined, south of Great Falls, Mont. Amended to change night power from 1 KW to 5 KW.

NEW—Ellwood Warwick Lippincott, Inc., Bend, Ore.—Construction 1310 permit for a new station to be operated on 1310 kc., 100 watts, unlimited time. Amended to change name from an individual, Ellwood Warwick Lippincott, to a corporation, Ellwood Warwick Lippincott, Inc.

KRE—Central California Broadcasters, Inc., Berkeley, Calif.—1370 Construction permit to install a new transmitter and antenna; move studio from 2345 Channing Way, Berkeley, to 2337 Shattuck Avenue, Berkeley, Calif., and transmitter from same site to East Shore Highway, Berkeley, Calif.

NEW—Central Broadcasting Corp., Centralia, Wash.—Construction 1440 permit for a new station to be operated on 1440 kc., 1 KW, unlimited time. Amended to change requested power from 1 KW to 500 watts, and make changes in equipment.

KLS—S. W. Warner and E. N. Warner, d/b as Warner Bros., 1440 Oakland, Calif.—License to cover construction permit (B5-P-1378) for a new transmitter.

KRNR—Southern Oregon Pub. Co., Roseburg, Ore.—License to 1500 cover construction permit (B5-P-1379) for equipment changes, increase in power, and change hours of operation.

KDB—Santa Barbara Broadcasters, Ltd., Santa Barbara, Calif.—1500 Construction permit to make changes in equipment; erect a vertical antenna; change frequency from 1500 kc. to 1220 kc.; increase power from 100 watts to 500 watts; and move transmitter from 17 E. Haley Street, Santa Barbara, Calif., to site to be determined, near Santa Barbara, Calif. Amended to change type of equipment.

NEW—W. E. Whitmore, Hobbs, N. Mex.—Construction permit 1500 for a new station to be operated on 1500 kc., 100 watts, daytime. Amended to change type of transmitter to be installed.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

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FCC ENGINEERING RECOMMENDATIONS SOON

The Engineering Division of the FCC is expected to submit a preliminary report to the Commission on the October Hearings sometime during the first week of January.

It can be said on reliable authority that the idea, published yesterday, of a single chain of super-power stations is an error. From an equally reliable source it was learned that the Engineering Report will find the weight of the technical evidence favors the removal of the limitation of 50 KW on clear channels. Further, the Preliminary Report will state that insofar as power in excess of 50 KW is concerned the social and economic factors outweigh technical considerations and the appraisal of these are left to the Commission. It is understood that a reduction in the number of clear channels will be recommended. The best guess is that the Engineers will recommend 28 or 29 clear channels instead of 25 as has been reported.

Classification of Stations

The Engineering Division will recommend that broadcasting stations be divided into six classes. This classification will, for all practical purposes, conform to the conditions which actually exist today. Subject to the preliminary character of the Report and to the possible substitution of legal definitions the various classes of stations may be described as follows:

Class A stations will provide for clear channel stations, with a minimum of 50 KW power and protection to their .5 mv/m night and .1 mv/m day signals.

Class B stations will provide for two or more stations of 50 KW each operating on one frequency and with protection to their 1 mv/m night and .5 mv/m day signals.

Class C stations will provide for those stations now known as High Power Regionals with a minimum of 10 KW and a maximum of 50 KW and protection to their 2 mv/m night and 1 mv/m day signals.

Class D stations will provide for stations with power of 1 to 5 KW and protection to their 3 mv/m night and 2 mv/m day signals.

Class E stations will provide for stations of 250 to 1000 watts and probably give protection to their 4 mv/m night and 2 mv/m day signals.

Class F stations will provide for what are now regarded as Local stations, permit of 100 to 250 watts and give protection to their 4 mv/m night and 2 mv/m day signals.

10 Kc Separation

The Engineers will definitely and without reservation recommend the retention of the existing 10 kc. separation of broadcast channels.

Power Increases Would Not Be Mandatory

The Report will stress the importance of allowing changes to be brought about in an evolutionary manner and recommend against compulsory regulations concerning power. Moreover, provision would be made for protecting as far as possible existing coverages.

Economic and Social Aspects

The Report will point out the importance of the social and economic effects of changing existing rules and regulations and express the view that these, in some instances, outweigh the technical considerations.

As far as can be learned the Report, which will treat the voluminous testimony adduced at the October hearings, will be based strictly upon technical considerations and, to the credit of the Chief Engineer, will not embrace recommendations in respect of the highly controversial social and economic issues involved.

IN RE SESAC

The recent correspondence between the NAB and the Society of European Stage Authors and Composers, copies of which have been sent to members, is being carefully studied. Upon completion of the investigation now in progress a full and complete report will be submitted to stations.

CONGRESS AND RADIO

Before the next issue of the NAB Bulletin reaches the desk of its readers the first session of the Seventy-Fifth Congress will have convened. To be exact, on Tuesday, January 5.

The bill calendar slate regarding radio activities, and everything else for that matter, will be entirely clean. This being a new Congress and not merely a new session, no bills are pending. As bills relating to radio broadcasting are introduced they will be carried in NAB Reports.

KFJI WINS SLANDER SUIT

The Circuit Court for Klamath County, Oregon, on December 21, found for the defendants, Radio Station KFJI, George Kincaid its manager, and David R. Vandenberg, local attorney, in the \$75,000.00 slander suit brought against them by Mrs. Josephine Irwin.

In her complaint Mrs. Irwin charged that slanderous and libelous statements were made against her by D. R. Vandenberg, attorney, in his closing arguments to the jury in a murder trial of over a year ago.

Closing arguments of both state and defense attorneys, as well as the court's instructions to the jury and the reading of the verdict, were broadcast by Radio Station KFJI direct from the court room after consent had been obtained from the presiding judge.

Mrs. Irwin was a witness for the State in the murder trial and her testimony at the trial was commented on by Attorney Vandenberg. She charged in her slander suit that Vandenberg had called her a "Dope Fiend" and a "Crazy Lunatic."

KFJI based their defense on a qualified privilege to broadcast the court proceedings, due to the fact that they had broadcast a complete and true account of the entire procedure, and also that they did not personally know Mrs. Irwin and could therefore have had no malicious intent to injure her.

RECOMMENDS AGAINST WOAI TRANSFER

Broadcasting station WOAI, San Antonio, Texas, using 50,000 watts, and operating unlimited time on 1190 kilocycles, applied to the Federal Communications Commission for permission to sell all of the stock of the corporation to the Columbia Broadcasting System, Inc.

Examiner P. W. Seward, in Report No. I-337, recommended that the application be denied. In his conclusions in the report the Examiner says:

The right of any person operating a business predicated on a license issued by the government, to attach any value for the

purpose of sale, to good will or going concern value by reason of holding such license, is challenged as amounting to a domination over such license equal to an assertion of ownership, and to the sale of a government gratuity, which is not in the public interest, and, in this case, is in violation of the Communications Act of 1934.

All of the Acts of Congress and the decisions of the Court negative the idea that a licensee of a radio broadcast station should ever be permitted to place a value on the license, frequency or channel or be permitted to traffic in radio facilities or to assert or exercise "ownership" thereof.

The fact that the *modus procedendi* for the transfer of radio license or the transfer of the stock of a licensee corporation is not set forth in the Communications Act indicates only that Congress left the details of such matters to the Commission.

It appears most certain that if the Congress had intended to permit the barter, sale, and trafficking in radio broadcast license, frequencies, or channels, it would have fixed a standard for the guidance of this Commission in arriving at a proper value.

The language in Section 301 of the Act is not general or ambiguous; it is clear and emphatic; and denies the right of anyone to acquire a right of property in radio license, frequencies or channels.

To permit a corporation engaged in broadcasting to purchase the control of a licensee corporation, which has been authorized to use a given frequency, at a price which is based upon the use of said frequencies for a period of time in excess of the then extent of said license, would carry with it the implied promise of the Commission that the license for the use of said frequency is to be continued. This is the same as giving a license for an unlimited time and amounts to the creation of ownership of the frequency by the holders of a license and transferee and is unlawful.

The contention of the transferor that this Commission is without authority to deny this application and that a grant thereof would be in the public interest is predicated on a fallacy and his position is untenable. Private profit is not the measure of public interest nor is it the criteria for the interpretation of statutes. To follow the plain provisions of the Act which presents the expressed legislative intent of Congress as set out in Section 301, shown above, is the only way to safeguard the public interest.

After a careful consideration of the facts, the pertinent sections of the Act, it is concluded that a grant of this application would be in violation of Section 301, as it would amount to the recognition of an assertion of ownership and sale of radio facilities; that it would be in violation of Section 310(b) as it is considered that such grant would not be in the public interest and that the grant would not serve public interest, convenience or necessity.

CRUMIT DENIED TEMPORARY INJUNCTION IN WHN CASE

The first of the test cases brought in July of 1936 by the National Association of Performing Artists in New York State was ruled upon by Mr. Justice Valente of the New York Supreme Court of New York County in a decision appearing in the New York Law Journal of December 24th, denying the plaintiff's motion for a temporary injunction restraining Station WHN from broadcasting phonographic records of the plaintiff's performances. This decision, favorable to broadcasters, indicates that the recording artists cannot rely alone upon any notice on the labels of phonograph records, but must prove that similar restrictions existed in the contract between the artist and the recording company and that the radio station knew the terms of such agreement and of any other restrictions in the contract. In denying the injunction the Court did not attempt to pass upon the points of law urged by the defendant to the effect that the plaintiff never had any property rights in the recordings and that, even if he once had, he has lost them since any attempted restrictions on the use of the recordings do not follow the records into the hands of radio stations or other persons who buy them. The opinion of the Court is as follows:

"Plaintiff seeks to restrain defendants from using a phonograph record of plaintiff's performance in a radio broadcast. The record was made pursuant to contract with Decca Records, Inc. The contract or a copy is not annexed to the papers but plaintiff claims that under it all Decca Records obtained plaintiff's services as a performer so that commercial sound records could be manufactured in a form suitable for use upon home talking machines. The records bear upon the face a legend 'Not to be used for Radio Broadcasting'. There is no proof that the contract with Decca contained any such restriction as alleged by plaintiff nor that defendants knew the terms of the alleged licensing agreement with Decca, if any such existed, or even any of the other terms. The state-

ment stamped on the record is not sufficiently explicit or connected with any license restriction to warrant the granting of a temporary injunction, whatever evidentiary bearing it may have upon the full presentation of the facts. The denial of a temporary injunction makes it unnecessary to pass upon the fundamental and novel question of law involved as to the general rights of a purchaser of a phonographic record of a performer to use this record for broadcasting purposes without special permission. It also leaves open the question as to the rights in that respect of Decca Records, Inc., or the seller of records generally. The motion for injunction is denied. Order signed. N. Y. Law Journal, Thursday, December 24, 1936."

SUPPLEMENTAL REPORT RECOMMENDS NO CHANGE IN ORIGINAL REPORTS

Two supplemental reports have been rendered by Examiners Robert L. Irwin and P. W. Seward in applications of the Continental Radio Company for permits for the erection of new broadcast stations at Columbus and Toledo, Ohio.

The original applications to the Federal Communications Commission asked that 1310, 100 watts and unlimited time be allocated for the proposed Columbus station and that 1200 kilocycles, 100 watts and daytime operation be allocated for the proposed Toledo station.

In the original reports in both of these cases, Report No. I-240 and 241, the Examiners found that no need was shown for the proposed new service and in both of the supplemental reports the Examiners recommend that the original recommendations be "not changed or altered in any respect."

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act: G. Krueger Brewing Company, Newark, N. J. (2-2728, Form A-2)

San Jose Water Works, San Jose, Cal. (2-2729, Form A-2)

Interstate Bond Company, Atlanta, Ga. (2-2731, Form A-2)

Mines Operating Corporation, West Hanover, Mass. (2-2733, Form A-1)

North Shore Gas Co., Waukegan, Ill. (2-2734, Form A-2)

The Serrick Corporation, Defiance, Ohio. (2-2735, Form A-2)

Jefferson Brewing Company, Detroit, Mich. (2-2736, Form A-1)

Emporium Capwell Company, San Francisco, Cal. (2-2738, Form A-2)

Emporium Capwell Corporation, San Francisco, Cal. (2-2739, Form A-2)

Brooklyn-Manhattan Transit Corporation, Brooklyn, N. Y. (2-2740, Form A-2)

Rochester Gas & Electric Corporation, Rochester, N. Y. (2-2741, Form A-2)

Cunningham Drug Stores, Inc., Detroit, Mich. (2-2742, Form A-2)

Fiscal Fund, Inc., Philadelphia, Pa. (2-2743, Form A-1)

Gold Seekers Mines, Ltd., Toronto, Canada. (2-2744, Form A-1)

RECOMMENDS GRANTING NEW STATION

The Bayou Broadcasting applied to the Federal Communications Commission for a construction permit for the erection of a new station at Houston, Texas, to use 1210 kilocycles, 100 watts power and daytime operation.

Examiner Ralph L. Walker in Report No. I-329 recommends that the application be granted. In his decision the Examiner found that "the applicant is qualified in all respects to construct and operate the proposed station; there is a need for the service to be rendered; and operation as proposed will not result in objectionable interference to the service of any existing station."

MORE TIME RECOMMENDED FOR KICA

Broadcasting station KICA, Clovis, N. M., operating on 1370 kilocycles, 100 watts and specified hours, applied to the Federal Communications Commission to be allowed unlimited hours of operation.

Examiner P. W. Seward in Report No. I-328 recommended that the application be granted in part to wit: "that they be permitted to broadcast each day from 4:30 p. m. to local sunset, Clovis, N. M., subject to the condition that the applicant meet the requirements of Rule 131, in re antenna."

The Examiner states that the evidence indicated that there is a need for additional radio service in the area proposed to be served.

The Examiner states further that "the simultaneous nighttime operation of the applicant station and station KGFL would result in objectionable interference to each station. However, the applicant station might operate from 4:30 p. m. to local sunset at Clovis without causing objectionable interference to the fair and efficient radio service of any existing licensed radio station." The Examiner found also that the antenna now in use by the applicant does not meet the requirements of Rule 131 of the Commission.

NEW TEXAS STATION RECOMMENDED

The Brownwood Broadcasting Company filed an application with the Federal Communications Commission asking for a construction permit for the erection of a new broadcast station to be erected at Brownwood, Texas, to use 1370 kilocycles, 100 watts power and daytime operation.

Examiner R. H. Hyde in Report No. I-330 recommended that the application be granted "under conditions requiring applicant to obtain the Commission's approval of a transmitter site before beginning construction and requiring construction of an antenna conforming to conditions prescribed by Rule 131."

The Examiner found that there is a need in the area proposed to be served for additional service and he further found that no serious interference would be caused with any existing radio service by the granting of the application.

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them:

No. 3016. Alleging unfair representations in the interstate sale of certain medicinal treatments, a complaint has been issued against **Gabriel S. Eusch, Sr., and Gabriel S. Eusch, Jr., 402 Main Street, Tell City, Ind.,** trading as **Gabriel's Laboratories.**

According to the complaint, the respondents misleadingly represented their mange and distemper treatments for dogs. The complaint alleges that, contrary to the respondents' representations it "kills mange overnight." Gabriel Mange Cure, when used in a case of follicular mange, has no effect and no curative value, and upon sarcoptic mange it must be applied actively for several weeks. The respondents' "On-The-Nose" treatment for distemper has no curative value and has no effect against the spread of distemper, nor does it relieve this ailment, according to the complaint.

No. 3018. Alleging unfair competition through use of a game of chance in the sale of women's and men's hosiery, a complaint has been issued against **Henry R. Shapiro, trading as Monarch Fashion Co., 1414 South Wabash Ave., Chicago.**

The complaint alleges that sales are made by means of push cards, and that premiums of hosiery are allotted in accordance with instructions printed on the cards.

The respondent allegedly gives a pair of hosiery free to a woman employee of some organization if she furnishes him with the names and addresses of ten other women in different offices, to whom he sends sales literature, including a push card with instructions for its operation, and hosiery which is to be awarded to customers by lot or chance.

No. 3020. Charging violation of both the Robinson-Patman and Federal Trade Commission Acts, a complaint has been issued against **Hollywood Hat Co., Inc., 42 West 39th Street, New York City,** manufacturer and distributor of women's hats.

Price discrimination between different purchasers of the respondent company's hats of like grade and quality is alleged in the complaint. Contrary to provisions of the Clayton Act as amended by the Robinson-Patman Act, the respondent company is alleged to have allowed certain purchasers, particularly Si Fish, Inc., a retailer with stores in San Francisco, Sacramento and Oakland, Calif., different prices from those given to other of its purchasers competitively engaged in selling women's hats in the three California cities and other localities in the United States. According to the complaint, the prices allowed Si Fish, Inc., and certain others, were lower than those it allowed to other customers competing with them. The effect, it is charged, was to lessen or to injure and destroy competition.

No. 3023. **Illinois Baking Corporation, 2230 S. Union Ave., Chicago,** is charged with unfair competition, through use of lottery methods, in a complaint.

Manufacturing and selling ice cream cones for distribution to ice cream manufacturers and dealers, the respondent company is alleged to have packed and assembled its cones, containing small printed

slips, so as to involve use of a lottery scheme when the cones are sold to consumers.

These slips are said to have borne the following language: "You're lucky. You win a free ice cream cone." Such printed slips, according to the complaint, were so placed in the cones that the ultimate consumer could not ascertain whether or not he was entitled to a free ice cream cone until after his purchase had been made and the cone partially consumed. The complaint points out that the fact as to whether the purchaser received an additional ice cream cone free of charge was thus determined by lot or chance.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

No. 01489. **Laboratories, Inc., 3117 Gillham Road, Kansas City, Mo.,** agrees in its stipulation to stop representing its "Precision Vapor Balm" as being competent for treating sciatica, lumbago and headaches; that "Precision Stimulating Tonic Compound" will supply the things most needed to replenish vital elements used by the body, and other similar assertions.

No. 01503. **Dr. O. A. Johnson, 1324 Main St., Kansas City, Mo.,** will discontinue asserting that various preparations comprising a treatment for rectal ailments constitute an effective remedy, unless this representation is specifically and accurately qualified; and that these preparations will relieve cases in which in fact operations would otherwise be necessary.

No. 01504. **Enoz Chemical Co., 2367 Logan Blvd., Chicago,** will stop advertising "Enoz Moth Spray" as the undisputed leader in its field, as the most economical and effective method of moth control ever known, and that this article re-lusters upholstered furniture, carpets or rugs, or brings out the original color.

No. 01505. **Forrest Kinder, 3548 Sidney St., St. Louis,** trading as **Darcin Pharmacal Co.** and selling "Darcin Tablets," agrees no longer to advertise them as a new or improved cold remedy or that the taking of such tablets "before going outside will eliminate the danger of taking additional cold." Kinder, in his stipulation, admitted that the tablets were not a new improved cold remedy.

No. 01506. **Oliver Conklin, 420 South Olive Ave., West Palm Beach, Fla.,** trading as **Auritone Co.,** agrees to bar the representation that his products constitute an adequate treatment or remedy for impaired hearing, unless these assertions are limited to temporary relief of such an ailment not due to defective ear drums or other causes that cannot reasonably be expected to be benefited substantially by use of these products.

No. 01507. **H. R. Hostettler, operating under the name Swan-Reed Co., at 12435 Euclid Ave., Cleveland,** will ban representations that his weight reducing preparation called "Slim" provides a safe way to reduce, or will restore one's figure and improve health.

No. 01508. **Health Research, Inc., 537 Second National Bank Bldg., Akron,** selling the "Air-Draulic Pad" for rupture treatment, agrees to cease representing, inferentially or by direct assertion, that the appliance is satisfactory in treatment of all types of rupture. In its stipulation, the respondent company admitted that the appliance does not constitute a rupture cure, and that wearing it for some time will not result in a rupture staying reduced without its use.

No. 01509. **The Heneph Corporation, Kingston, N. Y.,** agrees to stop advertising "D. W. Kold Kaps" as giving almost immediate relief from all cold symptoms; "Heneph's Pills" as a competent remedy for serious kidney lesions; "Bitter Tone Tonic Tablets" as a natural and safe means of increasing weight; and to cease representing certain other products by means of other similar assertions.

No. 1853. **Shaw's Jewelry Co., 1618 Main Street, Dallas, Texas,** with branches in Fort Worth and San Antonio, in its stipulation with the Commission, agrees to stop use in advertising of the words "Yellow Gold" to describe watch cases not made of gold. In the event the watch cases are gold filled or gold plated the company agrees to employ in connection with its use of the words "Yellow Gold," other words in conspicuous type clearly revealing that the cases are not made wholly of gold. The word "certified" will not be used by this firm to describe diamonds not certified by a governmental agency, scientific bureau or other responsible agency charged with such function.

No. 1854. **American Woolen Co., Inc., 225 Fourth Ave., New York City,** in its stipulation, agrees to cease using as a brand or label the words "All Wool" when the products so described are not composed wholly of wool. The stipulation provides that if the products consist substantially of wool, the word "wool," when used to describe them, shall be accompanied by other words in

prominent type showing that the articles are composed in part of materials other than wool. This company manufactures blankets.

No. 1855. **A. Sartorius & Co., Inc.**, 80 Fifth Ave., New York City, in the sale of "Plat-Num Manicure Beautifying Cream," will discontinue representations in advertising which directly assert or clearly imply that the product, when applied as directed, will nourish or feed the nails, will keep them healthy, or prevent splitting or breaking of the nails, when such are not the facts. The corporation trades as Plat-Num Laboratories.

No. 1856. **Bakert Co., Inc.**, 54 Austin St., Newark, N. J., engaged in selling "Durenamel," a dental silicate for use in making fillings, agrees to cease the use, or recommending the use, of a so-called "mercurochrome test" of its product or of the products of competitors, and to stop making any claim that such test in any way demonstrates the comparative liability to leakage of its own and its competitors' silicate fillings. The respondent corporation will stop advertising that in the test referred to "Durenamel" shows no leakage; that it is not affected by atmospheric changes, and contains no acid in its liquid form.

No. 1857. **Gralnick Brothers, Inc.**, 1011 Diamond St., Philadelphia, selling luggage, signed a stipulation to cease use of the words "Genuine Pigskin" to describe products not composed of leather made from the top layer of pigskin; and to stop using as a brand for its luggage the word "Pigskin" alone or with the word "Genuine," or with other words, so as to imply that the luggage is made from the top layer of the hide, when such is not a fact. The stipulation provides that if the article is made from the inner cut of the pigskin and is branded "Pigskin," then that word shall be immediately accompanied by other words in type equally as conspicuous so as to indicate clearly that the product is not composed of leather made from the top cut of pigskin. The respondent corporation also will stop branding certain of its products as "Walrus," when they are not composed of leather made from the top or grain cut of such hide, and in fact, are not composed of walrus at all.

No. 1858. **Gibsonville Hosiery Mills Co.**, Gibsonville, N. C., will stop labeling its products as "Pure Silk Thread Reinforced With Rayon" or "Pure Silk and Rayon" when they are not composed chiefly of silk.

No. 1859. **Salvatore A. Laraia**, 23 Wallabout Market, 35 Washington St., Brooklyn, agrees to stop representing on packages in which his "Squisita" brand of olive oil is packed, that the product was awarded first prize, gold medal, grand cross, or diploma of honor at the Firenze Exposition of 1934. He also stipulates that he will cease making these representations either alone or accompanied by a picture of such medal, cross or diploma.

No. 1860. **Peter J. Fisher**, trading as **The Superna Co.**, 200 North Chicago Ave., South Milwaukee, Wis., agrees to discontinue representing that "Nose-O-La," advertised as a remedy for treating dogs and other animals, is a competent treatment for catarrh, colds, or distemper; that it is a tonic of permanent benefit, or a preventive of worms or skin disease, or that it is a protection against contagious diseases.

No. 1861. **Hargood Ribbon Co., Inc.**, 79 Madison Ave., New York City, agrees to bar use in its advertising of the words "Mills," "Manufacturers," and "Manufacturing," alone or in connection with the phrase, "Selling Direct to the Trade," implying that it manufactures the products it sells, or controls a mill in which they are made, when this is not a fact.

No. 1862. **Bloom Brothers Co.**, 25 North Second St., Minneapolis, selling souvenirs through traveling salesmen, agrees to cease using in catalog descriptions of its bracelets, or in pictures embossed on the bracelets, portrayals of American Indians or scenes in the lives of Indians, unless such portrayals include appropriate language clearly indicating that the articles so described are not made by American Indians. Bloom also agreed not to use the words "Indian" or "Indian bracelet" in advertisements, to designate his products, and not to employ the word "Indian" in any way to imply that the bracelets were made by Indians, when such was not a fact.

No. 1865. **Abe Puzes**, 711 South Dearborn St., Chicago, trading as American Distributors, stipulates that he will discontinue the use in interstate commerce of any plan or scheme promoting the sale of his products which involves the use of a gift enterprise, lottery or scheme of chance whereby an article is given as a prize or premium for or in consideration of the purchase of any other article. The respondent will cease asserting that articles distributed to dealers in consideration of their services in selling his products are given free, when such is not a fact. Puzes sells wrist watches, silverware, lamps and other articles by a sales card method.

Two New York shoe companies have entered into stipulations

to discontinue unfair trade representations in the sale of their products. These firms are: **Champion Shoe Manufacturing Corporation**, 104 Bleecker St., and **Melville Shoe Corporation**, 555 Fifth Ave., which owns and controls **Thom McAn Shoe Co., Inc.**, operator of a chain of retail stores, through which the parent company sells its shoe at retail.

No. 1866. **The Champion firm**, in its stipulation, agrees to stop use in the sale of its shoes of labels containing the phrases, "Made by Dr. Zacharoff" or "Approved by Dr. Zacharoff," or containing the word "health," either alone or in connection with the words "foot form" or "foot," implying that such shoes are made in accordance with the design or under supervision of a doctor and have special, scientific, orthopedic features, when this is not a fact.

No. 1867. **Melville Shoe Corporation** agrees to cease using the phrases "Approved by Doctors" or "Scientifically Designed" and the word "health" to imply that its shoes have special scientific, orthopedic features, when such is not a fact.

No. 1870. **Grain Products Corporation**, 11 West 42nd St., New York, engaged in the sale of malt, will discontinue use of the words "Pilsen Malt" to designate a malt product not made from barley grown in Czechoslovakia, and from use of the word "Pilsen" so as to imply that its malt product so described is manufactured from barley grown in Czechoslovakia, when such is not a fact.

No. 2071. Prohibiting lottery methods in the sale of candy, an order has been issued to cease and desist against **Sol Block** and **Sidney Blumenthal**, manufacturers, Worth and Herbert Streets, Philadelphia, trading as **Rittenhouse Candy Co.**

Sales to jobbers and wholesalers of candy in packages which may be used without alteration of contents to conduct a lottery or gift enterprise, are barred under the order, as is the supplying of dealers with packaged candy together with punchboards for use by retailers.

No. 2734. **H. E. Martindale**, 647 State Street, Marinette, Wis., formerly of **Menominee, Mich.**, has been ordered to discontinue certain unfair trade representations in the sale of a correspondence course in butchery and meat packing. Martindale traded under the name of **Federal Institute of Meats and Marketing**.

Representations implying that the respondent or the business conducted by him is a branch or bureau of the United States Government, or is connected with, or licensed or approved by the Government when this is not a fact, are prohibited under the order. He is directed to stop making these representations through use of the terms "chief of examiners," "board of examiners," "assistant examiners," "divisional director," and "Federal Institute."

Other representations barred under the order are that the respondent's business is operated on a nation-wide basis; that there are many openings for positions in the meat slaughtering and packing industry; that the respondent maintains an office in Washington, D. C., and that his course of instruction is a competent course, upon completion of which the pupil will be adequately qualified to fill positions in the industry.

No. 2808. An order has been entered directing **Frank Rabinowitz**, trading as **Novelty Sweets Co.**, Philadelphia, to discontinue selling to retailers, jobbers and wholesalers candy so packed that sales to ultimate purchasers are to be made, or may be made, by means of a lottery, gaming device or gift enterprise.

The complaint in this case was dismissed as to **D. Goldenberg, Inc.**, originally named as one of the respondents. According to the findings, the business conducted under the trade name, **Novelty Sweets Co.**, was not a joint enterprise of **Rabinowitz** and **D. Goldenberg, Inc.**, which corporation for several years has not engaged in the manufacture and distribution of candy assortments involving use of a lottery scheme when sold to the public.

No. 2949. **Fort Clark Distilleries, Inc.**, 915 Forsythe St., Peoria, Ill., has been ordered to discontinue certain unfair trade representations in the sale of liquors. This company is a rectifier and wholesaler.

The order prohibits use of the word "distilleries" in the respondent company's corporate name, or in advertising, so as to imply that the company is a distiller, manufacturing its products through the process of distillation in a plant which it owns and controls, when such is not a fact. This part of the order does not apply to gins produced by the respondent company through a process of rectification whereby alcohols purchased but not produced by the respondent company, are redistilled over juniper berries and other aromatics.

No. 2977. **C. G. Hyre**, of Morgantown, W. Va., trading as **The Pepsotalis Co.**, has been ordered to cease and desist from unfair trade representations in the sale of "Pepsotalis," a medicinal preparation advertised by means of radio broadcasts.

Hyre is directed to stop making certain representations, either in

the form of assertions by himself or by repeating the testimonials, or what purport to be the testimonials, of others.

He is directed to cease alleging that Pepsotalis is an intestinal antiseptic and a relief for indigestion, and that its use will be beneficial in cases of stomach disorders generally.

FTC COMPLAINT DISMISSED

No. 2557. The Federal Trade Commission has ordered dismissal of a complaint charging the **Thayer Pharmacal Co.** and **Thayer Sales Corporation**, 2944 W. Lake St., Chicago, with unfair representations in the sale of cosmetics.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

The following hearings are scheduled for the week beginning Monday, January 4.

Monday, January 4

HEARING BEFORE AN EXAMINER (Broadcast)

NEW—United States Broadcasting Co., Toledo, Ohio—C. P., 1200 kc., 100 watts, daytime.

NEW—United States Broadcasting Co., Columbus, Ohio—C. P., 1310 kc., 100 watts, unlimited time.

Wednesday, January 6

HEARING BEFORE AN EXAMINER (Broadcast)

NEW—A. L. Chilton, Dallas, Texas—C. P., 990 kc., 1 KW, daytime.

Thursday, January 7

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-251:

NEW—Voice of Marshall, Marshall, Texas—C. P., 1500 kc., 100 watts, specified hours.

Examiner's Report No. I-286:

NEW—Leon S. Packard, Lewis H. Stebbins, Alden C. Packard, d/b as Valley Broadcasting Co., Pomona, Calif.—C. P., 1160 kc., 250 watts, daytime.

Examiner's Report No. I-291:

NEW—Power City Broadcasting Corp., Niagara Falls, N. Y.—C. P., 630 kc., 250 watts, daytime.

NEW—The Niagara Falls Gazette Publishing Co., Niagara Falls, N. Y.—C. P., 630 kc., 250 watts, daytime.

Examiner's Report No. I-294:

WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—Modification of license, 1310 kc., 100 watts, 250 watts LS, daytime until 7:30 p. m. Present assignment: 1310 kc., 250 watts, daytime.

Friday, January 8

HEARING BEFORE AN EXAMINER (Broadcast)

NEW—The Schuylkill Broadcasting Co., Pottsville, Pa.—C. P., 580 kc., 250 watts, daytime.

NEW—Pee Dee Broadcasting Co., James A. Bradley, Pres., Florence, S. C.—C. P., 950 kc., 1 KW, daytime.

APPLICATIONS RECEIVED

First Zone

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Construction permit to move transmitter from Lovely Dame Bldg., 16 West Washington St., Hagerstown, Maryland, to near Hagerstown, Maryland, and install a vertical antenna.

WORC—Alfred F. Kleindienst, Worcester, Mass.—Authority to 1280 install automatic frequency control.

WBNX—Standard Cahill Co., Inc., New York, N. Y.—Modification of license to change name from Standard Cahill Co., Inc., to WBNX Broadcasting Company, Inc.

Second Zone

NEW—Times-Star Co., Cincinnati, Ohio—Construction permit 1050 for a new station to be operated on 1050 kc., 5 KW, unlimited time.

WSAZ—WSAZ, Incorporated, Huntington, W. Va.—Authority to 1190 determine operating power by direct measurement of antenna.

Third Zone

WSPA—Virgil V. Evans, d/b as The Voice of South Carolina, 920 Spartanburg, S. C.—Construction permit to install a new transmitter, erect a vertical antenna and increase power from 1 KW to 5 KW. Also change frequency from 920 kc. to 970 kc. Amended: To change frequency from 970 kc. to 880 kc.

WFTC—Jonas Weiland, Kinston, N. C.—Modification of construction permit (B3-P-944) as modified for a new station, requesting changes in equipment.

WTFI—Liberty Broadcasting Co., Atlanta, Ga.—Modification of 1450 construction permit (B3-P-745) for move of transmitter and studio, requesting authority to install new equipment, for approval of transmitter site at Parkway Drive and East Avenue, Atlanta, Georgia, and approval of antenna.

NEW—C. S. Gooch, d/b as Amarillo Broadcasting Co., Amarillo, 1500 Texas—Construction permit for a new station to be operated on 1500 kc., 100 watts, daytime. Amended: To change hours of operation from daytime to unlimited time using 100 watts power.

NEW—Tulsa Broadcasting Co., Inc., Mobile—Construction permit for a new high frequency relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 2 watts.

Fourth Zone

WTMJ—The Journal Co. (The Milwaukee Journal), Milwaukee, 620 Wis.—Authority to transfer control of corporation of station WTMJ and experimental stations from the estate of Lucius W. Nieman, deceased, to Faye McBeath and The Journal Co., 1100 shares stock.

KFRU—KFRU, Incorporated, Columbia, Mo.—Modification of 630 license to increase power from 500 watts, 1 KW day to 1 KW day and night.

KGLO—Mason City Globe Gazette Co., Mason City, Iowa—1210 Construction permit for equipment changes and increase in power from 100 watts to 100 watts night, 250 watts day.

KSCJ—Perkins Brothers Co. (The Sioux City Journal), Sioux 1330 City, Iowa—License to cover construction permit (B4-P-1490) to move auxiliary transmitter to present site of main transmitter.

KVGB—Ernest Edward Ruehlen, Great Bend, Kansas—Modification of construction permit (B4-P-1211) for a new station, requesting approval of studio site at 2103 Forest Avenue, Great Bend, Kansas, and transmitter site at Great Bend, Kansas, and make changes in equipment.

WEOA—Evansville On The Air, Inc., Evansville, Ind.—License to 1370 cover construction permit (B4-P-1276) for equipment changes and increase in power.

Fifth Zone

KGKO—Wichita Falls Broadcasting Co., Fort Worth, Tex.—Modification of construction permit (B3-P-709) for new equipment and move of transmitter and studio, requesting installation of new transmitter and directional antenna for night use, increase power from 250 watts, 1 KW day, to 1 KW, 5 KW daytime, and for approval of transmitter site at near Fort Worth, Tex.

NEW—Thomas R. Waters, Jr., Sydney R. Lines, Jr., and Gomer 1200 Thomas, d/b as Skagit Broadcasting Assn., Bellingham, Wash.—Construction permit for a new station to be operated on 1420 kc., 100 watts, unlimited time. Amended to change frequency from 1420 kc. to 1200 kc., make changes in proposed equipment, increase power from 100 watts to 100 watts night, 250 watts day, change name of partners in partnership, change transmitter and studio sites to site to be determined, Bellingham, Wash. Requests facilities of Station KVOS.

KLAH—Barney Hubbs, A. J. Crawford, Jack Hawkins and Harold 1210 Miller, d/b as Carlsbad Broadcasting Co., Carlsbad, N. Mex.—License to cover construction permit (B5-P-1075) for a new station on 1210 kc., 100 watts, unlimited time.

Puerto Rican Zone

WNEL—Juan Piza, San Juan, Puerto Rico.—License to cover construction permit (B-P-661) as modified for equipment changes and increase in power.



